

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: May 9, 2016

CASE NO.: PL091167

PROCEEDING COMMENCED UNDER subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: County of Simcoe
Appellant: Midhurst Development Doran Road Inc. and Carson Road Development Inc.
Appellant: Midhurst Rose Alliance Inc.
Appellant: Township of Springwater and others
Subject: Failure to announce a decision respecting the Official Plan for the County of Simcoe
Municipality: County of Simcoe
OMB Case No.: PL091167
OMB File No.: PL091167
OMB Case Name: Fellman v. Simcoe (County)

BEFORE:

M. SILLS)
MEMBER)
Monday, the 9th
)
day of May, 2016

S. SUTHERLAND)
MEMBER)
Monday, the 9th
)
day of May, 2016

THESE MATTERS having come before the Ontario Municipal Board (“Board”) on March 17, 2016, the Board orders as follows:

THE BOARD ORDERS on reading the Motion Record (Exhibit 173) of Crestwood Park Holdings Inc. (“Crestwood”) dated August 10, 2015 requesting appellant party status in these proceedings on certain policies and issues, filed, and hearing the submissions of counsel for the County, Crestwood and the Township of Oro-Medonte, and being advised of the consent on terms of the County and the Township, no one being in opposition, that the following is ordered:

- a. Crestwood is added as Appellant Party 43 to these proceedings with involvement in renumbered policies 3.7.4 and 3.7.9, on a site-specific and policy-specific basis for its lands municipally known as 99 Mount St. Louis Road East being located in the southeast quadrant of Highway 400 and Mount St. Louis Road East in the Township of Oro-Medonte;
- b. The legal description for the Crestwood lands is PIN 58524-0091(LT) being Part of Lot 10, Concession 7, Medonte as in RO101513, in the Township of Oro-Medonte and encompassing approximately 88 acres;
- c. Without prejudice to challenges which may be made by the County or the Township of Oro-Medonte to their appropriateness in any OMB proceeding, the site-specific Crestwood issues are as follows:
 - (1) Does the re-numbered policy 3.7.4 need to be further amended or modified? Should this policy include “highway commercial uses” in the permitted uses list to be consistent with the current County of Simcoe Official Plan policy? Is the policy consistent with the Provincial Policy Statement, 2014 and does it conform with the Growth Plan for the Greater Golden Horseshoe?

- (2) Is the re-numbered policy 3.7.9 appropriate? Should the County of Simcoe restrict the recreational districts in the Rural designation to only the existing recreational districts specifically referenced in the Township of Oro-Medonte as Mt. St. Louis/Moonstone Special Policy Area? Is this policy consistent with the Provincial Policy Statement, 2014 and does it conform with the Growth Plan for the Greater Golden Horseshoe?
- (3) Are there other policies in the Greenlands designation not approved as of April 1, 2016 that may impact on Crestwood Park Holdings Inc.'s future development potential for its property at 99 Mount Saint Louis Road East, Township of Oro-Medonte?
- d. Crestwood, the County and the Township of Oro-Medonte agree that the Crestwood scoped County appeal is adjourned *sine die* while a local site-specific development application filed by Crestwood is processed locally, all parties to act expeditiously; and
- e. Crestwood remains interested in participating in County expert meetings dealing with Natural Heritage Systems, including but not limited to meetings dealing with policies that apply to the Greenlands designation.

AND THE BOARD FURTHER ORDERS on reading the correspondence (Exhibit 172) of John Barzo Limited (Party Q) dated March 16, 2016 withdrawing from these proceedings and the correspondence (Exhibit 176) of the Township of Clearview (Party G1) dated March 16, 2016 withdrawing from these proceedings, that Parties Q and G1 be struck from the list of Parties and that their issues be removed from the Issues List.

THESE MATTERS having come before the Board by Written Motion and in accordance with s. 17(50) of the *Planning Act*, the Board orders as follows:

THE BOARD ORDERS that in accordance with the provisions of section 17(50) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, and further to the partial approval Orders of this Board issued June 13, 2013 as amended by an Order issued July 5, 2013 and Orders issued February 25, 2014, May 15, 2014, July 28, 2014, August 1, 2014,

August 25, 2014, February 19, 2015 February 20, 2015, August 31, 2015, January 25, 2016, February 19, 2016 and March 10, 2016, the Official Plan of the County of Simcoe as adopted by the County of Simcoe (“County”) on November 25, 2008 and as recommended to be modified by the County on January 22, 2013, (the “Official Plan”), is hereby further modified and approved in part to implement this Order as provided below.

