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Responses to Questions submitted by citizens and organizations with regard to the Public Information Sessions on the County of Simcoe Official Plan that is currently before the Ontario Municipal Board for approval.

Context:

*The County of Simcoe is holding Public Information Sessions on the status of County of Simcoe Official Plan. Once passed by County Council, the County of Simcoe Official Plan has to be submitted to the Province of Ontario for approval. The Province reviews the Official Plan to ensure it conforms to Provincial Plans and is consistent with the Provincial Policy Statement. The Province has the authority to **approve, modify or not approve** all or any part of the County of Simcoe Official Plan. As such, the County establishes a dialogue with the Province on the direction and contents of the Official Plan beginning prior to County Council endorsement of the County Official Plan. It is in this context that when comments are received from the public that they are balanced to ensure consistency with provincial requirements and County Council directions. This does result in some circumstances where comments or suggested policy directions cannot be accommodated within the County Official Plan because it would be contrary to provincial policy and County Council direction. The Ontario Municipal Board now has the approval authority role since the Official Plan was appealed due to lack of decision.*

Questions from AWARE Simcoe dated March 31/15

- 1) Given that there is vast agricultural expertise within the Simcoe County Federation of Agriculture, local Christian Farmers Association and other farm groups, will the County seek input from these groups before agreeing to changes in the Agricultural, Natural Heritage, Aggregate and Rural Sections of the SCOP which are still under review before the OMB?

- **Answer:** No, the County will not be seeking further input. The consultation phase of the County Official Plan has concluded, and we are now in the decision-making phase of the Plan with the OMB. The County did seek input from all persons, groups and stakeholders during the various consultation phases of the Official Plan review. The County received written submissions from many groups with agricultural interests prior to adoption of the Plan in 2008. The County further received submissions from the Simcoe County Federation of Agriculture, Ontario Farmland Preservation and others during the summer of 2012 review. The comments were provided to County Council in an October 2012 report. As with all comments received they are balanced with the conformity requirements of Provincial Plans and policy, which ensures the protection of agricultural lands. Any directional shifts regarding these policy sections would require the commencement of a new County Official Plan Amendment, a multi-year process in itself.

2) Given that there is vast expertise in natural history, wildlife and ecological matters within various groups such as naturalist clubs, nature conservancies, conservation clubs, First Nations, and agencies such as NVCA, LSRCA and SSEA, will the County seek input from such organizations before agreeing to changes in the Greenland, Natural Heritage, Aggregate and Rural Sections of the SCOP which are still under review before the OMB?

- **Answer:** No, the County will not be seeking further input. The consultation phase of the County Official Plan has concluded, and we are now in the decision-making phase of the Plan with the OMB. The County did seek input from all persons, groups and stakeholders. The County received written submissions from many groups, organizations and agencies including Conservation Authorities, Ducks Unlimited, and others prior to adoption of the Plan in 2008 and again in 2012. The County further addressed the comments in October 2012 and reported to County Council. As with all comments received they are balanced with the conformity requirements of Provincial Plans and policy: which ensures the protection of natural features and wetlands. Any directional shifts regarding these policy sections would require the commencement of a new County Official Plan Amendment, a multi-year process in itself.

3) Why did the County request lower intensification and density targets for Simcoe County when the lower targets conflict with the principles of the Growth Plan? If the intensification is to use less farmland, why is the County approving lower targets that will translate to increased land consumption?

- **Answer:** Simcoe County is within the “outer ring” as described in the Growth Plan. The Growth Plan allows for consideration of alternative targets. The Minister of Infrastructure asked the local municipalities to make submissions on the proposed targets. The Minister ultimately decided on the alternative targets based on submissions from the local municipalities. The County of Simcoe target is based on the averages of the local targets established by the Minister of Infrastructure.

4) Please explain the locations of all new development proposals now approved for Simcoe County and calculate how much Class 1, 2 and 3 farm lands will be lost to these developments.

