



To: **Committee of the Whole**

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

Item Number: **CCW - 2021-261**

Meeting Date: August 10, 2021

Subject: Request for Approval – Town of New Tecumseth Official Plan
– Beeton Non-Decision

Recommendation

That Item CCW 2021-261, dated August 10, 2021 regarding the request for approval of the Beeton non-decision as it pertains to the Town of New Tecumseth Official Plan, be received; and

That the non-decision lands within Beeton for the land use designation of “Urban Residential” in the Town of New Tecumseth Official Plan, be approved; and

That Notice of Decision be provided in accordance with the *Planning Act* regarding the approval of the Urban Residential Land Use designation on these lands within Beeton.

Executive Summary

The Town of New Tecumseth Official Plan (OP) was adopted by the Town of New Tecumseth Council on July 19, 2018 by By-law No. 2018-121 and approved by County Council as per CCW-2019-242, dated June 25, 2019. The County Council Resolution indicated that the OP approval was save and except for lands within the Settlement Area of Beeton identified as Urban Residential Land Use designation and in *Schedule 1 to Item CCW-2021-261 (Approved OP Schedule B2 with non-decision lands)*. These lands were identified as a non-decision as the County withheld a final decision.

This non-decision was identified by County Council to address a request from the New Tecumseth Town Council to maintain the current Low Density residential designation within Beeton until such a time as a Drainage Master Plan was completed. This would allow time to understand what types of development should occur within the settlement

area in the future and determine that after considering, if ongoing drainage concerns should influence the form of development for the community.

The Drainage Master Plan (DMP) Phase 1 was presented to Town Council in 2020. The outcomes of the first phase of the DMP were satisfactory, which resulted in Town Council directing staff to request the County of Simcoe finalize a decision on the Beeton community lands to permit the Urban Residential Land Use designation in the Town's OP. The Town letter and Council motion is attached as *Schedule 2 to Item CCW-2021-261*.

County Planning staff are requesting that the non-decision lands within Beeton identified as Urban Residential Land Use designation, be approved, and that the Notice of Decision be provided in accordance with the *Planning Act*. Upon approval, and contingent on receiving any additional appeals, the complete Town of New Tecumseth Official Plan will come into force and effect, including Schedule B2 of the Approved Town OP as identified within *Schedule 3 to Item CCW-2021-261*.

Background/Analysis/Options

OLT Case # PL190352
County File: NT-OP-1801

The June 25, 2019 Council Motion for *Item CCW-2019-242*, the County placed a non-decision on the lands proposed to be designated on Schedule B2 of the Town of New Tecumseth's OP as Urban Residential within the settlement area of Beeton. This non-decision was a result of a motion that the Town of New Tecumseth Council made at their May 27, 2019 meeting requesting the County of Simcoe reconsider approving the Urban Residential lands within Beeton until a Drainage Master Plan was completed. As a result, County Council approved the Town's OP, which included a non-decision specifically relating to the lands in Beeton initially proposed for Urban Residential designation. The non-decision meant that the Town's 2010 Official Plan remained in effect with a Low Density designation on these lands. This Low Density residential designation established a 14 unit per hectare maximum density for all Urban Residential lands within Beeton until further study was concluded and a decision was made about implementing new residential development policies within Beeton.

Upon sending out the Notice of Decision for *Item CCW-2019-242*, three (3) Ontario Land Tribunal (OLT) appeals were received prior to the last date of appeal. These appeals were discussed in the information report identified as *CCW-2019- 348* on October 22, 2019. Two (2) of the appeals related specifically to the non-decision noted above.

County planning staff have been working cooperatively with the Appellants and the Town to scope, negotiate and resolve the issues raised in the appeals. At the May 31, 2021 Town Council closed meeting, the Town Solicitor negotiated a settlement to permit the 2019 Urban Residential Land Use designation on the Beeton Meadow Holdings lands. On this basis, the Town of New Tecumseth provided a settlement of the only outstanding appeal, Beeton Meadows Holdings, at the OLT Hearing dated July 22, 2021.