AND THE BOARD FURTHER ORDERS on reading the Written Motion Record of the County served April 7, 2016 brought under Rule 36 of the Board’s Rules of Practice and Procedure and dealing with certain policies for Phase 3c – Policy 3.3.23 Railway Lines and Appendix 2 filed, no other responses being filed, that the Official Plan be further modified:

- (a) by approving without modification Policy 3.3.23 Railway Lines as shown on Schedule 1 attached; and
- (b) by deleting in its entirety Appendix 2 – General Guidelines for Traffic Impact Studies.

AND THE BOARD FURTHER ORDERS on reading the Written Motion Record of the County dated April 13, 2016 brought under Rule 36 of the Board’s Rules of Practice and Procedure and dealing with certain policies for Phase 4a #3 – Greenlands and Resource Conservation filed, and reading the supporting Responding Motion Record on behalf of the Ontario Stone, Sand and Gravel Association, CBM Aggregates, a division of St. Marys Cement (Canada) Inc., Lafarge Canada Inc., Holcim (Canada) Inc., James Dick Construction Limited and Walker Aggregates Inc. (Parties J1-J6), served April 25, 2016, no other responses being filed, that the Official Plan be further modified:

- (a) by allowing the Official Plan appeal in part and approving, and modifying and approving, several policies for Phase 4a #3 dealing with Greenlands and Resource Conservation as set out in paragraph 53 of the supporting Affidavit of Kathy Suggitt, sworn April 13, 2016 and as shown in Exhibit “B” to the Affidavit and in Schedule 2 attached hereto;

- (b) by approving Schedule 5.2.2, as adopted; and
- (c) by deleting in their entirety Appendix 1 – Environmental Impact Statement (EIS) Requirements and Appendix 4 – Terms of Reference for a Risk Assessment Study for Ground and Surface Water.

AND THE BOARD FURTHER ORDERS on reading the Written Motion Record of the County dated April 20, 2016 brought under Rule 36 of the Board's Rules of Practice and Procedure and dealing with certain policies for Phase 3b – Local Official Plans and Implementation Policies filed, no other responses being filed, that the Official Plan be further modified:

- (a) by allowing the Official Plan appeal in part and approving, and modifying and approving, several policies for Phase 3b dealing with Local Official Plans and Implementation Policies as set out in paragraph 17 of the supporting Affidavit of Kathy Suggitt, sworn April 19, 2016 and as shown in Exhibit "B" to the Affidavit and in Schedule 3 attached hereto.

AND THE BOARD FURTHER ORDERS that the partial approval of the Official Plan as modified shall be without prejudice to, and shall not limit, any party and the Board from seeking, considering and approving modifications, deletions or additions to the unapproved policies, schedules and appendices of the Official Plan on a general, area-specific or site-specific basis, as the case may be, provided that the parties shall be bound by the commitments made by them to scope their issues to an area-specific or site-specific basis.

AND THE BOARD FURTHER ORDERS that the remaining appeals filed in respect of the Official Plan shall be determined through the hearing process or as otherwise consented to by the parties and approved by the Board.

Ma. Hurwicks

SECRETARY

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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ATTACHMENT 1

Counsel/Representative*	Appellant/Party/Participant
Roger Beaman, Marshall Green	Appellant 1
James Feehely	Appellants 15, 32
David White	Appellants 2a,b, 8e,f, 13, 14, 26, 35, 39a,b, 40, 41, Participant 22
Meaghan McDermid	Appellants 2a,b, 38, Party Z, Participant 11a,b
Aynsely Anderson	Appellants 34, 42a,b, Parties G1,2, S, T, Za
Chris Barnett	Appellants 27a,b
Isaac Tang	Appellants 33, 43
Ugo Popadic	Party A
Edward Veldboom	Party C2, Participant 12, Prospective Party Zb
Mark Joblin	Party D
Peter Gross (for Mary Bull)	Parties J1,2,3,4,5,6, K
Christopher Williams	Party W
Sandy Agnew*/Ann Truyens*	Participant 1

SCHEDULE 1

Railway Lines

3.3.23 The *County* acknowledges the importance of rail infrastructure and recognizes its critical role in long-term economic growth and the efficient and effective movement of goods and people. The *County* shall ensure the continued viability and ultimate capacity of the rail corridors and yards (if applicable) are protected and shall identify and support strategic *infrastructure* improvements such as targeted grade separations. The *County* encourages protection of non-active rail line corridors from encroachment of *sensitive land use development* to allow for future expansion of rail services.

