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To: **Committee of the Whole**

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

Item Number: CCW - 2019-399

Meeting Date: November 26, 2019

Subject: **Update on County of Simcoe Official Plan Amendment No. 2 (ERRC)**

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### **Recommendation**

**That Item CCW 2019-399 regarding the appeal of County of Simcoe Official Plan Amendment No. 2 for the development of the Environmental Resource Recovery Centre (ERRC), be received.**

### **Executive Summary**

The purpose of this Item is to provide an overview of the status of the on-going land use approvals process and the outcome of the Case Management Conference (CMC) which was held on November 6, 2019 at the Township of Springwater Administration Centre.

### **Background/Analysis/Options**

The following provides a summary of the proposal:

**Location:** 2976 Horseshoe Valley Road West (County Road 22), Township of Springwater  
**Applicant:** County of Simcoe  
**Proposal:** To develop an Environmental Resource Recovery Centre that includes an Organics Processing Facility for the long-term processing of source-separated organics, a Materials Management Facility for the transfer of garbage, recyclables and source-separated organics, a potential future Materials Recovery Facility, and ancillary uses.

**County File:** SC-OPA-1602 (OPA No. 2)  
**Ministry File:** 43-OP-169096  
**LPAT File No.:** PL190022, PL190461, PL190462  
**Related Files:** Township of Springwater Official Plan Amendment (OP-2016-005) and Zoning By-law Amendment (ZB-2016-021)

### Status of the Appeals to the County Official Plan Amendment No. 2

In early January, three appeals were filed against the Ministry of Municipal Affairs and Housing's approval of County of Simcoe Official Plan Amendment No. 2 for the ERRC. The appeals were submitted to the Local Planning Appeal Tribunal (LPAT) and deemed valid on February 19, 2019.

The first Case Management Conference (CMC) was held on August 7, 2019 at the Township of Springwater's Administration Centre. A second CMC was recently held on November 6, 2019. During the CMC the motion to consolidate was discussed and it was determined that it was premature to consolidate the matters until the first CMC for the Township of Springwater OPA and ZBA is held.

In addition, the following next steps were discussed:

1. The tribunal member currently assigned to the County matter will confer with the LPAT administration and, if possible arrange for himself, or another Tribunal member to be assigned to both the County and Township appeals;
2. Appellant parties are required to submit a consolidated issues list regarding County OPA No. 2 by December 6 and the County will provide an agreed to list of issues to the LPAT by December 10;
3. A third CMC for the County OPA No. 2 will be scheduled early in the new year;
4. The first CMC for the Township official plan amendment (OPA) and zoning by-law amendment (ZBA) needs to be scheduled and the tribunal member will endeavour to schedule this first CMC on the same day as the third CMC on County OPA No. 2;
5. A teleconference call is scheduled for December 13<sup>th</sup>, 2019 between LPAT, County, Township, Province and appellants to review the issues list, to hear of any concerns, interest in mediation, and to hopefully receive the dates for the third CMC on County OPA No. 2 and first CMC on the Township files.
6. It is contemplated that at the next CMC that a procedural order for the hearings would be discussed in terms of phasing or hearing the matter concurrently as well as setting hearing dates.
7. The Township of Springwater was granted party status.

### Status of the Appeal of the Applications to the Township of Springwater

The County re-submitted an appeal of the Township's failure to make a decision on the official plan and zoning by-law amendments on September 16, 2019. With the recent changes to the *Planning Act* through Bill 108, the tribunal has now accepted the County's appeal of the local applications.

The process for the local applications is detailed above and will follow a similar process to the appeals to the County OPA No. 2.

### **Financial and Resource Implications**

There are legal and consulting costs pertaining to this file which have been allocated in the 2019 Operating Budget for both departments.

To date, approximately \$1.5M has been spent on development of the ERRC project (to November 2019). A breakdown of these costs and received funding from the Continuous Improvement Fund (for the MMF) is as follows:

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Siting process and consultation	\$281,000
Site specific technical studies and consultation	\$960,000
OPF procurement and business case	\$220,000
MMF functional design and costing	\$20,000
Compensation planting	\$43,000
Received CIF funding	(\$95,000)

### **Relationship to Corporate Strategic Plan**

In regard to long-term processing of organics, the Solid Waste Management Strategy (Strategy) recommended development of a centralized composting facility within the County. Public input indicated support for in-County processing as well as for the addition of pet waste and diapers to the program. This item also supports the Strategy recommendation to develop transfer capacity infrastructure to manage garbage and recyclables generated within the County.

### **Reference Documents**

CCW Item 2018-320 – Request for Adoption – County of Simcoe Official Plan Amendment No. 2

CCW Item 2019-052 – Environmental Resource Recovery Centre – Project Update

CCW Item 2019-058 – Notice of Appeal – County OPA No. 2

CCW Item 2019-330 – Update on County of Simcoe Official Plan Amendment No. 2 (ERRC)

**Prepared By:** Tiffany Thompson, MCIP RPP, Senior Policy Advisor  
Jen Slykhuis, Supervisor Special Projects

<b>Approvals:</b>	<b>Date</b>
David Parks, Director of Planning, Economic Development and Transit	November 11, 2019,
Rob McCullough, Director of Solid Waste Management	November 8, 2019
Debbie Korolnek, General Manager, Environment, Planning and Environment	November 8, 2019
Trevor Wilcox, General Manager, Corporate Performance	November 18, 2019
Mark Aitken, Chief Administrative Officer	November 19, 2019