The appeal information and latest status is as follows:

1. **Beeton Station Condominium Corp. (BSCC):**

- pursuant to Section 17(36) of the Planning Act;
- Lots 30 – 39 & Part Lot 30 & 40, Plan 51M-313, west side of Dayfoot Street, Beeton;
- 2.18 hectares in size;
- proposed to be developed for residential uses;
- appealed various sections of the OP, and the County's failure to make a decision in respect of the lands identified as Urban Residential within Beeton ("non-decision lands");
- Appeal of various sections has since been withdrawn.

2. **Beeton Meadows Holdings Inc. (BMH):**

- pursuant to Section 17(40) of the *Planning Act*;
- Part of Lots 8, 9 and 10, Concession 7, Beeton;
- 55.18 hectares of vacant land;
- Phase 2 of the Beeton South Draft Approved Plan of Subdivision NT-T-1202;
- appealed the County's failure to make a decision in respect of the lands identified as Urban Residential within Beeton ("non-decision lands");
- Minutes of Settlement drafted based on the positive results of the Drainage Master Plan.

3. **Mattamy Homes Ltd. & Ontario Potato Distributing Inc. (OPDI):**

- pursuant to Section 17(37) of the *Planning Act*;
- Located south of Alliston;
- approximately 600 hectares of land;
- appealed the lack of a designation of Alliston as a Primary Settlement Area on Schedules A and B1, and lack of consistency and conformity with the Alliston settlement area boundary;
- Adjourned Sine Die until the County's completes its MCR.

The Drainage Master Plan (DMP) Phase 1 was presented to Town Council in 2020. The objective of this study was to complete an initial flood risk assessment of existing infrastructure and identify areas at risk of flooding. Phase 2 of the DMP will commence later in 2021 to be completed by 2023 where mitigation measures will be identified for Town infrastructure to help reduce potential flooding.

The outcomes of the first phase of the DMP were satisfactory to the Town. This resulted in Town Council directing staff to request the County of Simcoe finalize a decision on the Beeton community lands to permit the Urban Residential Land Use designation in the Town's OP. This discussion of the Town Council occurred during a closed session held on May 31, 2021 and June 14, 2021.

If County Council decides to approve the lands previously identified as a non-decision within Beeton, and no OLT appeals are received for the previously identified non-decision lands after issuing the Notice of Decision, it will have the effect of approving the Urban Residential Land Use designation in the Town's OP for the settlement area of Beeton. The Town's 2010 Official Plan will no longer be in force and effect for these lands.

County Planning Staff have reviewed the non-decision lands and can confirm that an approval for Urban Residential is consistent with the Provincial Policy Statement; in conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and with the goals, objectives and policies of the County of Simcoe Official Plan.

Financial and Resource Implications

There are no financial implications associated with this Item, however, if the County's decision is appealed to the Ontario Land Tribunal (OLT) 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 OLT proceedings.

Relationship to Corporate Strategic Plan

No direct relationship to corporate strategies.

Reference Documents

- **CCW – 2019-242** dated June 25, 2019: Request for Approval – Town of New Tecumseth Official Plan
- **CCW – 2019-348** dated October 22, 2019: LPAT Appeal by Various Parties regarding the Town of New Tecumseth Official Plan.

Attachments

Schedule 1 – Town of New Tecumseth OP Schedule B2 with non-decision lands

Schedule 2 – Town Letter to County, including Motion - June 25, 2021

Schedule 3 – Town of New Tecumseth OP Schedule B2 as approved

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Senior Policy Advisor

Approvals

	Date
David Parks, Director of Planning, Economic Development, Transit and Airport Services	July 22, 2021
Rob Elliott, General Manager, Engineering, Planning and Environment	July 26, 2021
Trevor Wilcox, General Manager, Corporate Performance	July 29, 2021
Mark Aitken, Chief Administrative Officer	July 30, 2021