Sensitive land uses are discouraged adjacent to or in proximity to rail facilities.

All proposed residential or other *sensitive land use development* within 300 metres of a railway right-of-way will undertake noise studies as required, to the satisfaction of the *County* or the *local municipality* whichever is the approval authority, in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.

All proposed residential or other *sensitive land use development* within 75 metres of a railway right-of-way will be required to undertake vibration studies, to the satisfaction of the *County* or *local municipality*, whichever is the approval authority, in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate or attenuate any adverse effects from vibration that were identified.

All proposed *development* adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the *County* or *local municipality*, whichever is the approval authority of the application, in consultation with the appropriate railway. Where applicable, the *County* will ensure that sightline requirements of Transport Canada and the railways are addressed.

Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms, to the satisfaction of the *County* or the *local municipality*, whichever is appropriate, and the appropriate railway.

SCHEDULE 2

Phase 4a #3– Greenlands & Resource Conservation Policies

Natural Heritage

3.3.15 Despite anything else in this *Plan*, except Section 4.4 as it applies to *mineral aggregate operations* only, *development* and *site alteration* shall not be permitted:

- i. *In significant wetlands and significant coastal wetlands.*
- ii. In the following unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*: *Significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest (ANSIs), and coastal wetlands* (not covered by 3.3.15 i) above).
- iii. In the following regional and local features, where a local official plan has identified such features, unless it has been demonstrated that there will be no *negative impacts* on the natural heritage features or their *ecological functions*: *wetlands 2.0 hectares or larger in area determined to be locally significant by an approved EIS, including but not limited to evaluated wetlands, and Regional areas of natural and scientific interest (ANSIs).*
- iv. *In fish habitat* except in accordance with *provincial and federal requirements*.
- v. *In habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.
- vi. *On adjacent lands to the natural heritage features and areas* listed above, unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*. *Adjacent lands* shall generally be considered to be:
 - a. within 120 metres of *habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, wetlands 2.0 hectares or larger determined to be locally significant by an approved EIS, significant woodlands, significant wildlife habitat, significant areas of natural and scientific interest – life science, significant valleylands, and fish habitat;*
 - b. within 50 metres of *significant areas of natural and scientific interest – earth science*

- c. A reduced *adjacent lands* from the above may be considered based on the nature of intervening land uses. The extent of the reduced area will be determined by the approval authority in consultation with the applicant prior to the submission of a *development* application, and supported by an *EIS*, demonstrating there will be no *negative impacts* beyond the proposed reduced *adjacent lands* area.

Nothing in the above policies is intended to limit the ability of *agricultural uses* to continue.

Despite anything else in Sections 3.3 and 3.8, in those portions of the Greenlands designation including Section 3.8.10 that are also designated in *provincial* plans as listed in Section 3.8.10 (a) to (h), if the provisions of the *provincial* plan are more restrictive than those of Section 3.8, then the *provincial* plan prevails.

3.3.16 It is a goal of this *Plan* to, where possible, restore and maintain the connectivity and linkages between *natural heritage features and areas*. As such, the County's Greenlands mapping includes potential linkage areas which the *County* has identified as an area in which it would be desirable to restore lost or severed natural corridors through natural succession and/or supplementary planting. Linkage area policies shall be contained in the *local municipal* official plans.

The local official plan linkage area policies should consider the following criteria:

- i) The nature and type of natural features which could serve a linkage function;
- ii) Whether it is feasible to maintain, restore or where possible improve ecological linkages which connect *natural heritage features and areas* given the function of the linkage and the nature of adjoining lands;
- iii) The ecological function of the linkage and the types of flora and fauna that may use the linkage;
- iv) The size and extent of linkage necessary to achieve the function; and
- v) The ability to realize the necessary size along the extent of the linkage.

Refinement of the limits of the linkage areas may be achieved through approved planning applications supported by appropriate technical studies as required by the approval authority. Such studies may include an *EIS*, master environmental servicing studies or sub-watershed studies.

