To: **Committee of the Whole**

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

Item Number: **CCW - 2024-253**

Meeting Date: November 12, 2024

Subject: **Request for Approval – Township of Clearview Official Plan**

Recommendation

That Item CCW 2024-253, dated November 12, 2024, regarding the Request for Approval of the Township of Clearview Official Plan, be received; and

That the Township of Clearview Official Plan, as adopted by the Township of Clearview By-law 2024-38 on May 27, 2024, and modified as per Schedule 3 to Item CCW 2024-253 dated November 12, 2024, be approved;

That the County's approval does not apply to the following Non-Decision:

> *Non-Decision:* A Non-Decision applies to various sections of the OP that reference the 2051 planning horizon for growth and development of the plan.
>
> The specific partial policies include the '2041' and '2051' column data in the following tables within policy section 1.2.3:
> Table 1.1: Target distribution of population growth to 2051;
> Table 1.2: Projected employment Growth in Clearview;
> Table 1.3: Target distribution of new dwelling units;
> Table 1.4: Target share of housing density types per Settlement Area; and

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

Executive Summary

In recent years, the Township of Clearview embarked on a municipally initiated comprehensive update to the current Township Official Plan (OP) to guide growth and development. The Clearview OP was adopted by the Township of Clearview Council on May 27, 2024, by By-law No. 2024-38.

Collaborative work has since occurred with Township and County staff to ensure the OP appropriately considered all public and agency comments and is consistent and conforms with the applicable provincial and County planning policies. This work is a common part of the County's review and approval process, ultimately leading to County Planning staff's recommendation for approval to County Council. It is also worth noting that the changing provincial planning landscape required changes to the OP.
It is a legislative requirement under Section 26 (1) of the *Planning Act*, for the council of a municipality to revise their official plan every 10 years and to update the Plan every 5 years thereafter. These regular updates ensure that a municipality's official plan conforms with provincial plans, has regard to matters of provincial interest, and is consistent with provincial planning 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 official plans that are adopted by local municipalities. The OP takes effect upon County Council approval, provided no appeals to the Ontario Land Tribunal (OLT) are received. County Planning staff have reviewed the Clearview OP and worked with local planning staff to make necessary modifications in order to ensure that the OP is consistent with the Provincial Planning Statement, 2024, and with the goals, objectives and policies of the County of Simcoe Official Plan, 2016, as amended. Note that there is no longer a requirement to conform with the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

If County Council approves the new Clearview OP as modified and recommended by County Planning staff, the current in-effect 2001 OP will be repealed and replaced with the Adopted OP as modified by Schedule 3 to Item CCW 2024-253.

Background/Analysis/Options

The following provides a summary of the Township of Clearview's Adopted OP:

Proponent: Township of Clearview

Location: All lands within the Township of Clearview

Proposal: The purpose of the Township of Clearview's OP update is:

1. To bring the OP into conformity with the County of Simcoe Official Plan (SCOP 2016); and,
2. To ensure the OP is consistent with the Provincial Planning Statement (PPS 2024).

County File: CV-OP-2401

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 embarked on the process to comprehensively update its official plan to guide growth and development.

The Clearview OP was adopted by Township Council on May 27, 2024, by By-law No. 24-38, and is included as Schedule 1 to Item CCW 2024-253 - Township of Clearview Adopted Official Plan. As a result of the County's review, a track changes version of the proposed modifications to the text of the adopted Clearview OP is included as Schedule 2 to Item CCW 2024-253 – Township of Clearview Adopted Official Plan with Track Changes. If approved, and no appeals to the OLT are received, the current in-effect 2001 Clearview OP will be repealed and replaced with the adopted OP, as modified by Schedule 3 to Item CCW 2024-253 – Township of Clearview Recommended Official Plan.

