

# Staff Report P2023-32

 Submitted To:
 Council

 Submitted and
 Council

 Prepared By:
 Summer Valentine, Director of Planning, Building and Economic Development

 Subject:
 Official Plan Update – Adoption of New Official Plan

# Recommendation

**THAT** Report P2023-32 "Official Plan Update – Adoption of New Official Plan" dated December 11, 2023 be received;

**AND THAT** the Major Landowner Redesignation requests outlined in this Report will require stand-alone Official Plan Amendment applications in accordance with Council endorsed criteria and have therefore not been incorporated into the new Official Plan;

**AND THAT** the new Town of Collingwood Official Plan dated December 2023 be adopted by passing and enacting By-law 2023-095, which also has the effect of repealing the 2004 Town of Collingwood Official Plan and all amendments thereto;

**AND THAT** it is recognized that Indigenous engagement continues and any additional modifications to the new Official Plan required to protect Indigenous rights and interests would be initiated by the County of Simcoe prior to approval, in consultation with the Town;

**AND THAT** the Town requests that any significant modifications to the new Official Plan that are considered necessary by the County of Simcoe or requested by the Town be presented to Council in an open public session for endorsement prior to approval of the new Official Plan;

#### Amendments

None

# 1. Executive Summary

An official plan is the overall policy framework that guides growth and land use decisions within a municipality. It is a statutory document, with legal effect, required by the Province and provides high-level direction on land use planning and built form to a specified time horizon, typically 20 years or beyond. Official plans address the tenets of sustainable development and cover considerations related to environmental protection, economic vitality, and social wellbeing, all within the context of complete and healthy communities. The *Planning Act* requires municipalities to review and revise official plans every five to ten years to ensure they are consistent with or conform to applicable Provincial interests, policies and plans.

The Town of Collingwood Official Plan update project has been ongoing since late 2019, and has included extensive community and stakeholder consultation, Indigenous engagement, and professional analysis from the Project Team and staff over this period. The final draft of the new Official Plan (new OP) is being presented for Council adoption, recognizing that the County of Simcoe is the approval authority for the document. It is the opinion of the Project Team and staff that the new OP is consistent with and conforms to all relevant land use planning instruments and other applicable legislation, and responds to an evolving policy and regulatory context at the Provincial level.

The new OP a visionary document that paves the way for sustainable growth and development. It stands at the forefront of progress, addressing housing needs and the climate crisis with a forward-thinking approach. With balanced perspectives firmly rooted in the public interest, it becomes a catalyst for positive change. This blueprint doesn't just envision a better future, it actively shapes it, harmonizing urban and economic vitality with environmental and fiscal responsibility. The Plan is a testament to the collective commitment to creating healthy, thriving, resilient, complete communities where both present and future generations can not only meet their needs but thrive in Collingwood.

# 2. Analysis

#### Background

Background information for this project has been well documented since 2019 and can be found in Reports <u>P2019-32</u>, <u>P2020-15</u>, <u>P2020-02</u>, <u>P2021-27</u>, <u>P2022-23</u>, and <u>P2023-24</u>, or on <u>https://engage.collingwood.ca/official-plan</u>.

Below is a summary of the project phases and major milestones:

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# **Work Program Overview**



Timeline	Activity
January 2020	Council workshop and interviews
March 2020	Community issues identification workshop and What We Heard Report #1
July 2020	Community survey and What We Heard Report #2
July 2020	Release of Discussion Papers on eight key topic areas
November 2020	Community workshops on Discussion Paper topics and draft Options and Recommendations Report
December 2020	Refinement of Options and Recommendations and preparation of the
to present	first draft of a new Official Plan
July 2022	Release of Draft 1 of the Official Plan
August 2022	Community Information and Feedback Sessions – Draft 1
September 2022	Review written comments received, prepared comment-response
- present	matrix, update policies accordingly and respond to significant Provincial legislative changes
September 2022	Targeted meeting with Third Street residents
March 2023	Councillor interviews - Draft 1
July 2023	Councillor interviews - Draft 2 and release of Draft 2 for statutory consultation
August - September 2023	Time for the public and stakeholders to review and digest the content of Draft 2
October 2023	Statutory Open Houses (2) and Public Meeting
December 11, 2023	Presentation of final draft new Official Plan for adoption

Throughout the process presentations or consultation opportunities have occurred with interested groups and individuals, courtesy updates provided to e-mail lists, and regular meetings held with the County of Simcoe (the approval authority) and internal staff. Though initial scoped outreach occurred at project initiation, broader engagement with

Indigenous communities or groups having current or historical interest in the geography of the Town of Collingwood was undertaken concurrently with the release of both Drafts 1 and 2 of the Official Plan. In 2021, there was also an opportunity for landowners to request site-specific changes of designations for properties to be considered through the review process. Only minor revisions were deemed to be appropriate to combine with the broader Official Plan Update and major amendments with strong neighbourhood or community impacts would need to apply for a separate amendment. This report addresses similar requests that were not assessed in previous reports.