- **Answer:** Since at least 1997, the Provincial Policy Statement has not permitted residential development subdivision proposals in Prime Agricultural areas. Development applications approved on agricultural lands in many cases have received approvals under the pre-existing conditions and policies that permitted development on such lands at the time. In some cases agricultural lands exist within Settlement Area boundaries, but the Settlement Areas are where the majority of growth is to be directed. Settlement Area boundaries are established and there will be limited development allowed outside of Settlement Areas.

5) Given that Simcoe County has a finite and irreplaceable amount of Classes 1, 2 and 3 agricultural lands, how does the new SCOP put an end to the loss of this precious resource?

- **Answer:** As required by the Growth Plan, the Official Plan now directs the majority of growth to settlement areas. Under this Official Plan the settlement area boundaries are fixed. The County Official Plan now has stronger policies to limit expansions of settlement areas. Expansions can only occur after extensive studies and consultations occur and by both a local and County Official Plan Amendment, which also entails Provincial approval as well. The County Official Plan has also established a separate Agriculture designation to the Plan which did not previously exist (previously it was a combined Rural & Agricultural designation). This designation now provides for a higher level of protection of agriculture lands.

6) Given that the County played a lead role in developing the Simcoe County Food and Agricultural Charter and that the Charter has been endorsed by all the 16 municipalities and numerous agencies and groups, will the County incorporate the Charter and its principles into the SCOP?

- **Answer:** The Food and Agricultural Charter is considered in the Agricultural policies and objectives of the Official Plan.

7) Schedule 5.1 shows Greenlands removed from within all Settlement Areas. Given that this has clearly been done at the request of the development industry and without consultation with environmental groups, agricultural organizations or the public, will the County consult with these groups before recommending to the OMB to approve Schedule 5.1? What impact would the change have on the integrity of the Greenlands system of the County?

- **Answer:** The County Official Plan Schedule 5.1 shows Land Use Designations according to the County level of policy. All lands within Settlement Area boundaries are designated as “settlement” designation, no other County land use designations apply at the County level within a settlement area boundary. Local Official Plans are required to provide the detailed land use designations within the Settlement Area boundaries.

The County Official Plan requires the local Official Plans to identify and map natural heritage features including those within Settlement Areas to ensure appropriate protection.

8) In Policy 3.8.10 the word “Provincially” was been removed before “significant wetlands”. Are provincially significant wetlands (in particular, the Minesing Wetlands), wetlands larger than 2ha and wetlands smaller than 2ha if locally significant protected under this Policy?

- **Answer:** The terminology was changed to reflect the way it is defined in the Provincial Policy Statement. The definition of the term significant includes provincially significant.

9) Given that our society’s wellbeing depends on the health of our environment including clean air and clean water, how will the new SCOP protect air and water quality? Does Simcoe County intend to study and conclude what the maximum carrying capacity of the County is in terms of human population?

- **Answer:** No, the County will not be undertaking a carrying capacity study. With the introduction of the Growth Plan for the Greater Golden Horseshoe and its population & employment forecasts, the Province of Ontario sets the targets for growth within the province.

10) The January 2031 version of the SCOP has been greatly altered by the OMB due in large part to arguments put forward by existing large land holders. It appears to AWARE Simcoe that planning decisions are being decided by the OMB according to land ownership rather than by the needs and desires of the residents. We call this “planning by land ownership”. Will the County take a more proactive role in the future to design communities to be more “complete” as described by Provincial Policies?

- **Answer:** The County of Simcoe is and will remain proactive in the future of the design of communities within the mandate of the County’s role and responsibilities.

The Official Plan establishes policies which require certain settlement areas to develop as Complete Communities (those being the Primary Settlement Areas as defined in the GPA1) as well requiring the Local Municipalities to undertake their own Growth Management Strategy to determine a hierarchy of SAs and determine which ones may develop towards becoming “complete communities” over time because not all settlement areas should grow to that degree. We have more than 90 settlement areas in the County, many of them being a small “four corner hamlet”. It is not appropriate that all hamlets are permitted to grow to a size that would allow them to be a complete community.

A Complete Community (as defined by the Growth Plan) serves to meet people’s needs for daily living throughout their entire lifetime. As such it would provide a mix of jobs, local services, and a full range of housing, community infrastructure including affordable housing, schools, recreation and open space. Convenient access to public transportation and options for safe non-motorized travel is also provided in a complete community.