COMMENTS RECEIVED

The process to update the Clearview OP has included a thorough public consultation process that started in the fall of 2019, including the legislative requirements pursuant to Section 17(15)(d) of the *Planning Act.* Appropriate notice was provided to the prescribed agencies, Indigenous communities and the public as per the requirements of the *Planning Act.* Public consultation included an online survey, open house and public meetings, and a series of stakeholder workshops focusing on various themes.

The first statutory public meeting occurred on November 4, 2019. A public open house was hosted by the Township on August 16, 2023, followed by an additional public meeting on August 30, 2023. A final public meeting occurred on January 19, 2024.

A summary of the public comments received throughout the process is provided in Schedule 4 to Item CCW 2024-253 - Comment Summary. Comments included approximately 80 written submissions from the public, stakeholders, and public agencies including the County of Simcoe, Nottawasaga Valley Conservation Authority, Ministry of Transportation, Infrastructure Ontario & Hydro One, Simcoe County District School Board, and the Huron-Wendat Nation.

Approximately 25 oral comments were provided during the various statutory public meetings. In accordance with the *Planning Act*, comments have continued to be received by the County of Simcoe after adoption of the Clearview OP leading up to the County's approval.

Summary of Agency Comments:

County of Simcoe - County Planning staff provided comments to the Township of Clearview staff throughout the OP update process. While County staff have been working with Township staff throughout the process, formal written County comments were provided to the Township on September 13, 2023, January 24, 2024, and April 11, 2024. County comments were broad ranging and typical for this type of exercise and included matters such as policy and mapping conformity, consistency in terminology, structure, and formatting throughout with suggestions, and questions for staff to consider. Through the process, County comments were oriented to ensure conformity and consistency with the applicable Provincial and County policies and mapping, while respecting the local context and unique characteristics reflected in the Township OP document.

Ministry of Transportation (MTO) - Comments from the MTO included technical direction based on the MTO Official Plan Review Guidelines, and specific policy questions. The main comment from the MTO related to the mapping of potential future corridor options (Highway 26) based on the 2015 Highway 26 Transportation Study. As such, the future corridor was identified on Schedule G of the adopted version of the OP.

Nottawasaga Valley Conservation Authority (NVCA) - Comments from the NVCA were technical in nature and provided greater clarity and direction regarding environmental protection, natural heritage, natural hazards, floodplains, and erosion hazard areas. The NVCA requested restrictions of additional residential units and garden suites within natural hazard areas and sought clarification on the uses of a one-zone floodplain management concept versus a two-zone approach. The NVCA requested several revisions or additions to the Definition section of the proposed OP, including definitions related to hazardous lands, regulatory flood standard, institutional uses, and special policy area. The NVCA commended the Township for including the requirement for a Cumulative Impacts Assessment as part of the development application for the two-zone Lamont Creek Hazard Lands special policy area.

Infrastructure Ontario & Hydro One Networks Inc. (IO) – Comments from IO included ensuring that transportation and infrastructure corridors are protected to meet current projected needs. They encouraged a consistent approach to defining hydro corridors and infrastructure facilities. The requested terminology was incorporated into section 7.6: Energy, in the OP. The comments from IO also requested additional secondary uses in hydro corridors, which were addressed through updated policy language.

Simcoe County District School Board (SCDSB) – Comments received by the County of Simcoe on August 15, 2024, from the SCDSB included such topics as community settlement area re-classification, future development designation, transition corridor

designation, institutional designation, open space designation, climate change, active transportation, site design and architectural control, heritage conservation, secondary plans, and development applications. The majority of the comments were addressed with policy modifications to the adopted OP.

Huron-Wendat Nation (HWN) - Comments received by the County of Simcoe on August 27, 2024, from the HWN included a request to be involved in all Stage 1,2,3 and 4 Archaeological Assessments in the Township. This comment was addressed with policy modifications to the adopted OP.