Council has directed staff to conclude the Official Plan Update by the end of 2023, recognizing the three-years long process and imperative need for a new Official Plan to be enacted, replacing the dated 2004 Official Plan, which is not currently meeting the needs of the community. However, staff would highlight from the outset of this Report that the new Official Plan is intended to be a living document, that can be amended over time to address Provincial, Municipal, or community interests and priorities.

### Engagement on Draft 2 of the Official Plan

Draft 2 of the Official Plan (Draft 2) was intended as an updated springboard to continue the conversation with the community and other stakeholders that was initiated through earlier stages of the project. Following the release of Draft 2 on July 31, 2023, two statutory Open Houses were held on October 4, 2023 and the statutory Public Meeting was hosted on October 17, 2023, along with formal circulation of the Draft 2 to internal and external agencies as well as to existing courtesy notice lists. Notice and circulation were undertaken in accordance with the *Planning Act* and exceeded legislative requirements. In addition to adds in the newspaper and circulation to required agencies/individuals, the events were promoted on social media, radio, the Town's website and engagement page, through newsletters, signage at the library and Town Hall, and with a mailout postcard to all households through Canada Post. The Town also hosted two open houses rather than the required one and the public meeting was promoted at both those events as well.

The statutory consultation sessions were in-person or hybrid in format and well attended, with approximately 145 participants over all three events, showing continued strong interest from the public in the project. To meet the timeline set by Council for adoption, all written comments were requested on or before October 31, 2023. Staff provided a grace period up to November 7, 2023 to review additional comments. Any feedback received after that date has not been reflected in the new OP and will be forwarded to the County of Simcoe for their consideration as the approval authority, noting that the Town is requesting any major modifications be presented to Council prior to being undertaken by the County.

Meaningful engagement of Indigenous groups with a current or historic interest in the geography of the Town of Collingwood is an expectation and a necessity to ensure that all voices are heard and considered in the planning process and further outreach occurred by letter and direct phone contact in the Summer and Fall of 2023. The

Saugeen Ojibway, Huron-Wendat, Hiawatha, and Alderville First Nations and two local Metis Councils requested a deeper level of consultation on Draft 2. A record of Indigenous engagement is attached to this Report as Appendix A, including comments received.

A combined more than 170 written comment letters/emails were received from the public and stakeholders related to Draft 2. All feedback was reviewed in detail and is summarized in a comment-response matrix (Appendix B), up to November 7, 2023. Complete copies of all written public and agency correspondence received on Draft 2 are also included as Resource 1, including those comments received after the commenting deadline. Formal comments from the County of Simcoe on Draft 2 as the approval authority and agencies have been incorporated into the new OP.

#### What We Heard – Key Themes and Response Summaries

Significant revisions were made to Draft 2 in response to the comments received. The feedback is collated in the comment-response matrix and the Project Team's summary document (Appendix C). The key themes are also included below for ease of reference. The new OP is presented in both track-change and clean copies for ease of review (Appendices D and E).

The following topic areas represent the most common feedback themes collected through the Indigenous, public, agency and stakeholder engagement on Draft 2. A general summary of the approach to addressing the comments in the new OP is also outlined in this Section of the Report.

#### Climate Change - Policies Should be More Robust

Climate change is an expansive subject that is interrelated to a host of other topics that are addressed throughout the new OP. To begin, it is important to note that the new OP is not, and should not be, the Town's Climate Change Action Plan. The Town is committed to the preparation of a comprehensive Climate Change Action Plan and significant progress has been made on that front. The new OP specifically sets out a comprehensive policy approach to climate change and environmental sustainability. In addition to that targeted section, the new OP inherently deals with the issue of climate change in the following ways:

GET DENSER – The new OP promotes intensification within existing and future neighbourhoods and supports higher density development in identified mixed-use centres and corridors, allowing for transit-supportive development and reducing sprawl.

SUPPORT A MULTI-MODAL TRANSPORTATION SYSTEM – The new OP lays out a defined urban structure that supports the use of transit, as well as active transportation and complete streets.

PROTECT THE NATURAL HERITAGE SYSTEM – The new OP has identified the key elements of the Town's Natural Heritage System and lands that are susceptible to natural hazards such as flooding, and protects those areas from future development, noting that concentrating development in Primary Settlement Areas like the Town of Collingwood allows for the conservation of large tracts of environmentally sensitive and agriculturally productive lands outside of the settlement boundary.

