



To: **Committee of the Whole**

Agenda Section: Corporate Services
Division: Engineering, Planning and Environment
Department: Planning – Delegated Authority

Item Number: CCW - 2021-015

Meeting Date: January 12, 2021

Subject: Request for Approval – Township of Tiny Official Plan

Recommendation

That the new Township of Tiny Official Plan, as adopted by the Township of Tiny By-law No. 2018-098 on November 26, 2018, and as modified per Schedule 3 to Item CCW 2021-015, dated January 12, 2021, be approved; and

That a Non-Decision be placed on lands within and abutting the Settlement Area Boundaries of Perkinsfield, Wyevale, Lafontaine, Wyebridge and Toanche; these Non-Decision Lands are identified on Schedules A-E and Appendices 1-5 of the Township of Tiny OP, which is included in Schedule 3 to Item CCW 2021-015; the Official Plan will not come into force on these lands at this time.

That a Non-Decision be placed on lands located at 2 Darby Road and Part of Lot 23, Concession 4, Plan 51M-1064, Block 21; the Non-Decision Lands relate to 2 outstanding LPAT appeals and are identified on Schedule A Land Use of the Township of Tiny OP, which is included in Schedule 3 to Item CCW 2021-015; the Official Plan will not come into force on these lands at this time.

That Notice of Decision of the Official Plan approval for the Township of Tiny be provided in accordance with the *Planning Act*.

Executive Summary

The Township of Tiny's Official Plan is a municipally initiated comprehensive update to the current Township Official Plan. It includes policies to guide growth and development to the year 2031. The Official Plan was adopted by the Township of Tiny Council on November 26, 2018 by By-law No. 2018-098.

It is a legislative requirement under Section 26(1) of the *Planning Act*, for the council of a municipality to revise their Official Plan as required every 10 years to ensure that it; conforms with provincial plans or does not conflict with them, has regard to the matters of provincial interest, and is consistent with provincial policy statements issued by the Minister. This constitutes the Provincial plan conformity exercise identified in Section 26(2.1) of the *Planning Act*.

The County of Simcoe is the approval authority for local municipal official plans as per Section 17 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended. Therefore, it is the responsibility of County Council to make a decision on the Official Plan. The Plan takes effect upon County Council approving the Plan, and if no appeals to the Local Planning Appeal Tribunal (LPAT) are received. County Planning Staff have reviewed the Township's Official Plan, and made necessary modifications in order to confirm that it is consistent with the Provincial Policy Statement, 2020; in conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, and with the goals, objectives and policies of the County of Simcoe Official Plan, 2016.

If County Council approves this new Township of Tiny Official Plan as modified and recommended by County Planning Staff, the current in-effect Township of Tiny Official Plan, dated April 24, 2001, finally approved February 13, 2003 and further consolidated in 2015, will be repealed and replaced with the adopted Official Plan as modified by *Schedule 3 to Item CCW-2021-015 (Modified version of Official Plan)*.

Background/Analysis/Options

The following provides a summary of the Township's adopted Official Plan:

Proponent: Township of Tiny

Location: All lands within the Township of Tiny

Proposal: The purpose of the Township's Official Plan update is:

1. To bring the Tiny Official Plan into conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan 2020) and the County of Simcoe Official Plan (SCOP 2016), and
2. To ensure the Official Plan is consistent with the Provincial Policy Statement (PPS 2020).

County File: T-OP-1801

An Official Plan is a general policy document that includes a statement of goals, objectives and policies for managing growth and development within a specific jurisdiction. It sets out a comprehensive framework for land use and resource management decision-making. The purpose of an Official Plan is to ensure that future planning and development will meet the specific needs of a community while protecting and enhancing the natural and built environment.

As a requirement of Section 26 of the *Planning Act*, the Township of Tiny embarked on the process to comprehensively update its official plan to guide growth and development to the year 2031. The Township's Official Plan was adopted by Township Council on November 26, 2018 by By-law No. 2018-098, and is included as *Schedule 1 to Item CCW 2021-015 (Township adopted Official Plan)*. This comprehensive process included the necessary public consultation and notice requirements. Comments received through this process have been addressed either through the adopted Official

Plan or through the County's further modifications as recommended on *Schedule 3* to this report. The County worked closely with the Township of Tiny throughout the Official Plan review process.