If the technical study concludes to the satisfaction of the approval authority, in consultation with any agency having jurisdiction, that the linkage, or lands adjacent to the linkage does not serve an *ecological function* or will be maintained, restored or where possible improved, then *development* within or adjacent to the linkage may proceed without an Amendment to this *Plan*. The land use designation abutting the linkage area shall apply unless otherwise determined through the planning application process.

- 3.3.17** Subject to the findings and recommendations of an *EIS*, satisfactory to the appropriate authorities, the *County* encourages an area of environmental constraint and buffer areas to be maintained as single ownership, where appropriate. Notwithstanding this policy, *local municipalities* may utilize alternative implementation measures to ensure the integrity of the environmental features and its buffers.

3.8 Greenlands

The rationale for the Greenlands Designation is found in the 1996 background report prepared for the County of Simcoe Official Plan titled “Development of a Natural Heritage System for the County of Simcoe”. The Greenlands Designation is mapped on Schedule 5.1. This mapping is based on the findings of the 1996 report, revised in 2008 to reflect more accurate and complete information.

Objectives

- 3.8.2** To promote biodiversity and ecological integrity within the *County’s natural heritage features and areas* and the Greenlands designation.
- 3.8.3** To improve the quality, connectivity and amount of *woodlands* and *wetlands* cover across the *County*.
- 3.8.4** To ensure that species and communities of conservation concern can continue to flourish and evolve throughout the *County*.
- 3.8.7** To ensure that the location, scale, and form of *development* respect and support the protection of the *County’s natural heritage system*.

Natural Heritage Systems

- 3.8.9** Natural heritage in Simcoe County will be protected by:
- a) The Greenlands designation, which is the *natural heritage system* of the County of Simcoe and
 - b) The natural heritage systems of the 16 *local municipalities* which may identify local natural features and areas in addition to the County’s Greenlands designation.

3.8.10 The *County's natural heritage system* primarily includes the following *natural heritage features and areas*, wherever they occur in the *County*:

- a) *Habitat of endangered species and threatened species*;
- b) *significant wetlands, significant coastal wetlands, other coastal wetlands, and all Wetlands 2.0 ha or larger in area which have been determined to be locally significant, including but not limited to evaluated wetlands*;
- c) *Significant woodlands* ;
- d) *Significant valleylands*;
- e) *Significant wildlife habitat*;
- f) *Significant Areas of natural and scientific interest (ANSIs)*;
- g) *Regional Areas of natural and scientific interest (ANSIs)*;
- h) *Fish Habitat*;
- i) Linkage areas in accordance with Section 3.3.16; and,
- j) Public lands as defined in the *Public Lands Act*.

The *County's natural heritage system* is generally identified as the Greenlands designation on Schedule 5.1.

3.8.11* The mapping of the Greenlands designation on Schedule 5.1 is approximate, and does not reflect certain features such as *habitat of endangered species and threatened species*, or new or more accurate information identifying *natural heritage features and areas*. Any minor adjustment to the Greenlands designation as determined through more detailed mapping, field surveys, the results of an *EIS*, information received from the Ministry of Natural Resources and Forestry or conservation authorities or *local municipal* official plans will not require an amendment to this *Plan*.

Despite anything else in Section 3.8, if any lands are demonstrated to be of a feature type listed in Section 3.8.10, even if they are not mapped in Schedules 5.1, those lands are to be protected in accordance with 3.3.15 and 3.3.16. With respect to *settlement areas* and expansions to *settlement areas*, the policies of 3.8.17 and 3.8.18 apply.

3.8.12* *Local municipal* official plans shall contain policies and mapping that implement the *County's* Greenlands and natural heritage policies.

3.8.13* *Local municipal* official plans may contain policies and mapping that implement local *natural heritage systems* that identify local natural heritage features and areas in addition to the *County's natural heritage system*. *Local municipal* official plans shall establish criteria for evaluating *development* and *site alteration* applications within these identified local natural features and areas.

Notwithstanding this policy, it is recognized that the *Provincial Policy Statement* directs that as much of the *mineral aggregate resources* as close to market as possible be made available. Therefore the official plans of *local municipalities* shall allow consideration of new or expanded *mineral aggregate operations* within local *natural heritage systems* and local natural heritage features and areas, subject to completion of a satisfactory *EIS* which demonstrates that impacts on any remaining components of the *natural heritage system* have been minimized and that the proposed rehabilitation includes elements intended to contribute to the local *natural heritage system*.