SUPPORT SUSTAINABLE DEVELOPMENT – The new OP includes policies that promote green building technology, the installation of green infrastructure, and the protection or enhancement of the urban forest. The Town has no legislative tool to require sustainable development "standards" beyond the minimum requirements of the Ontario Building Code. However, the Town may consider an incentive program to promote sustainable development guideline implementation.

It is important to note that while most of the comments focus specifically on new development, the more significant part of the equation related to climate change is about dealing with the existing mobility choices and development forms within Collingwood that currently contribute to the ongoing climate crisis.

#### Third Street - Concern with Collector Classification and Future Extension

The issue of the future of Third Street continues to be a significant focus of concern for many residents in that area. To that end, there is some important context to consider. Third Street has been identified as a Collector Road since at least 1985. The existing Official Plan (2004) identifies Third Street as a Collector Road. Draft 2 does not include any new policy related to Third Street. The anticipated traffic on Third Street in a future condition falls within the range of typical Collector Roads, outlined in the Town's Transportation Update Study (TUS-2019). The existing and future right of way width for Third Street is 20 metres. The TUS-2019 did not identify the need to widen Third Street beyond two lanes. The Town did carry out speed studies on Third Street in 2017 and 2019 with on average 97% of the vehicles are travelling at a speed of 55 km/h or under. Any change to the classification of Third Street as a collector road must be supported by expert analysis, ideally through the Transportation and Mobility Master Plan (see next Section of this Report on "Transportation").

The 2023 Capital Budget does include funds for the future design of the Third Street Bridge located between Oak and Birch Streets to carry out needed rehabilitation work. The Town's Capital Plan also has the reconstruction of Third Street from High Street to Birch Street scheduled in 2028. Specific traffic features to address particular issues related to Third Street would be considered during the pre-design for road reconstruction. Any proposed changes to the Third Street road design (i.e. addition of sidewalks on both sides of the street, addition of cycling lanes, on street parking, etc.) would include public consultation. There are various traffic calming measures that can be implemented and will be considered when Third Street is reconstructed in the future. Sidewalks on both sides of the street is a desire that has been brought forth by residents located on or near Third Street. Cycling facilities were identified in the Town Cycling Plan.

#### <u>Transportation – Traffic Calming Needed, De-emphasize Vehicles, and Review</u> <u>Road/Active Transportation Networks</u>

A host of both general and topic specific comments related to transportation were received. A new Transportation and Mobility Master Plan (TMMP) has not been prepared concurrent with the Official Plan Update. As such, the new OP relies upon the existing Official Plan as well as Transportation Studies carried out in 2012 and 2019 for road classifications and detailed policy, and Draft Schedule 6 'Transportation Plan' reflects road classifications that are supported by the TUS-2019. All comments received related to transportation matters have been shared with the internal team undertaking the TMMP.

The new OP does include significant enhancements related to active transportation, complete streets, transportation demand management, and the role of transit. The Town has initiated the preparation of a TMMP and amendments to Official Plan policies and schedules may be considered following its completion. The TMMP is intended to be a comprehensive review of multi-modal transportation systems and movements throughout the Town. This would typically include a review of potential future movement corridors to be protected. The TMMP would also provide strategies for addressing localized problem areas within the context of the larger transportation network, as well as crafting policies both for effective management of the system as a whole and for evaluating ongoing requests for traffic calming and controls.

The TMMP will provide more detailed responses to the relevant comments on transportation issues received to date through the Official Plan Update project. Public consultation throughout the development of the TMMP would be essential to its success. Participation by residents and businesses will be key to ensuring that issues and opportunities have been identified so that appropriate policies can be developed.

# Building Heights – Mixed response to higher buildings, Concerns raised related to Downtown character and heritage preservation

The new OP generally provides for increases in permitted maximum heights for buildings. While there were some residents who recognized that addressing the climate and housing crises, along with limiting sprawl, cannot be accomplished without increased intensification and taller structures, there were others who did not feel that up to 12 storey buildings were appropriate for the Town of Collingwood. Numerous comments were received with concern about the impact of increasing permitted building height on the Downtown Heritage Conservation District, despite limitations and requirement to complete a Heritage Impact Assessment in the Heritage Conservation District Plan. SUPPORT FOR INTENSIFICATION – The new OP supports intensification for the reasons noted above as well as supporting active transportation and transit, the fiscally responsible use of existing infrastructure, and opportunities for a mix of uses, among other considerations. For clarity, the new OP only permits the High-Rise building typology in two general designations, the Mixed Use Corridor I and Future Neighbourhoods, and in two site specific locations (i.e. Poplar Regional Health and Wellness Village Overlay as per the MZO approved by the Province and Regional Commercial District designation to facilitate a mix of uses above ground floor commercial). A system of nodes and corridors concentrates higher intensification in areas supported by transit and existing infrastructure and generally protects the character of established lower density neighbourhoods. Further, the maximum height could only be achieved on sites where the extensive compatibility criteria can be met.