Summary of General Public Comments:

The public comments can be summarized and consolidated into the following themes, and are further described in Schedule 4 to Item CCW 2024-253 - Comment Summary:

1. Land Use Designations
2. Growth & Development
3. Settlement Area Boundaries
4. Built Boundaries
5. Complete Communities
6. Lot Creation
    a. Community Settlement Areas
    b. Rural designation
    c. Surplus dwellings
7. Housing
    a. Affordable Housing
    b. Additional residential units
    c. Short-term rentals
8. Agriculture
    a. On-farm diversified uses
    b. Agricultural research and training centres
9. Transportation and Roads
    a. Access policies
    b. Active transportation
10. Servicing and Infrastructure
    a. Solar panels
    b. antenna towers
    c. Light pollution
    d. Drainage and landscaping
11. Natural Heritage
12. Parking and Loading standards
13. Climate Change
14. Floodplain Management
15. Vision Statement
16. Coordination, Information & Material
17. Special Policy Areas

18. GIS Mapping Schedules

RECOMMENDED MODIFICATIONS

Clearview and County staff consulted with various technical experts to address specific concerns raised throughout the process, both before and after adoption by Township council. All comments received have been duly considered and where appropriate they have been addressed either through the adopted Clearview OP or through the County's subsequent modifications.

County Planning staff have worked in tandem with Township staff and prescribed agencies to ensure that the OP conforms and is consistent with applicable plans, policies and legislation. County Planning staff have identified proposed modifications, since adoption of the OP, to provide additional clarity, enhance the understanding of the policies and/or ensure conformity and consistency with County and provincial plans.

The following is a summary of the general themes of the County's proposed modifications to the Township of Clearview's Adopted OP. Please also refer to the Schedule 5 to Item CCW 2024-253 - Modifications Chart Summary.

Textual Proposed Modifications to Adopted Official Plan

1. Updated policies to be consistent with the new Provincial Planning Statement 2024, which came into effect on October 20, 2024, including removing Growth Plan references, and updating associated terminology.
2. Standardized provincial ministry names and references.
3. Added information and updated policies associated with pre-submission consultation to conform with amendments to the *Planning Act* by Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024)* that came into effect on June 1, 2024.
4. Modified the Lamont Creek & Mad River Hazard Area policies in Section 13 to more precisely reflect the special policies for these areas from the previous official plan.
5. Modified certain policies to clarify the requirements for public service facilities.
6. Clarified the goals and policies in the Industrial and Employment designations related to comments received from the County Economic Development Department, to better protect industrial and employment uses.
7. Other revisions throughout the document:
    - Minor edits to correct policy wording;
    - Consistency in terminology;
    - Corrections to policy numbering and policy references;
    - Added references to County of Simcoe policies and interests;
    - Updated legislative terminology, where necessary;
    - Updated policies where necessary to accommodate recent legislative changes (e.g. PPS, pre-consultation, employment areas, site plan control, etc.).

GIS Mapping Schedules Proposed Modifications to Adopted Official Plan

1. General:

Schedule B: Land Use Plan

- Confirmed the accuracy of the Agricultural land use designation within the Township as it relates to conformity with the County OP schedule.

Schedule C: Natural Heritage System

- Areas of Natural & Scientific Interest (ANSI): Modified the Provincial ANSI layer to include all lands identified provincially.
- Niagara Escarpment Plan (NEP): Ensured that the NEP areas conform to County and Provincial mapping.

Schedule E: Mineral Aggregate Resources

- Licensed Pits and Quarries: Ensured all quarries and extractive industrial designations are correctly reflected in the map schedules.
- Sand & Gravel Resources: Nomenclature for secondary and tertiary sand and gravel resources was clarified and made consistent on schedules.

Schedule G: Transportation Systems

- Identify a portion of Highway 26 in Stayner which was not previously included. Corrected the identification of local road segments and future County Road segments in the Township.

RECOMMENDED NON-DECISION

During the review of official plan policies and/or map schedules, a final decision on some matters can be deferred which is commonly referred to as a “Non-Decision”. Reasons for rendering a non-decision can vary, but they typically relate to policies that could be impacted by other outstanding matters. A non-decision allows additional time for those other associated processes or proceedings to catch up and be considered prior to a final decision on the OP policies. In the case of the Township of Clearview Adopted OP, one (1) non-decision is recommended, as described below.