3.8.14* *Local municipal* official plans may contain policies and mapping that detail the criteria for determining *significant woodlands* in accordance with the definition of *significant woodlands* as defined by this *Plan*. *Significant woodlands* can also be determined through an *Environmental Impact Statement*.

Local municipalities shall determine whether a woodlot is a *significant woodland* within a *settlement area* based on criteria established within the local official plan.

Outside of a *settlement area* where a woodlot is determined not to be ecologically or economically important, its potential importance shall be determined by a minimum patch established in the *local municipal* official plan. In determining the minimum patch size in *local municipal* Official Plans, the following size criteria established by the Ontario Ministry of Natural Resources and Forestry will be used unless appropriate justification is provided to use different criteria:

- where woodland cover is less than 5% of the land cover in the *local municipality*, woodlands 2 ha in size or larger should be considered *significant*
- where woodland cover is 5-15% of the land cover in the *local municipality*, woodlands 4 ha in size or larger should be considered *significant*
- where woodland cover is 16-30% of the land cover in the *local municipality*, woodlands 20 ha in size or larger should be considered *significant*
- where woodland cover is 31-60% of the land cover in the *local municipality*, woodlands 50 ha in size or larger should be considered *significant*.

Development Control

- 3.8.15** Outside of *settlement areas*, and subject to Section 3.3.15 (other than for 3.8.15 vi which is subject to policy 4.4.1), the following uses may be permitted in the Greenlands Designation or on *adjacent lands* as described in Section 3.3.15:
- i. *Agricultural uses*;
 - ii. *Agriculture-related uses*;
 - iii. *On-farm diversified uses*;
 - iv. Forestry on public lands or in *County* forests in accordance with an approved management plan and sustainable forest practices;
 - v. Forestry on private lands as permitted by the *County's* Forest Conservation Bylaw or by a *local municipality's* tree bylaw under the *Municipal Act, 2001*;
 - vi. *Mineral aggregate operations*, if approved through a local Official Plan amendment;
 - vii. Outdoor passive recreational uses; and
 - viii. Subject to demonstrating that the lands are not within a *prime agricultural* area, residential dwelling units on lots which were approved prior to the approval date of this policy.
- 3.8.16** Legally existing uses within the Greenlands system will be recognized and can continue in accordance with Sections 3.3.15 and 4.11.6 of this *Plan* and the applicable policies of the *local municipal* official plan. The intent of the Greenlands designation on an active farm is not meant to restrict the use or to reduce the economic viability of the use.
- 3.8.17** Within *settlement areas*, all lands shall be deemed to be Settlement designation in this *Plan*. *Local municipal* official plans are required to identify and map *natural heritage features and areas* within *settlement areas* and provide policy direction in accordance with Section 3.3.15 i) and ii). *Local municipal* official plans may also map other *natural heritage systems* and provide policy direction related to those systems within *settlement areas*.
- 3.8.18** When considering a *settlement area* expansion within the Greenlands designation, and where expansion into the Rural designation is not a reasonable alternative, the location of the expansion shall be in accordance with the policies of Section 3.3.15 i) and ii). Policy 3.3.16 is not applicable to *settlement area* expansions.
- NOTE: Approved policy 3.8.17 is renumbered as 3.8.19**
- 3.8.20** If it is determined by the *County* at the pre-consultation stage in the planning application process, that the subject property does not contain any *natural heritage features and areas* on the subject or *adjacent lands* which could be impacted by the proposed *development* and that the lands are not required as a connection, linkage or providing an *ecological function* to the *natural heritage system*, no *EIS* would be required to be submitted.

3.8.21 When considering planning applications in the Greenlands designation, more detailed mapping, field surveys, the results of an *EIS*, information received from the Ministry of Natural Resources and Forestry or conservation authorities or *local municipal* official plans may be used to determine more precise boundaries of the Greenlands designation or individual *natural heritage features and areas*.

Any minor adjustment to the Greenlands designation as determined by this information will not require an amendment to this *Plan*.

Where a refinement or adjustment to the Greenlands designation is facilitated without an amendment to this *Plan*, the land use designation abutting that portion of the Greenlands designation shall apply. A change to any other designation is subject to the policies of this *Plan* and shall require an amendment to this *Plan* if required by the applicable policies.