It is the County of Simcoe's responsibility, as approval authority, to make a decision on a local municipality's updated official plan. The Plan only takes effect upon County Council approving the Plan, and if no appeals to the LPAT are received. Therefore, County Planning Staff have reviewed the adopted Official Plan, and made necessary modifications to confirm that it is; consistent with the PPS 2020; in conformity with the Growth Plan 2020, in conformity with the goals, objectives and policies of the SCOP 2016, and in conformity with other provincial plans. As a result of the County's review, a track changes version of the proposed modifications to the text of the adopted Official Plan is included as *Schedule 2 to Item CCW 2021-015 (Track Changes version of adopted Official Plan)*. If approved, the current in-effect Township Official Plan dated April 24, 2001, finally approved February 13, 2003 and further consolidated in 2015 will be repealed and replaced with the adopted Official Plan as modified by *Schedule 3 to Item CCW 2021-015 (Modified version of Official Plan)*.

As part of the County's review of the Township of Tiny's Adopted OP, and prior to bringing a recommending report to County Council, there was a need to resolve a Township appeal of the County Official Plan. The appeal pertains to the designation and limits of the Greenland Designations on 23 site-specific properties within the Township. County and Township staff have worked diligently to determine the appropriate land use designation for each of the site-specific properties. Minutes of Settlement were prepared and submitted to the LPAT to reflect appropriate designations for 22 of the 23 site-specific properties. One of the site-specific properties (known as McMahon Woods) has its own appeal of the County Official Plan, therefore, was not included in the settlement and is adjourned sine die. As of the LPAT Hearing on November 16, 2020, the LPAT has allowed this settlement and the Township appeal is dismissed. Schedule A of the Tiny Official Plan now reflects the approved land use designations for the 22 site-specific properties, and the remaining site-specific property is identified as a Non-Decision.

Comments Received

The required public consultation process and Statutory Public Meeting pursuant to Section 17(15)(d) of the *Planning Act* have occurred. The Township of Tiny held Public Open Houses for the Official Plan on August 25, 2017, March 22, 2018 and March 23, 2018. Statutory Public Meetings were held on April 30, 2018 and July 11, 2018 to seek additional input. Prescribed agencies, Indigenous communities and the public were notified of the public open houses and meetings as per the requirements of the *Planning Act*. Other public consultation and community engagement initiatives by the Township occurred throughout 2017 and 2018. The Township's process has encouraged community input and feedback over the past several years.

A summary of the extensive comments received are identified in *Schedule 4 to Item CCW 2021-015 (Comment Matrix)* to this Report. These comments included approximately 80 written comments from the general public and stakeholders, 1 Indigenous communities' comment (Beausoleil First Nation), 6 public agency comments, including the Ministry of Municipal Affairs and Housing, Simcoe County District School Board, Simcoe Muskoka District Health Unit, Ministry Natural Resources and Forestry, Severn Sound Environmental Association and the County of Simcoe; and approximately 20 oral comments from the general public. Tiny Township has also participated in consultation meetings with the various local community associations, the Ministry of Municipal Affairs and Housing, Beausoleil First Nation, and the County of Simcoe.

Summary of Agency Comments

Comments provided by the various agencies related to conformity issues and technical items to the Plan. The technical comments focused on the growth forecast, range and mix of uses, Natural Heritage System and Agricultural System, accurate terminology and definitions, intensification options, healthy communities, the environment, significant woodlands, environmental impact studies and Greenlands. The conformity issues raised have been considered throughout the process and incorporated, where necessary, into the Plan through proposed modifications as outlined in *Schedule 2 to Item CCW 2021-015 (Track Changes version of adopted Official Plan)*.

Summary of General Public/Stakeholder Comments

The Public Comments can be consolidated into the following themes.

1. Indigenous Community Consultation:

2. Land Use Designations:

- Shoreline designation – would like to see more aggressive consent policies with ability to maintain existing permissions on future applications;
- Greenlands designation – Changes in land use designations from Shoreline to Greenlands are reducing historic development permissions in the Shoreline areas;
- Rural and Shoreline designations need to be clarified within the details of the mapping.

3. Natural Heritage:

- Comments related to site-specific requests to remove properties from the Greenlands and/or Environmental Protection designations;
- Moving from the Environment First approach to the Environment Focused approach;
- Protection of Dune Systems, including the Bluewater Dunes and Bluewater Beach Park;
- Significant woodlands mapping.

4. Protection of Groundwater Resources, including aquifers:

- French's Hill;
- Farlain Lake Flood Hazard;
- Adjacent aggregate pits.

5. Second units:

- Garden suites and second units within the Shoreline areas are being used for secondary short-term rental units.