11) Can you provide an explanation why (in your opinion) former MMAH Minister Chiarelli felt compelled to write a "Special Rule" for Midhurst given that the MSP did not conform to the Provincial Policy Statement and Places to Grow?

- **Answer:** The County of Simcoe cannot speak for Minister Chiarelli. This question should be referred to the Minister of Infrastructure. The County of Simcoe was not involved or consulted on the Growth Plan Amendment 1 regulations.

12) Given that the County lawyer, Mr. Beaman, asserted to the OMB that the OMB process was a substitute for the legislated public meetings required for changes to municipal official plans under the Planning Act, please explain how the quasi-judicial process of the OMB fulfills that public meeting function and how citizens are able to comment at the OMB as they would at a public meeting?

- **Answer:** The OMB is governed by its own legislation, controls its own process and holds public hearings, not public meetings. As such, the hearing process does not function in the same manner as a Public Meeting in front of a Planning Committee or Council. The OMB provided an opportunity during the hearing process for Participants to provide their comments. All registered Participants who wanted to provide comments to the Board in this hearing have done so.

13) Please explain why the County has taken the position at the OMB that Participants will not be allowed to comment on proposed changes to the SCOP that have not yet been presented to the OMB.

- The OMB proceeding is governed by the OMB legislation. Participants are granted certain rights but not the full extent of those of Parties and Appellants.
- The County was supportive of Participants being given their opportunity to address the OMB early in the process as requested. Rules for testimony by Participants were set by the OMB and were known at an early stage of the proceeding and included in the Procedural Order.

- 14) Given that there is vast expertise in the concept of Healthy Communities within agencies such as Simcoe Muskoka District Health Unit, Sustainable Severn Sound, Conservation Authorities and Food Partners Alliance, will the County consult with these agencies and the public before presenting these Sections of the SCOP to the OMB for approval?
- No, the County will not be seeking further input. The consultation phase of the County Official Plan has concluded, and we are now in the decision-making phase of the Plan with the OMB. The Simcoe Muskoka District Health Unit (SMDHU) met with County staff and provided written comments prior to adoption in 2008 and provided written comments in the summer of 2012. The Conservation Authorities have been involved throughout the Official Plan process. The County continues to have good working relationships with such agencies as the SMDHU, Severn Sound Environmental Association and the conservation authorities. These agencies remain active and engaged in the County's planning and policy development processes.
- 15) Given that there is a vast knowledge about Cultural Heritage among the First Nations communities and numerous historical groups within the County, will the County consult with First Nations communities and historical societies before presenting these sections of the SCOP to the OMB for approval?
- **Answer:** No, the County will not be seeking further input. The consultation phase of the County Official Plan has concluded, and we are now in the decision-making phase of the Plan with the OMB. Prior to adoption of the Official Plan in 2008, County staff consulted with the First Nations. The County also accompanied the Province in early 2010 during their consultation meetings with the First Nations.
- 16) Please explain and provide a copy of the "Memorandum of Understanding" that is reference in the SCOP in Part 1 – Introduction under Section 1.2 – Scope, Effect, and Legislative Authority.
- **Answer:** The Memorandum of Understanding is an agreement between the County of Simcoe and the Province of Ontario. The Memorandum of Understanding outlines the responsibilities of the County to uphold Provincial policies in land use decisions made under the Planning Act.
- 17) The County is maintaining that their criteria for "Significant Woodlands" supersede that of the PPS. Are significant woodlands under 10 ha within the Simcoe Lowlands given adequate protection?
- **Answer:** The new Provincial Policy Statement 2014 sets out the criteria for what are "significant woodlands". The County Official Plan is required to be consistent with the Provincial Policy Statement. The Ministry of Natural Resources was involved in 2008 in establishing the criteria for the County Greenlands policy and designations including woodlands.

18) If the County recognizes public concerns relating to maintaining the “community character and features” of the communities, why did the County remove the term “community character and features” from the Section titled Settlement Form?