3.8.22 Proposals to re-designate lands in the Greenlands designation shall not be permitted unless an *EIS* is submitted to the satisfaction of the *County* demonstrating that the policies of Section 3.3.15, 3.3.16, 3.8.15, 3.8.16 or 4.4.1 as applicable, and the relevant policies of the *local municipal* official plan are satisfied. Policies 3.3.15 iii to vi) and 3.3.16 are not applicable to *settlement area* expansions.

3.8.23 Proposals to re-designate lands in the Greenlands designation are required to demonstrate if the lands are within a *prime agricultural area*. Re-designation proposals for lands within a *prime agricultural area* shall only be permitted to the Agricultural designation.

Implementation

3.8.24 The Greenlands designation does not imply that all lands within it are completely restricted from *development* and *site alteration*, or that a public agency must or will purchase any such land on which a planning application is refused or modified not to the applicant's satisfaction.

NOTE: approved policy 3.8.24 is renumbered as 3.8.25

4.5 Resource Conservation

4.5.3 Proposals for *major growth* and *major development* shall be reviewed on a *watershed management* basis where applicable and appropriate to ensure the watershed is maintained in an environmentally sustainable fashion.

4.5.7 *Local municipalities* shall ensure that stormwater management practices match pre development stormwater flow rates and where possible, minimize flow rates, minimize containment loads, and where feasible maintain or increase the extent of vegetative and pervious surfaces.

- 4.5.8** For those lands where York Region's wellhead protection areas extend into the County of Simcoe, the County recognizes that York Region comments must be obtained prior to approval being considered.

Conservation Authority Jurisdiction

- 4.5.24** For the portion of the *County* under the jurisdiction of a Conservation Authority, regulations made under the *Conservation Authorities Act* apply to *development* or *site alteration* activities unless the activity is exempt in accordance with the *Conservation Authorities Act*.

Where appropriate, detailed delineation of the Conservation Authority regulated areas should be identified on schedules of *local municipal* plans.

For areas outside Conservation Authority jurisdiction, *development* applicants should consult *local municipalities*.

- 4.5.27** Where waterfront or shoreline *development* is proposed, the preservation of existing public accesses to publicly owned shorelines shall be maintained and the creation of new opportunities for public ownership of and access to shorelines in new *developments* may be obtained where appropriate. Open space corridors linking shorelines with upland areas should be provided where appropriate.

- 4.5.28** *Development* in shoreline areas must address, among other matters: the protection of water quality and quantity; the prevention of erosion resulting from surface water runoff and structural *development* or fill; the conservation of, and where appropriate the enhancement of *linkages* between the water bodies and upland areas; opportunities to naturalize the shoreline; and opportunities to conserve, and where appropriate to improve, public access to the shorelines.

For the purposes of this policy, shoreline areas include the land that is physically and functionally connected to rivers, streams and lakes, and may be defined by prominent topographic and man-made features, the depth of the existing development oriented to the shoreline, and/or the presence of *natural heritage features and areas* and functions directly linked to the shoreline.

Woodlands

- 4.5.35** *Significant woodlands* shall be subject to the policies of Section 3.3.15 and 3.8. *Woodlands* within the County of Simcoe shall continue to be protected in accordance with the County of Simcoe Forest Conservation Bylaw.
- 4.5.39** The *County* encourages measures, in accordance with the policies of this *Plan*, including but not limited to Section 3.8, which will result in an increase in the overall forest cover within the *County*.

4.5.40 Where the policies of this *Plan* require, or an *EIS* recommends, any *development* setback or area of environmental constraint on the shoreline of any water body, the *County* will, where appropriate, encourage re-vegetation or forest restoration with native species within the required setback.

Landform Conservation

4.5.41 *Local municipalities* should prohibit the disruption and destruction of regionally significant landform features by mass grading and other extensive land alteration unless an acceptable assessment has demonstrated no *negative impacts* on the landform features, with the exception of *mineral aggregate operations*.

Definitions:

ADJACENT LANDS for purposes of cultural heritage and archaeology means those lands contiguous to a *protected heritage property* or as otherwise defined in the municipal official plan. For the purposes of *natural heritage features and areas* means those lands contiguous to a specific *natural heritage feature or area* where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. In determining the general extent of the *adjacent lands* the policies of 3.3.15 vi shall apply.