6. Growth Management:

- Population Growth and Settlement Area Boundaries;
- Very little available vacant land within settlement areas in the Township.

7. Provincial Natural Heritage and Agricultural Systems Mapping:

- How should this Systems mapping be incorporated into the Township Official Plan.

8. Additional areas of concern:

- Lack of Building Control Policies;
- Trails Development and Connectivity;
- Waste disposal site removal from the Official Plan mapping due to closures;
- Strengthening Mineral Aggregate policies;
- Employment Use encouragement policies;
- Housing options for Seniors;
- Road classifications.

For more detailed information regarding the public comments, please refer to the Township of Tiny's various Council Reports prepared by MHBC Planning dated November 14, 2018, April 25, 2018 and November 22, 2017.

The Township of Tiny has provided responses to the comments and consulted with the technical experts to address specific concerns. These responses are available in *Schedule 4* to this Report. For those comments not addressed prior to Adoption, the County has reviewed and proposed revisions where possible. County Planning Staff are satisfied that the Township's public consultation process was extensive and the oral and written submissions received from the public/stakeholders and agencies were considered and/or addressed to the greatest extent possible.

Proposed Modifications

Throughout the Official Plan review process, the County Planning Staff worked closely with the Township of Tiny Planning Staff, their Consultants, and the Ministry of Municipal Affairs and Housing and its partner ministries to ensure that the Official Plan conforms with applicable plans, policies and legislation. After the adoption of the Township Official Plan, County Planning Staff identified proposed modifications in order to provide additional clarity, enhance the understanding of the policies and/or ensure conformity and consistency with County and provincial plans.

The Township of Tiny Council supports the proposed modifications as outlined in Township Staff Reports dated April 27, 2020 and July 27, 2020. Further modifications, as required, have been incorporated into the proposed Township Official Plan by County Planning Staff since the July 27, 2020 Report, in consultation with Township staff. Requests for these further modifications came from various sources such as the Township, the Province, and the County. The requested modifications ranged from minor typographical errors, to the Growth Plan 2020 conformity, to Provincial Policy Statement 2020 consistency. These further modifications are supported by Township staff and are included in *Schedule 2 to Item CCW 2021-015 (Track Changes version of the Official Plan)*.

The following is a summary of the general themes of the County Planning Staff's proposed modifications to the Township of Tiny's Adopted Official Plan.

TEXTUAL MODIFICATIONS TO ADOPTED OFFICIAL PLAN

1. Indigenous Community Consultation:

- First Nations references were changed to Indigenous communities throughout the document to recognize both First Nation and Métis communities;
- Language was clarified to better align the Plan with the County's Archaeological Management Plan.

2. Land Use Designations:

- Shoreline designation - introduction of more aggressive consent policies.
- Greenlands designation – clarity related to the prevention of residential lot creation for lots in Greenland designations and zoned residential as of the date of adoption.
- Rural designation – clarity regarding development permissions
- Exception Policy Areas added to the Rural section regarding two site-specific approvals
 - a. OPA 16 – TI-OPA-2016 Part of Lot 9, Concession 16
 - b. OPA 17 – TI-OPA-2017 Part of Lots 4 & 5, Concession 16 East

3. Natural Heritage:

- Revised policies
Moving from the Environment First approach to the Environment Focused approach;
Change to Environment Focuses approach – replaces ‘Environment first’ by adding a new goal.
- Protection of Dune Systems, including the Bluewater Dunes and Bluewater Beach Park.

4. Protection of Groundwater Resources, including aquifers:

- Clarity to protect groundwater resources, flood hazards and aggregate pits.

5. Second units:

- Enhanced policies to discourage the development of second units in the Shoreline areas by removing second unit permissions in the Shoreline areas (only garden suites). They are permitted in all other designations except for the Environmental Protection designation;
- Clarification of the permissions for second units based on the legislative requirement.

6. Growth Management and Growth Plan 2020:

- Necessary revisions to conform with the updated Growth Plan 2020 legislation;
- Enhanced policies related to Settlement Area Boundaries expansions and minor adjustments as per the Growth Plan;
- The Township no longer requires density targets due to the Township only having rural settlements as defined in the Growth Plan;
- Explanation and permissions associated with employment land conversions;
- Removal of reference to excess lands.

7. Provincial Natural Heritage and Agricultural Systems Mapping:

- The updated Growth Plan 2019 and 2020 removed the requirement to include the Provincial Natural Heritage and Provincial Agricultural System mapping in the local Official Plan updates until the County completes their Municipal Comprehensive Review process;
- New policies to provide clarity around these systems as per Growth Plan 2020.