- **Answer:** As per provincial policy, development within many Settlement Areas will need to be at higher densities and have more intensification/infilling than historical development patterns. The policy was changed to allow local municipalities to implement higher densities where required and appropriate. The net effect of having higher densities is less consumption of agriculture and rural lands for settlement area expansions. Higher densities and intensification is also more cost effective and creates more livable communities that support transit.

Questions from David Strachan dated March 29/15

1) Given the County's Vision is to "Provide affordable, sustainable services and infrastructure," and given several nearby examples of Regions and Cities that are experiencing high levels of debt and property taxes resulting from underfunded developments (York Region -\$1.9 billion debt, Peel Region \$1.3 billion debt, Barrie \$380 million debt, plus higher taxes and poor infrastructure conditions), what measures are being taken by Simcoe County to restrict development to an economically sustainable pace?

- **Answer:** Local municipalities are required to undertake a Growth Management Study when they update their Official Plans. The County of Simcoe as the approval authority of the local Official Plans will ensure the Plans conform to appropriate Planning Principles. Many of the policies in the County of Simcoe Official Plan require development to make better use of land and infrastructure. Intensification optimizes existing infrastructure and services. Most new Greenfield development will occur at higher densities than some areas of Simcoe County have experienced. Generally speaking, better use of land ensures more tax revenue for less land, and is a factor in municipal economics.

2) Given that in 2008, County planning staff on three occasions, warned Springwater staff that its proposed Midhurst Secondary Plan could not be approved by the County until such time as it conformed with provincial policy, what then caused County staff in 2011 to reverse its position and recommend that County Council approve a non-compliant plan?

- **Note;** *the question does not specifically relate to the County of Simcoe Official Plan. The Midhurst Secondary Plan (MSP) is approved by provincial regulation under the Growth Plan and has various OMB approvals. The County Official Plan is required to recognize conforming planning policy and designations. However, to assist the public in better understanding the County's decision on the Midhurst Secondary Plan, the following is provided:*

- **Answer:** The County of Simcoe is the approval authority for local official plan amendments. As the Approval Authority under the Planning Act the County can **approve, modify or not approve** a local official plan amendment (OPA). As part of the responsibility as the Planning Authority, the County has an obligation and duty to have a dialogue with local municipalities as it relates to official plan amendments. This obligation is to monitor the local official plan amendment process and proposed policies. In this obligation, the County will provide comment, and seek clarification as it relates to a proposed local official plan

amendment to ensure conformity to provincial policy and the County Official Plan. In its duty, the County can modify an Official Plan Amendment to make it conform to the County Official Plan and Provincial Policy. The County letters of September 5 and October 16, 2008 referenced in the enquiry provided comment and requested further information for clarification as part of its Planning Authority responsibility.

The Township of Springwater adopted the Midhurst Secondary Plan (MSP) in November 2008. Following almost 3 years of extensive discussions, meetings and the submission of additional information the County of Simcoe approved a **modified** MSP in October 2011. In essence, the approved Official Plan Amendment had some significant changes made to make it conform to the County Official Plan and Provincial Policy. These included clarifying environment protection categories, introducing appropriate phasing of development, and ensuring implementation provisions. This is within the scope of the responsibility of the County of Simcoe as the Planning Authority for local Official Plan Amendments.

Questions from Sandy Buxton dated March 31/15

- **Note;** *the questions posed by Sandy Buxton herein do not specifically relate to the County of Simcoe Official Plan. The Midhurst Secondary Plan is approved and has a special regulation in the Growth Plan. However, the following responses are provided.*

1) Given that Minister Chiarelli found it necessary to create a "Special Rule" in order to permit Phase 1 development (300 hectares) of the Midhurst Secondary Plan due to some 16 contraventions of planning legislation (PPS and PTG), what is your understanding of why he made this decision?

- **Answer:** The County of Simcoe has no knowledge on how or why the Minister made his decision. This question should be directed to the Minister.

2) What role did the County play in the creation of that "Special Rule"?

- **Answer:** The County of Simcoe had no role in the creation of the "Special Rule".

3) Why didn't the County require Springwater to show, as per the 1997 PPS, that there was no other suitable land for development *BEFORE* allowing the township to expand its boundaries to include Class 1, 2 and 3 farmland?