DOWNTOWN MASTER PLAN – Though the Project Team and staff are of the opinion that one of the ways to support a healthy and vibrant Downtown is to provided for increased density, bringing more people to the area to live and work without having to rely on personal vehicles. Many locations in Ontario, Canada and beyond have also demonstrated that increased height and heritage preservation are not incompatible, and can be achieved in a variety of innovate ways. However, it is also recognized that the Town is undertaking a Downtown Master Plan exercise. Therefore, though the new OP generally sets the stage for taller buildings in the Downtown designation, but requires that any application that includes proposed building heights above the existing Zoning By-law permissions of 12 metres (three to four storeys) proceed by way of an official plan amendment until the master planning project is completed. Similar to the TMMP, adjustments would be made to the OP policies pending the outcome of the Master Plan.

#### Redesignation of Golf Courses - Policies are too permissive, Lack of clarity

The conversion of existing golf courses to other uses, even in part, was generally opposed by some community members, particularly those who live in close proximity to the Cranberry Golf Course, which is currently subject to preconsultation. Though recent legislative and proposed policy changes at the Provincial level would not allow for a municipality to outright reject golf course conversion to other uses, especially residential units, and in recognition of the value of intensification, reduction of sprawl, efficient use of serviced urban land, and operational/viability challenges faced by many golf courses, the relevant policies have been clarified. Any golf course conversion must be appropriately justified and accompanied by supporting studies as required by the Town, including the consideration of growth management, environmental protection, compatibility, servicing, stormwater management, etc.

#### Site Specific Comments – Vary depending on the site

Beyond the above articulated general categories of feedback, most correspondence was related to individual sites. Additional information is provided in the next section of this Report. However, it should be noted that existing sitespecific policies that are still supportable as good planning or resulting from recent OLT decisions were carried forward into new OP. Additionally, removing lands from the Environmental Protection designation can be considered, but only if justified by a peer reviewed environmental impact study.

#### Remaining Site-Specific Landowner Redesignation Requests

Early in the project process, staff and the Project Team identified that there would be interest from landowners to have their properties redesignated and/or policies changed that would affect their lands through the Official Plan Update rather than undertake stand-alone planning applications. To establish a fair and transparent process for these requests, Report P2020-02 recommended an evaluation framework to assess such site-specific requests. If the request is determined to be minor in impact and nature, it would be considered through the Official Plan update process. If the request is determined to be major in impact and nature, it would be provided with the information necessary to make a formal application for an Official Plan Amendment. In the event that a request or opportunity emerges that coincided with municipal interests relative to the objectives of the Official Plan Update, such as affordable housing, the Town could elect to include that proposal/those lands within the scope of the Official Plan Update by way of an exception to this process, provided that the intent was transparently endorsed by Council.

Reports <u>P2021-27</u> and <u>P2023-24</u> reviewed and evaluated the site-specific requests and those deemed to be minor in nature were incorporated into the new OP. Subsequent to the posting of the most recent report, additional requests were received while some requests were re-submitted and have been assessed as follows (including some repetition from previous redesignation requests):

Property Location (Requestor)	Request Summary	Major/ Minor	Comments
38 and 40 Silver Creek Drive (Mark Yarranton, on behalf of 15234891 Canada Inc. and 15248345 Canada Inc.)	Redesignate from Rural Residential to Mixed Use Corridor II to permit additional residential density.	Major	Property is located within the Mountain Road West Corridor Secondary Plan Area, which would require a comprehensive process prior to any redesignation.
9489 Beachwood Road and 61 Summer View Avenue	Redesignate from Restrictive Commercial (and delete the	Major	Property is located within the Highway 26 East Corridor Secondary Plan Area which would require a comprehensive

(Kristine Loft on behalf of 1000133004 Ontario Inc.)	existing site- specific exception related to a gas station use) to Mixed Use Corridor I, rather than the proposed 'Existing Residential' and Area Specific Policy 3 on Schedule '7'.		process prior to any redesignation. Existing site specific land use permissions are proposed to continue for these properties in the new OP through the Area Specific Policy 3.
9429 Beachwood Road (Sachin Patkar)	Redesignate from Restrictive Commercial land use designation to Mixed Use Corridor II.	Major	Property is located within the Highway 26 East Corridor Secondary Plan Area, and proposed for Area Specific Policy 1, which continues to permit the uses that are existing (or similar to) on the property.
11338 and 11344 and 11352 Highway 26, and 12 Gun Club Road (Kyle Galvin on behalf of EDEV Inc.)	Redesignate from Residential and Environmental Protection 'Mixed Use Corridor 1' (retain the 'Environmental Protection' designation).	Major	Property is not located within a Strategic Growth Area and is not an appropriate location for mixed use commercial/residential land uses.
7120 & 7200 Poplar Sideroad (MZO Lands) (Emma West, on behalf of Di Poce Management Limited)	Special circumstance, see Modifications Section of this Report.		
2 and 4 Elm Street	Redesignate from Mixed	Deemed Minor	Mapping changed on Schedule 1 to 'Residential Community Areas'