Non-Decision:
A Non-Decision is recommended to various sections of the OP that reference the 2051 planning horizon for growth and development of the plan.

The specific partial policies include the ‘2041’ and ‘2051’ column data in the following tables within policy section 1.2.3:
Table 1.1: Target distribution of population growth to 2051;
Table 1.2: Projected employment Growth in Clearview;
Table 1.3: Target distribution of new dwelling units;
Table 1.4: Target share of housing density types per Settlement Area.

Section 17 of the Planning Act requires the County to make decisions regarding local official plans that conform with the County Official Plan. The current in-force version of the County of Simcoe Official Plan only contains municipal growth forecasts to the time horizon to 2031. County Official Plan Amendment 7 (COPA#7) proposes to establish 2051 growth forecasts for each local municipality and was adopted by County Council on August 9, 2022. Once approved by the Province, COPA#7 would enable the Township to plan for a growth horizon to 2051 and County staff would facilitate the approval of the Non-Decision. Effectively, this approach ensures there is consistency between official plans and avoids local planning for forecasts that have not yet received approval from the Province.

The above noted text and schedule modifications have been thoroughly reviewed and are supported as good planning by Township and County staff and are shown as track changes in Schedule 2 to Item CCW 2024-253 – Township of Clearview Adopted Official Plan with Track Changes and are reflected in Schedule 3 to Item CCW 2024-253 – Township of Clearview Recommended Official Plan.

POLICY REVIEW

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS 2024) 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.

Chapter 2 of the new PPS 2024 generally encourages building homes and sustaining strong and competitive communities Section 2.1.3 recognizes that sufficient land shall be made available through new and updated official plans to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 20 years, but not more than 30 years, informed by provincial guidance. The planning horizon for growth in the Clearview OP is to the year 2031, until such a time when the County Official Plan Amendment No. 7 is approved and the growth horizon in effect will become 2051, which is consistent with this policy. Section 2.1.4 speaks to an appropriate range and mix of housing options and densities to meet the projected requirements.

Section 2.5 and 2.6 of the PPS 2024 reflects on Rural Areas and Rural Lands in municipalities. Section 2.5.2 identifies that rural settlement areas shall be the focus of growth and development, while section 2.6.2 promotes development that can be sustained by rural service levels on rural lands and encourages avoidance of uneconomical expansion of infrastructure.

Section 2.8.2 of the PPS 2024 encourages planning authorities to protect and preserve employment areas for current and future uses, and section 2.8.3 specifically requires planning authorities to designate, protect and plan for all employment areas in settlement areas.

Section 4.1 of the PPS 2024 speaks to Natural Heritage requirements, including the long-term protection of natural features and areas. Section 4.3 requires planning authorities to

use an agricultural system approach to maintain and enhance a continuous agricultural land base, including supporting and fostering long-term economic prosperity. As part of the Clearview OP mapping, natural heritage features and areas have been protected and prime agricultural areas have been designated.

Section 4.5 of the PPS 2024 addresses the long-term protection of mineral aggregate resources. These protections have been similarly incorporated into the Clearview OP policies and mapping.

The Clearview OP policies and associated mapping have appropriately incorporated the encouragement and direction policies of the new PPS 2024.

The Clearview OP, as modified, is consistent with the PPS 2024.

County of Simcoe Official Plan, 2016

The forecasts presented in Section 2.3 of the Clearview OP reflect the 2031 projections set out in the current County of Simcoe OP 2016, as amended (SCOP) on Table 1 in Section 3.2.

The objectives contained within Sections 3.5.1 to 3.5.4 of the SCOP 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.

