



To: **Committee of the Whole**

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

Item Number: CCW - 2019-348

Meeting Date: October 22, 2019

Subject: LPAT Appeals by Various Parties regarding the
Town of New Tecumseth Official Plan

Recommendation

That Item CCW 2019-348, dated October 22, 2019, regarding Appeals to the Local Planning Appeals Tribunal (LPAT) regarding the Town of New Tecumseth Official Plan approval, be received; and

That staff and legal counsel attend all necessary meetings and proceedings regarding the appeals to the Town of New Tecumseth Official Plan approval; and

That the County Director of Planning, Economic Development and Transit, and the County Solicitor sign any Minutes of Settlement on behalf of the County of Simcoe, if required, where such Settlement maintains the intent of applicable Provincial, County and Town policies, by-laws and standards.

Executive Summary

The Town of New Tecumseth Official Plan is a municipally-initiated comprehensive update to the current Town Official Plan. It includes policies to guide growth and development to the year 2031. The Official Plan was adopted by the Town of New Tecumseth Council on July 19, 2018, by By-law No. 2018-121 as per CCW-2019-242, dated June 25, 2019

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 within the legislative timeframe. The Town's Official Plan was approved by County Council as per Schedule 3 to Item CCW-2019-242, dated June 25, 2019. This approval included the necessary modifications to the Official Plan in order to be; consistent with the Provincial Policy Statement (PPS 2014); in conformity with the Growth Plan for the Greater Golden Horseshoe (Growth Plan 2019), and in conformity with the goals, objectives and policies of the County of Simcoe Official Plan (SCOP 2016). The County Council Resolution to approve the Official Plan included the following non-decision.

1. a non-decision is placed on the lands identified as Urban Residential Land Use Designation within Beeton as shown on Schedule 3 to Item CCW-2019-242. The Official Plan will not come into force on these lands at this time.

This Non-Decision over the Urban Residential lands within the settlement area of Beeton was identified by the County 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 Stormwater Master Plan is completed. The effect of the Non-Decision results in all Urban Residential lands located in Beeton reverting back to the Town's 2010 Official Plan land use designation, which is Low Density residential, until the Stormwater Master Plan is completed for Beeton. This will allow time to understand what types of development should occur within the settlement area in the future.

As a result of this approval, a notice of decision on the Town of New Tecumseth Official Plan was issued by the County on June 28, 2019, identifying the non-decision matter noted above. This notice of decision is provided for information as Schedule 1 to this report. Three (3) appeals were received prior to the last date of appeal identified on the notice. Two (2) of the appeals relate specifically to the non-decision noted above.

The appeal letters received are included as Schedule 2 to this report. The appeals were acknowledged by the LPAT on August 9, 2019 as Case Number PL190352 and PL190353.

Background/Analysis/Options

The following provides a summary of the Town's Adopted Official Plan:

Proponent: Town of New Tecumseth

Location: All lands in the Town of New Tecumseth

Proposal: The purpose of the Official Plan is:

1. To bring the New Tecumseth Official Plan into conformity with the Growth Plan (2019), the County of Simcoe Official Plan (2016).
2. To ensure the Official Plan is consistent with the Provincial Policy Statement (2014).

County File: NT-OP-1801

Notice of Appeals to LPAT – Town of New Tecumseth Official Plan

Appeal 1

On July 10, an appeal was received from Beeton Station Condominium Corporation (BSCC). The two part appeal relates to property located on the west side of Dayfoot Street, in the Beeton Settlement Area, and is legally described as Lots 30 – 39 and Part Lot 30 and 40, Plan 51M-313. The BSCC appeal is pursuant to Section 17(36) of the *Planning Act* and is a municipally-wide appeal regarding various sections of the Official Plan. In addition, BSCC is also appealing the County's failure to make a decision in respect of the lands identified as Urban Residential within Beeton ("Non-Decision Lands"). The BSCC Site 2.18 hectares in size and is proposed to be developed for residential uses.

Appeal 2

On July 18, 2019, an appeal was received from Beeton Meadows Holdings Inc. (BMH). This appeal relates to property legally described as Part of Lots 8, 9 and 10, Concession 7, within the Beeton Settlement Area. The BMH appeal is pursuant to Section 17(40) of the *Planning Act* and relates to the County's failure to make a decision in respect of the lands identified as Urban Residential within Beeton ("Non-Decision Lands").

The lands constitute 55.18 hectares of vacant land within Phase 2 of the Beeton South Draft Approved Plan of Subdivision NT-T-1202.

Appeal 3

On July 18, 2019, an appeal was received from Mattamy Homes Limited and Ontario Potato Distributing Inc. (OPDI), the co-owners of approximately 600 hectares of land located south of Alliston, within the Town of New Tecumseth. This appeal is pursuant to Section 17(37) of the *Planning Act* and relates to the lack of a designation of Alliston as a Primary Settlement Area on Schedules A and B1, and the delineation of the Settlement Area boundary of Alliston not conforming to, or consistent with, the Growth Plan 2019 and the Provincial Policy Statement 2014.

Conclusion

It is the County planning staff's intention to work cooperatively with the Appellants and the Town to attempt to resolve or scope as many of the issues as possible before any future hearing. On this basis, County Planning staff are requesting permission to attend all necessary meetings and proceedings regarding these appeals to the Town of New Tecumseth Official Plan approval, and if satisfactory negotiations occur, to enter into Minutes of Settlement where such Settlement maintains the intent of the applicable provincial, County and Town policies and by-laws.

Financial and Resource Implications

There are legal costs pertaining to this file, which have been allocated through the operation and budget of legal services.

Relationship to Corporate Strategic Plan

No specific relationship to corporate strategies.

Reference Documents

CCW-2019-242 – Request for Approval – Town of New Tecumseth Official Plan NT-OP-1801,
June 25, 2019

Attachments

Schedule 1 – Notice of Decision – Town of New Tecumseth Official Plan Approval
Schedule 2 – Appeal letters received for the New Tecumseth Official Plan

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

Approvals

Date

David Parks, Director of Planning, Economic Development and Transit	October 3, 2019
Debbie Korolnek, General Manager, Engineering, Planning and Environment	October 4, 2019
Trevor Wilcox, General Manager, Corporate Performance	October 15, 2019
Mark Aitken, Chief Administrative Officer	October 16, 2019