	Commercial to Residential	through Staff Report P2021-27	and Schedule 2 to 'Existing Neighbourhood'
766 and 774 Mountain Road (Colin Travis, on behalf of Mountainside Sports)	Redesignate from Restrictive Commercial and Rural Residential to a designation permitting more local convenience commercial uses.	Deemed Minor through Staff Report P2021-27	Previous response was to consider the Restrictive Commercial land use designation in context of broader Commercial and Residential structure, as well as the Mountain Road West Corridor Secondary Plan Area policies. Recommendation to continue a 'restrictive commercial' area specific policy for both properties until Secondary Plan has been completed. Mapping changed on Schedule 7 to create Area Specific Policy 29.
Multiple Properties – EP Designation (Various including Braeside lots)	Remove or refine Environmental Protection (EP) Designation	Site Dependent	EP Designation boundaries can be adjusted based on the submission of an EIS to the satisfaction of the Town (including peer review). The review of such studies, where available, was undertaken and changes were made where substantiated by the science. Future changes are also possible as part of development applications and policies were carried forward into the new OP addressing vacant lots of record, existing structures and existing or pending approvals within the EP Designation. The review of EIS materials can continue post- adoption, with modifications possible through the County of Simcoe approval process or future housekeeping amendments. The new OP also allows for minor amendments to

	the EP designation without amendment to the Plan.

The appropriate minor revisions either have been included in the new OP. Staff are recommending that major changes proceed by site specific official plan amendment or through a comprehensive planning process such as a secondary plan.

#### **Overview of the New Official Plan**

The new OP, inclusive of schedules, contains a broad range of community goals, objectives and policies that provide guidance and direction to landowners, potential investors, developers, builders, and the community at large. It includes policies related to numerous community-building elements, such as housing, employment generating commercial and industrial development, cultural heritage, natural and built environments, parks and open spaces, transportation, infrastructure and urban design. The new OP is complemented and supported by a variety of other Town-level master and community plans as well guidelines or standards, which may provide more detailed direction for growth and change within Collingwood. To keep the new OP concise and focused on land use, the content these documents do not generally need to be repeated in the new OP, except where policies or schedules are directly impacted. However, it is critically important that these companion materials be considered in growth and development decisions and therefore a policy is included in the new OP stating that proposals must demonstrate consistency with all applicable corporately endorsed Manuals, Master Plans, Guidelines, and Strategies.

The new OP contains policies with deliberate wording to articulate the level of control for each element of the document. The level of control describes the amount of flexibility and anticipated change from current development patterns in a manner that is critical to achieving the community and Provincial objectives. The levels of control are:

- **Regulate:** Identifies mandatory requirements with little room for interpretive flexibility, using language such as 'require', 'will', 'shall' and 'must'
- Manage: More focused on management and implementing principles with some inherent interpretive flexibility, using language such as 'permit', 'prefer' and 'should'
- Facilitate: Intended to facilitate positive change that might be more difficult to achieve, using language such as 'encourage', 'desire' and 'incent'

The new OP retains focus on the key priorities identified by the community through initial consultation including: active transportation, social inclusivity, healthy lifestyle, sustainability development, connectivity, and quality urban design. These priorities formed the basis of the Options and Recommendations Report presented in 2020, along with a review of legislative and policy frameworks set by upper levels of government and technical information. In turn, the Report functioned as the foundation for policy preparation for Draft 1 and carried through Draft 2 as well as into the new OP.

The new OP is being presented for adoption to support planning for a complete, sustainable, affordable, thriving, resilient, and healthy Town. The document responds to the feedback received where supportable by good planning.

The "Big Moves" from Drafts 1 and 2 are carried forward into new OP, including:

- Updating the urban structure and natural heritage system
- Facing the housing and climate crises
- Fostering sustainable development
- Supporting sustainable infrastructure
- Streamlining the policy approach

These matters represent a significant shift from the existing 2004 Official Plan and encompass a wide variety of proposed changes in content and format, aligning with the recommendations developed by the Project Team and confirmed by the community. More detail on the above "Big Moves" can be found in Report <u>P2022-23</u>.