8. Additional areas of concern:

- Strengthening Mineral Aggregate policies - stronger policies were added to protect the natural environment, including ensuring that a full suite of technical studies are required to appropriately consider a Planning Act application.
- Housing options for Seniors - seniors housing policies were added to highlight the need for seniors housing within the township. The new policy specifically addresses the various forms of housing for older persons and the need to increase the availability for these forms of housing.
- Renewable Energy Policies – new ground mounted solar policies to reflect the Provincial repeal of the Green Energy Act
- Community Benefits By-law – new policy to reflect the implementation of Bill 108 related to the Community Benefits Charge.

9. Provincial Policy Statement 2020:

- Minor revisions to be consistent with the updated Provincial Policy Statement 2020.

10. Minor typographical revisions throughout the document:

- Minor edits to correct policy wording;
- Corrections to policy numbering and policy references;
- Legislative terminology was updated where necessary;
- Definitions were revised, added or removed, where necessary.

11. Transition Policies:

- Clarity to permit complete plans of subdivision applications to be addressed under the former Township Official Plan as per date of approval of the Township Official Plan.

MAP SCHEDULE MODIFICATIONS TO ADOPTED OFFICIAL PLAN

Modifications were made to the Schedules as follows and as reflected within *Schedule 3 to Item CCW 2021-015*:

1. Schedule A: Land Use

- It was recognized through the County's review of the Township's Adopted Official Plan that there are discrepancies between the County Official Plan Schedules and the Township Official Plan Schedules regarding the mapping of the five (5) settlement areas. After considerable review, the County and Township have agreed upon the settlement area boundaries going forward. However, given that these boundaries are not currently in conformity with the County Official Plan, it was decided that a 'Non-Decision' be placed on the settlement areas on Schedule A of this Plan until such a time that County Council can approve the revised settlement area boundaries on the County Official Plan Schedule 5.1.
- The Non-Decision Lands within and abutting the Settlement Area Boundaries of Perkinsfield, Wyevale, Lafontaine, Wyebridge and Toanche are identified on Schedules A-E and Appendices 1-5 of this Plan. The County's non-decision relates to both the land use designation and the Settlement Area Boundary as it applies to these Non-Decision Lands. These areas of non-decision indicate interim mapping, where the designation of the 2001 Township Official Plan shall remain applicable, however, the policies of this Plan shall apply. Following the process and approval of a County initiated Official Plan amendment that will correct and clarify these Settlement Area Boundaries on Schedule 5.1 Land Use Designation to the County Official Plan, County Planning Staff will bring forward a recommendation to approve appropriate land use designations and settlement area boundaries for these Non-Decisions Lands on the Township's Official Plan Schedules A-E and Appendices 1-5 that are in conformity with the County Official Plan.
- In addition, there are two (2) additional 'Non-Decisions' identified on Schedule A. The first relates to an outstanding County of Simcoe Official Plan appeal to the LPAT noted as the McMahon's Woods property (Part of Lot 23, Concession 4, Plan 51M-1064 Block 21, Township of Tiny). The second 'Non-Decision' relates to an outstanding Township of Tiny appeal of a proposed aggregate pit expansion located at 2 Darby Road. These Non-Decisions will remain in place until such a time that the appeals are settled and the appropriate designations can be reflected.
- The Mineral Aggregate Resources II overlay layer was corrected on Schedule A to the Plan. The Tertiary sand and gravel layer was appropriately removed.
- The locations of the Site-Specific Policy Areas associated with OPA 16 and OPA 17 were identified on the Plan.

3. Schedule C: Transportation

- Some minor revisions were made to the road system, including roads that were missed and road classifications.

4. Schedule D: Waste Disposal Sites

- The waste disposal sites were re-numbered to be consistent with the County Official Plan schedules and minor modifications were made to the site boundaries, including a removal of a site due to its closure.

It should be noted that there may be further minor technical updates to the Geographical Information System shapefiles that make up the land use schedules and mapping within the Official Plan. Any such updates will be incorporated to ensure conformity and consistency with County and Provincial data. However, these updates

are not anticipated to impact the effect of the PDF format schedules included in the Plan as recommended for approval.

The Township of Tiny Council supports the proposed modifications as outlined in Township Staff Reports dated April 27, 2020 and July 27, 2020. Further modifications have been incorporated into the proposed Township Official Plan by County Planning Staff since the July 27, 2020 Report, in consultation with Township staff. These further modifications are supported by Township staff and are included in *Schedule 2 to Item CCW 2021-015 (Track Changes version of the Official Plan)*.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS 2020) provides policy direction on matters of provincial interest related to land use planning and development. It supports a comprehensive, integrated and long-term approach to planning. The Township of Tiny Official Plan provides that approach.