- **Answer:** The OMB granted the approval of the boundaries of Midhurst based on the evidence submitted to the OMB. The evidence related to a previous decision the OMB had made regarding the boundaries of another settlement area in the Township and the associated Official Plan Amendment from 1998. As such, it conformed to the policies and standards of the day.

Note: Questions 4, 5 and 6 have been grouped together for the purpose of the answer.

4) Please explain why the County has approved more development on greenfields than has York Region, despite the fact that the latter is projected to grow five times more in population and eight times more in employment than is Simcoe.

- 5) The 2012 Neptis report's analysis of MMAH data shows that, since 2006, Simcoe County has designated the largest quantity of greenfields for development of **ALL** the municipalities in the GGH. Yet Simcoe ranks 8th of 21 for projected growth. Please explain how this outsized loss of farmland preserves the agricultural heritage of Simcoe and protects agriculture's pivotal economic role in the prosperity of Simcoe.
- 6) Please identify clearly: **a.** the locations of all new and proposed development on greenfields scheduled for Simcoe **b.** how much Class 1, 2 and 3 farmland will be lost in Simcoe due to these developments and **c.** how much Class 1, 2, and 3 farmland will remain in Simcoe.

- **Answer:** The development applications that were approved on greenfields previously were done under the policies and plans at the time applications were made. The approvals cannot be changed.

The new County Official Plan as required by the Growth Plan, now directs the majority of growth to settlement areas. Under this Official Plan the settlement area boundaries are fixed. The County Official Plan now places new stronger policy to limit expansions of settlement area. Expansions can only occur after extensive studies and consultations occur and by both a local and County Official Plan Amendment which also entails Provincial approval. The County Official Plan has also established a separate Agriculture designation to the Plan which did not previously exist. This designation now provides for a higher level of protection of agriculture lands. Development within Settlement Areas are required to be of higher densities and have more intensification/infilling than historical development patterns. The net effect of having higher densities is the less consumption of agriculture and rural lands for settlement area expansions. Higher densities and intensification is also more cost effective and creates more livable communities that support transit.

Questions from Gary Christie dated March 31/15

- 1) We would like to understand the basis, reasoning and formulas for these growth plans.
- **Answer:** The Growth Plan is a Provincial Plan. It is a framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by better managing growth in the region to 2031.
- 2) Why did the Special Rule displace Places to Grow Plan? Why was the public not involved?
- **Answer:** The County of Simcoe had no involvement in the Special Rule. The Minister of Infrastructure established the Special Rule.
- 3) Why was the public not consulted in early growth planning?
- **Answer:** The County Official Plan had provided numerous opportunities to comment on the County Official Plan. The Province of Ontario conducted its own public consultation process for the Growth Plan which began in 2005.

- 4) The processes to date for public input are not a part of the formative stages to growth planning. What are you going to do to make sure planning is done ahead of time?
- **Answer:** The County Official Plan provides a long-term vision for the County of Simcoe. It establishes growth management policies that are in conformity with the Provincial Growth Plan.
- 5) What contingencies are being put in place to address the changing dynamics of our society's real demands for housing and development? Not developers' requirements.
- **Answer:** The Official Plan now establishes minimum residential density targets to ensure that there is a variety of housing types throughout the County of Simcoe.
- 6) What assessments are going to be made to assure that impacts to our environment are of zero impact prior to development? Waste Water Treatment Plants, Storm Water Run Off, water sourcing (Wells & Groundwater Aquifers).
- **Answer:** The County of Simcoe is implementing the Source Water Protection Plan policies into the Official Plan this year. The Official Plan also establishes polices to implement the Lake Simcoe Protection Plan. The County is working with the local conservation authorities on implementing new storm water management practises for development activities. Local municipalities are responsible for water and wastewater facilities and the planning for these under the Environmental Assessment process.
- 7) How can you influence the province of your region's true and sustainable "Carrying Capacity" for now and the future? And will you seek essential public input for early planning?
- **Answer:** The Province of Ontario is conducting a co-ordinated review of four Provincial Plans, including the Growth Plan. They are seeking public input at this time. The County of Simcoe is participating in this process. Members of public are encouraged to participate in this process as well.