# Planning Analysis of the New Official Plan

#### Matters of Provincial Interest

The *Planning Act* provides that Council in carrying out their responsibilities under the *Act* shall have regard to matters of Provincial interest as follows:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (I) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;

- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

These Provincial interests are reflected in the vision and guiding principles of the new OP and are therefore the basis of the Plan framework, carried through all policies therein. The Project Team and staff are of the opinion that matters of Provincial interest are appropriately addressed.

Provincial Policy Statement (2020), draft Provincial Planning Statement (2023) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020 Consolidation)

The *Planning Act* provides that a decision of the Council of a municipality in respect of the exercise of any authority that affects a planning matter, shall be consistent with the policy statements issued by the Province and shall conform with the provincial plans that are in effect or shall not conflict with them, as the case may be.

As part of the Housing Supply Action Plan April 2023, the Province proposed a number of actions including:

- Introducing new legislation called *Bill 97: Helping Homebuyers, Protecting Tenants Act*, which would amend seven existing Acts, including the Planning Act (Note: *Bill 97* received Royal Assent on June 8, 2023)
- Combining the 2020 Provincial Policy Statement (2020 PPS) and Growth Plan into a proposed single, province-wide policy framework called the Provincial Planning Statement (2023 PPS), along with implementing legislative changes

Most impactful for the Official Plan Update project are the significant policy shifts contained in the draft 2023 PPS. Within Ontario's policy-led land use planning system, the 2023 PPS would represent the overarching policy framework that sets the stage of municipal official plans and other regulatory tools. These Provincial changes and their effect on the new OP are further explored in Report P2023-24, with a focus on Resource 2.

With not all aspects of Bill 97 in force and effect and with the 2023 PPS still in draft form, the Project Team and staff have reflected a delicate balance in policy approach within the new OP, to ensure consistency with the proposed 2023 PPS, while not offending the tenets of the 2020 PPS and Growth Plan. The County of Simcoe has reviewed Draft 2 and concurred in their formal comments that the document successfully addresses an ever evolving legislative and policy context. The key risk in

this approach is that the 2023 PPS may yet be revised or the 2020 Growth Plan may remain in place in some form. Provincial decisions on these matters are anticipated in late 2023. If there are more policy shifts, particularly if the Ministry of Municipal Affairs and Housing (MMAH) back-steps on some of the more controversial changes (i.e. removing the definition of affordable housing, changing the approach to employment land conversions, more permissive policies for boundary expansions and rural development, etc.), positive modifications could be made to the new OP by the County of Simcoe, in consultation with the Town, prior to approval.

Overall, in the opinion of the Project Team and staff, the new OP is consistent with the existing 2020 PPS and Growth Plan, proposed 2023 PPS and responds appropriately to the new Provincial land use planning framework.

#### County of Simcoe Official Plan (2023 Consolidation)

The *Planning Act* provides that a lower-tier official plan must conform to the upper-tier official plan, including revisions to the upper-tier plan that have been adopted (i.e. County of Simcoe OPA 7 – Municipal Comprehensive Review – Growth Management), even if such revisions are not yet in effect.

The County of Simcoe Official Plan (CSOP) provides a policy context for land use planning taking into consideration the economic, social, and environmental impacts of land use and development decisions. The CSOP forms the policy basis for exercising the approval authorities for local municipal official plans and amendments, and applications for subdivision of land. The Plan is a document designed to assist in growth management in a County expected to experience continued strong growth in population and urban development over the next twenty years in accordance with the Growth Plan. It attempts to achieve a balance between the demands for economic development, community building, and environmental conservation and provide a framework for coordinated planning with adjacent municipalities, agencies, and other levels of government.

As the approval authority, the County of Simcoe has been actively involved in the Official Plan Update project since its inception, reviewing background materials and drafts, as well as attending periodic meetings and touchpoints to ensure that both Provincial and County interests were being appropriately addressed throughout the process. With the role of the County in land use planning potentially coming to an end in the coming years, the new OP was carefully reviewed to incorporate key policies from the CSOP to ensure that County assets (e.g. roads and waste management facilities) are protected and core cross boundary matters are incorporated (e.g. climate change, road networks, archaeological potential, natural heritage systems, etc.). As previously noted, the County provided formal comments on Draft 2, which were addressed in the new OP, and did not identify any CSOP conformity concerns. However, the County would like to engage in a discussion post-adoption regarding technical information available for inactive landfill sites.

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Therefore, in the opinion of the Project Team and staff, the new OP conforms to the CSOP and CSOPA 7. However, in their role as approval authority, the County may modify the new OP to cover their interests if gaps are found. As outlined in the resolution, it would be the Town's request that any major modifications to the new Official Plan that are considered necessary by the County be presented to Council in an open public session for endorsement prior to approval of the new Official Plan

#### **Evolving Conversations**

Official plans are living documents. Each discrete comprehensive review will not capture all existing or emerging issues. Land use planning in Ontario is complex, with ever evolving best practices, research, legislative changes, and community priorities. Future amendments to deal with these broad conversations are inevitable and, if done appropriately, can further enhance the Town's Official Plan without losing continuity. The following represent updates on the evolving conversations that were outlined in Report P2023-24.