SIGNIFICANT means:

- (a) In regard to *wetlands, coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;
- (b) In regard to all other features and areas referred to in both this *Plan* and the *Provincial Policy Statement*, as those features and areas are defined in the *Provincial Policy Statement* unless otherwise defined in this *Plan*;
- (c) In regard to local natural heritage systems, features and ecological functions as defined in municipal official plans; and

[NOTE: sub-section (e) previously approved by OMB Order is renumbered as (d) and set out below.]

- (d) In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

SIGNIFICANT WOODLANDS means an area which is:

- a) ecologically important in terms of features such as species composition, age of trees and stand history;
- b) functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or

- c) economically important due to site quality, species composition, or past management history.

These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry.

Local municipalities may map significant woodlands in local official plans. Significant woodlands can also be determined through an Environmental Impact Statement.

Local municipalities shall determine whether a woodlot is a significant woodland within a settlement area based on criteria established within the local official plan.

Outside of a *settlement area*, where a woodlot is determined not to be ecologically or economically important, its potential importance shall be determined by a minimum patch established in the *local municipal* official plans. In determining the minimum patch size in *local municipal* official plans, the following size criteria established by the Ministry of Natural Resources and Forestry will be used unless appropriate justification is provided to use different criteria:

- where woodland cover is less than 5% of the land cover in the *local municipality*, woodlands 2 ha in size or larger should be considered *significant*;
- where woodland cover is 5 – 15% of the land cover in the *local municipality*, woodlands 4 ha in size or larger should be considered *significant*;
- where woodland cover is 16 – 30% of the land cover in the *local municipality*, woodlands 20 ha in size or larger should be considered *significant*;
- where woodland cover is 31 – 60% of the land cover in the *local municipality*, woodlands 50 ha in size or larger should be considered *significant*.

For the purposes of this definition:

- A patch is a distinct, separate area of contiguous *woodlands*. The edge of a patch is delineated by the outermost dripline.
- *Woodlands* remain contiguous even if interrupted by natural clearings, or clearings for *agricultural uses*, other *rural* land uses, or *infrastructure*, provided the clearing is not more than 20 metres wide, edge to edge.
- Patch size is not deemed to terminate if the *woodland* crosses municipal, county, or regional boundaries.

***[Note - the approval of policies 3.8.11, 3.8.12, 3.8.13 and 3.8.14 does not apply to lands in the Township of Severn while discussions continue between the County and the Township concerning mapping issues. A further Board order is required to approve these policies in the Township of Severn and additional language in the four policies may be necessary for sites or areas within the Township of Severn. The four policies are approved elsewhere in the County.]**

SCHEDULE 3

Phase 3b - Local Municipal Official Plans and Implementation

- 4.10.1** *Local municipal* official plans shall establish planning strategies and policies for the *local municipality* which are consistent with all applicable *provincial* policies, conform to all applicable *provincial plans*, and which implement and are in conformity with this *Plan*. *Local municipal* official plans may include policies which are more restrictive to *development* than the policies in this *Plan*, but may not be more permissive than the policy direction established in this *Plan*. New *local municipal* official plans approved subsequent to the adoption of this *Plan* may refine the designations and mapped information contained within this *Plan* subject to documentation approved as satisfactory to the *County* and appropriate agencies based on scale of mapping using more detailed information.
- 4.10.2** *Settlement* boundaries shall be mapped in *local municipal* official plans to be consistent with the *County's Plan*. *Municipalities with primary settlement areas* in Simcoe County will identify the *primary settlement areas* in their *local municipal* official plans. *Local municipal* official plans shall include policies consistent with Section 3.5 of this *Plan* including minimum *density targets* and *intensification* targets and shall identify a hierarchy of *settlement areas* and direct growth in accordance with Sections 3.2, 3.3, 3.5 and 4.1 of this *Plan*. In addition to the criteria listed in section 3.5.18, consideration shall be given to the inclusion of lands that would establish clear and logical *settlement area* boundaries when an expansion to a *settlement area* is proposed.
- 4.10.6** *Local municipal* official plans and zoning bylaws shall include policies and regulations that provide the opportunity for a range of housing types, densities, and costs, including minimum *affordable* housing targets, to meet the needs of current and future residents in accordance with the provisions of Section 4.3 of this *Plan*.
- 4.10.7** *Local municipal* official plans shall contain policies and maps to identify and protect the *County's natural heritage system* in accordance with Section 3.8.
- 4.10.9** *Local municipal* official plans shall identify and map *built boundaries* for those *settlement areas* with *built boundaries* as provided by the Minister of Infrastructure and shown on Schedule 5.1 of this *Plan*, in their official plans.
- 4.10.10** *Local municipal* official plans shall be amended for the following developments: *settlement* expansions, triggered by way of a *municipal comprehensive review*, golf courses, expanded *rural employment areas*, airports, new *waste disposal sites*, and *mineral aggregate operations* unless otherwise permitted. Policies shall also be included setting out the criteria and/or circumstances for the establishment of such uses including more detailed location, design, and performance criteria than contained in this *Plan*.