The SCOP directs local municipalities to establish a hierarchy of settlement areas, based on factors including population, existing levels of municipal water and wastewater services, and characteristics of the built environment. The SCOP requires the distribution of population and employment growth among settlement areas, using forecasts, projections, and targets for intensification and density established in the SCOP, and in consultation with the province. With the new PPS 2024 in effect, there is no longer a requirement to utilize the specific targets identified in Section 3.5.24 and 3.5.25 of the SCOP. Regardless, the Township of Clearview has included intensification and density targets in the OP and these are greater than the County targets with a 30% intensification target and a density target of 45 people and jobs per hectare.

Section 3.6 of the SCOP seeks to protect prime agricultural areas for long-term use for agriculture, while Section 3.7 of the SCOP recognizes the importance of preserving and protecting the rural character and promoting the long-term diversity and viability of rural economic activities.

Section 3.8 of the SCOP is responsible for protecting and restoring the natural character, form, function and connectivity of the natural heritage system through the County's Greenlands designation.

Specific to the Township of Clearview, Section 3.10 of the SCOP addresses the Niagara Escarpment Plan which is a provincial land use plan with policies meant to balance development, preservation and the enjoyment of the area. The purpose of these policies is to maintain a continuous natural environment.

Sections 4.4 (Aggregate Developments), 4.8 (Transportation), and 4.9 (Waste Management) are three of the many policy statements included in the SCOP that are appropriately reflected in the Clearview OP as part of the long-term protection of services and infrastructure within the municipality.

The Clearview OP policies and associated mapping have appropriately addressed policies of the SCOP.

The Clearview OP, as recommended to be modified, conforms to the County of Simcoe OP.

Summary

It is important to mention as part of the Clearview Official Plan approval report, that the County of Simcoe is aware of a separate Staff Report drafted by the Township of Clearview Report #CAO-007-2024 dated September 9, 2024. This report requested the County of Simcoe consider a settlement area boundary expansion of Stayner. The County of Simcoe's Land Needs Assessment that was completed as part of the Municipal Comprehensive Review did not recognize a need for such an expansion and as such, the County of Simcoe has no authority or legislative mechanism to consider such a boundary expansion at this time. County staff will continue to communicate with Clearview staff on this matter.

It is the opinion of County Planning staff that Clearview's Adopted OP as modified by Schedule 3 to Item CCW 2024-253 is consistent with the Provincial Planning Statement, 2024 and conforms to the County of Simcoe Official Plan, 2016 as amended.

County Planning staff recommend:

That the new Clearview OP, as adopted by the Township By-law No. 2024-38 on May 27, 2024, with notice of adoption issued on May 31, 2024, and as modified per Schedule 3 to Item CCW 2024-253, dated November 12, 2024, be approved;

That the County's approval does not apply to the following Non-Decision:
Non-Decision:
A Non-Decision applies to various sections of the OP that reference the 2051 planning horizon for growth and development of the plan.
The specific partial policies include the '2041' and '2051' column data in the following tables within policy section 1.2.3:
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Table 1.4: Target share of housing density types per Settlement Area;

That Notice of Decision of the OP approval for the Township of Clearview 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 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 specific relationship to corporate strategies.

Reference Documents

- PB-016-2024 – New Clearview Official Plan Adoption – May 27, 2024

Attachments

Schedule 1 – Township of Clearview Adopted Official Plan
Schedule 2 – Township of Clearview Adopted Official Plan with Track Changes
Schedule 3 – Township of Clearview Recommended Official Plan
Schedule 4 – Township of Clearview Official Plan Comments Summary
Schedule 5 – Township of Clearview Official Plan Modifications Chart

Prepared By Kristin D. Pechkovsky, MCIP, RPP, Planning Program Supervisor, Innovation and Acceleration

Approvals	**Date**
Nathan Westendorp, Director of Planning, Chief Planner	October 31, 2024
Rob Elliott, General Manager, Engineering, Planning and Environment	November 4, 2024
Trevor Wilcox, General Manager, Corporate Performance	November 5, 2024