#### County of Simcoe Municipal Comprehensive Review (MCR)

Concurrent with the Town's Official Plan Update project, the County of Simcoe was pursing its own MCR, which had been required to ensure conformity and consistency with Provincial plans and policies. The County as the current approval authority for the Town's Official Plan increases the importance of collaboration to integrate the two parallel projects. Phase 1 of the MCR concluded with the County's adoption CSOPA 7 on August 9, 2023, which addressed growth management and land needs. County OPA 7 remains under review by the MMAH and may be influenced by the Provincial legislative and policy changes outlined in this Report.

Further uncertainty is added by *Bill 23*, which aims to eliminate a traditional land use planning role for the County. This could change both the approval authority for the new OP as well as the status of the CSOP. No date has been named by the Province for the County's role transition, but indications are that the County will continue on in its current function until at least the winter of 2024. In light of the above, there is possible that additional policy adjustments may be required after the Town's Official Plan Update project is complete to incorporate the results of Phase 2 of the MCR and/or additional components of the CSOP into the Town OP, should the County no longer have land use planning authority.

#### Grain Terminals Revitalization

The Town is currently in the process of re-imagining the grain terminals and entire spit area. This exciting project involves a development partner to advance and implement a vision for the site that aligns with identified key principles for revitalization endorsed by Council and supported by the community. A development partner has been selected and a general concept is proposed. It is anticipated that the developer will be submitting concurrent site-specific official

plan and zoning by-law amendments to facilitate the project. However, the new OP continues to include a general "placeholder" policy, which recognizes that the function and use of the site is likely to change in the future.

Similar to any Official Plan Amendment adopted after the new OP is adopted but before approval, if the timing aligns, the Grain Terminals site specific amendment would be incorporated into the new OP by the County of Simcoe prior to approval.

#### Flood Management

Conservation Authorities (CAs) are responsible for managing the risks of flooding through a mix of floodplain mapping, monitoring, infrastructure installation/maintenance, and development regulations and permitting. Floodplain mapping allows municipalities and CAs to guide development away from flood-prone areas and also supports better emergency management and planning. Regulated floodplain mapping approved by CAs must be reflected in official plan schedules and include specific land use policies, which would also impact property zoning and permitted development.

The Town has been working collaboratively with the CAs by sharing data and technical information that would feed into updates to regulatory flood lines and the imposition of a two-zone approach, where justifiable. While some changes have been incorporated into the new OP, improved data my result in further revisions, particularly in the areas of the Oak Street Canal and the Pretty River Flood Fringe. However, a variety of factors have impact timing and updated information was not approved in time to be reflected in the new OP. As with other the evolving matters, options exist to amend the Plan at a later date and/or to request modifications from the County of Simcoe.

#### Ongoing Legislative Changes

Legislation and policy at the Provincial level has been in a state of near constant flux over the past decade, enabled by changes in government, philosophies, and priorities. Most recently, significant amendments to the *Planning Act* were enacted through *Bill 109, Bill 23, Bill 97*, and proposed *Bill 134* are reflected in the new OP. The Provincial government has indicated that the Bills are steps in a multi-year plan to increase the supply of housing in Ontario, based in part on the transformative and extensive recommendations from the Province's Housing Affordability Task Force. As part of that plan and noted earlier in this Report, the Province is also proposing a new 2023 PPS, which amalgamates the 2020 Provincial Policy Statement and the Growth Plan resulting in a Province-wide policy framework. The new OP is consistent with the new framework and the Project Team continues to monitor the status of the draft 2023 PPS. The timing and content of the next round of legislative and policy changes remains unknown, but could occur before the end of 2023, which may necessitate further modifications to the new OP by the County of Simcoe post-adoption.

#### Transportation Planning

One of the key public concerns and areas of interest resulting from consultation on Drafts 1 and 2 was related to road classifications, traffic calming and speed reduction, and fostering active transportation and complete streets, to reduce vehicle dependency and improve safety. Numerous ideas were presented by stakeholders, many of which are outside the scope of an official plan. Specifically, to include or exclude future road or active transportation networks on the schedules to the new OP requires the appropriate technical engineering justification and endorsement from Council. The new OP includes only those roads, classifications, and trails that are identified in Transportation Studies completed by the Town and/or approved/constructed, with the understanding that the upcoming TMMP may provide the rationale to make further changes through a future amendment or modification requests to the approval authority. Importantly, the new OP retains the significant advances in policy grounding for complete streets, active transportation, and transit supportive communities all of which support efforts toward climate change resiliency.