- 4.10.14** *Local municipalities* shall ensure that all Official Plan schedules are developed in a digital format that contains spatial references, using North American Datum (NAD 83) and UTM coordinates, and is compatible with County of Simcoe GIS software.
- 4.11.1** In accordance with Section 27 of the *Planning Act*, *local municipal* official plans and section 34 by-laws under of the *Planning Act* shall be amended where necessary to conform to this *Plan*. Within two years of the date of approval of this policy, *local municipal* official plans shall be amended to be in conformity with this *Plan*. Zoning by-laws will be amended within three years of the approval of the *local municipal* official plan.
- 4.11.10** *Local municipalities* shall consult with the County of Simcoe during the preparation of official plans and municipally-initiated amendments, growth and *settlement* strategies, mapping of *prime agricultural areas*, mapping of *flood plain* lands and *natural heritage systems*, preparation of cultural heritage registers, and the preparation of background studies of *development* including traffic impact studies to ensure compatibility with the goals, objectives, and policies of the County Official Plan. Proponents of privately-initiated official plan amendments shall pre-consult with the *County*.
- 4.11.11** Where a *development* application includes an application to amend the County Official Plan, a *local municipal* official plan and/or other bylaw, and/or *subdivision* of land by plan or consents, joint processes and hearings shall be undertaken where possible in order to avoid duplication.
- 4.11.18** In order for a *development* application to be considered complete in accordance with Sections 22 or 51 of the *Planning Act*, the County of Simcoe may require that the following reports or studies be prepared:
- (a) Environmental Impact Study/*Environmental Impact Statement (EIS)*
 - (b) Natural Heritage Evaluation
 - (c) Master Servicing Study/Servicing Options Report
 - (d) Servicing Feasibility Study/Servicing Capability Study
 - (e) D-4 Landfill Study
 - (f) Traffic Impact Study/Transportation Study
 - (g) Hydrogeological Study/Hydrology Study
 - (h) Stormwater Management Report
 - (i) Affordable Housing Report
 - (j) Urban Design Report/Streetscape Study dealing with safety, accessibility, pedestrian and transit orientation
 - (k) Digital Plan according to *County* specifications

- (l) Agricultural Assessment
- (m) Needs/Justification Report except for those applications for new aggregate operations
- (n) Fisheries Impact/Marina Impact Study
- (o) Environmental Site Assessment
- (p) Aggregate Potential Assessment and/or Aggregate License Compatibility Assessment
- (q) Wellhead Protection Area – Risk Assessment Report
- (r) Spray Analysis – Golf Courses
- (s) Flooding, erosion, slope stability reports including coastal engineering studies
- (t) Noise/Vibration Impact Analysis
- (u) Odour/Dust/Nuisance Impact Analysis
- (v) Illumination Study
- (w) Geotechnical/Soil Stability Report
- (x) Wind Study
- (y) Archaeological Assessment
- (z) Architectural/Cultural Heritage Report
- (aa) Aggregate Studies related to/and in compliance with the requirements of the Ministry of Natural Resources license, for new and expansions to existing pits and quarries
- (bb) Planning Justification Report
- (cc) Scoped water budget
- (dd) Water conservation plan
- (ee) Functional Servicing Report.

The need for any or all of the studies listed from a) to ee) shall be determined by the County of Simcoe following pre-consultation between the *County* and the applicant.

Studies and plans in support of an application are to be submitted in digital and paper formats in quantities determined by the *County*.

Definitions:

Major Growth or Major Development refers to any land use change which can be reasonably expected to impact on the environment or on infrastructure and generally includes those uses identified in Section 4.10.10.