Section 1.1 of the PPS 2020 generally encourages the development of healthy, liveable and safe communities through promoting efficient development and land use patterns and accommodating an appropriate mix of residential, employment and other uses to meet long-term needs.

The Township of Tiny Official Plan is consistent with the PPS 2020.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

In August 2020, the Province announced that it had amended the Growth Plan for the Greater Golden Horseshoe with the release of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan 2020). The Growth Plan 2020 manages growth and development that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. The policies of Growth Plan 2020 concentrate on designing complete communities with high quality compact built form, prioritize intensification to make efficient use of land and infrastructure, support a range and mix of housing options and provide a diverse mix of land uses including residential and employment uses.

The Township of Tiny Official Plan incorporates the policy objectives of the Growth Plan 2020 and conforms to the Growth Plan 2020.

County of Simcoe Official Plan (2016)

The objectives contained within Section 3.5.1 to 3.5.4 of the County Official Plan encourage settlement areas to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, and a development form and pattern to promote efficient use of lands and municipal services.

One of the noticeable changes in Growth Plan 2020 as it relates to the Township of Tiny, is that all of the settlement areas are now considered 'Rural Settlements'. Rural settlements do not contribute to the minimum intensification and density targets, which are set out in Section 3.5.23 and 3.5.24 of the County Official Plan. Therefore, the Township is no longer required to achieve the targets set out in the Growth Plan. The Township's policies reflect this approach in their Plan.

The Township of Tiny Official Plan conforms to the County of Simcoe Official Plan policies.

Summary

In summary, it is County Planning Staff's opinion that the Township of Tiny's adopted Official Plan as modified by *Schedule 3 to Item CCW 2021-015* is consistent with the Provincial Policy Statement, 2020; and conforms to the Growth Plan, 2020 and the County of Simcoe Official Plan, 2016. These modifications have been accepted by the Township. Therefore, County Planning Staff recommends:

That the new Township of Tiny Official Plan, as adopted by the Township of Tiny By-law No. 2018-098 on November 26, 2018, and as modified per Schedule 3 to Item CCW 2021-015, dated January 12, 2021, be approved;

That a Non-Decision be placed on lands within and abutting the Settlement Area Boundaries of Perkinsfield, Wyevale, Lafontaine, Wyebridge and Toanche. These Non-Decision Lands are identified on Schedules A-E and Appendices 1-5 of the Township of Tiny OP, which is included in Schedule 3 to Item CCW 2021-015. The Official Plan will not come into force on these lands at this time;

That a Non-Decision be placed on lands located at 2 Darby Road and Part of Lot 23, Concession 4, Plan 51M-1064, Block 21. The Non-Decision Lands relate to 2 outstanding LPAT appeals and are identified on Schedule A Land Use of the Township of Tiny OP, which is included in Schedule 3 to Item CCW 2021-015. The Official Plan will not come into force on these lands at this time; and

That Notice of Decision of the Official Plan approval for the Township of Tiny be provided in accordance with the *Planning Act*.

Financial and Resource Implications

There are no financial implications associated with this Item, however, if the County's decision is appealed to the LPAT there may be legal costs associated with that process. In the event of an appeal, staff will report back seeking authority to proceed with involvement in related LPAT proceedings.

Relationship to Corporate Strategic Plan

No specific relationship to corporate strategies.

Reference Documents

Township of Tiny Council Report by MHBC dated November 14, 2018
Township of Tiny Council Report by MHBC dated April 25, 2018
Township of Tiny Council Report by MHBC dated November 22, 2017

Attachments

Schedule 1 – Official Plan – as Adopted by the Township of Tiny
Schedule 2 – Official Plan – as Modified by the County (Track Changes Version)
Schedule 3 – Official Plan – as Modified by the County (Clean Version)
Schedule 4 – Comment Matrix

Prepared By Kristin D. Pechkovsky, MCIP, RPP Senior Policy Advisor

Approvals

	Date
David Parks, Director of Planning, Economic Development and Transit	December 22, 2020
Debbie Korolnek, General Manager, Engineering, Planning and Environment	December 22, 2020
Trevor Wilcox, General Manager, Corporate Performance	January 3, 2021
Mark Aitken, Chief Administrative Officer	January 5, 2021