#### Indigenous Engagement

As outlined previously in this Report, meaningful engagement of Indigenous groups with a current or historic interest in the geography of the Town of Collingwood is an expectation and a necessity to ensure that all voices are heard and considered in the planning process and further outreach occurred by letter and direct phone contact in the Summer and Fall of 2023. The Saugeen Ojibway (SON), Huron-Wendat (HW), Hiawatha (HN), Alderville (AN) Nations and two local Metis Councils (MN) requested a deeper level of consultation on Draft 2. A record of Indigenous engagement is attached as Appendix A.

More specifically the SON initiated an independent peer review, by the terrestrial ecology advisor to the SON, of the natural heritage system, features and functions identified in the new OP and the related policies. The peer review was in general agreement with the methodology used to identify and protect the natural heritage system. Most of the commentary was focused on implementation of the policies through the development review and approvals process.

The Huron-Wendat Nation provided correspondence noting Collingwood being part of Huron-Wendat ancestral and traditional territory, and shared policy recommendations regarding Indigenous Nations involvement in archaeological resource assessment and preservation, environmental studies, and engagement of Indigenous peoples in public art commissioning.

Staff have received positive interest in Town's Official Plan update from various Indigenous peoples, including Hiawatha, Alderville, Mississaugas of Scugog Island, and Chippewas of Rama First Nations, and the Metis Nation of Ontario, and Barrie South-Simcoe and Great Lakes Metis Councils, however have not received formal comments to date, with some expressing a lack of resource capacity to formally engage in consultation for the project.

In response to the feedback, updates were incorporated into the new OP to address Indigenous rights and interests, and initial changes requested were implemented to the development review and approvals process to ensure that Indigenous communities are appropriately circulated based on their individual consultation protocols.

Despite the above, conversations continue with Indigenous groups and any further modifications are to be identified and addressed by the Town and the County of Simcoe, allowing the official plan review process to continue concurrently toward approval. The County has agreed with this approach, which is recognized in the motion of this Report.

#### Conclusion

The timing of the presentation of the new OP for adoption was largely dependent on the type and quantity of input received on Draft 2, as well as the capacity of Indigenous communities to participate, and the status of legislative or policy changes at the Provincial level. However, the risks associated with these considerations have been effectively mitigated or outright addressed in the new OP. It is therefore the opinion of the Project Team and staff that the new OP is consistent with and conforms to all relevant land use planning instruments and other applicable legislation and responds to an evolving policy and regulatory context at the Provincial level, has taken into account public, agency, stakeholder and Indigenous comments, and represents good planning.

The new OP a visionary document that paves the way for sustainable growth and development. It stands at the forefront of progress, seamlessly addressing housing needs and the climate crisis with a forward-thinking approach. With balanced perspectives firmly rooted in the public interest, it becomes a catalyst for positive change. This blueprint doesn't just envision a better future, it actively shapes it, harmonizing urban and economic vitality with environmental and fiscal responsibility. The Plan is a testament to the collective commitment to creating healthy, thriving, resilient, complete communities where both present and future generations can not only meet their needs but thrive in Collingwood.

#### **Next Steps**

It is the opinion of the Project Team and staff that sufficient public and stakeholder engagement has been undertaken over the past three years to effectively inform and shape the content of the new OP. However, should further consultation be deemed necessary by Council, a project scope and/or associated budget amendment would be required and timing of adoption of the new OP would be impacted. The new OP is in a form that is supportable by both the Project Team and staff as being consistent with or conforming to all applicable land use planning instruments and representing good planning and it is recommended that the new OP be considered for adoption by Council. However, it is within Council's purview to modify the new OP as it sees fit prior to adoption. Staff would recommend that any requested modifications be documented in an amended motion. The Project Team and staff would make straightforward the modifications prior to forwarding the new OP to the County of Simcoe, or if complex in nature, the adoption of the new OP could be deferred or a request made to the County to undertake such modifications prior to approval.

With the adoption of the new OP, the 2004 Official Plan and all amendments thereto would be repealed once the County approves the new OP. The outstanding site-specific appeal to the 2004 OP would need to be resolved and staff are working with the Town Solicitors on options.

Once adopted, a Notice of Adoption would be issued as prescribed by the *Planning Act*. The new OP and associated municipal record would also be forwarded to the County of Simcoe for approval. The approval authority has 120 days to review the new OP and may approve, modify and approve, or refuse to approve the Plan or parts of the Plan. The Minister of MMAH also has broad powers under the *Planning Act* related to approvals or modifications of official plans or official plan amendments where matters of Provincial interest may be impacted. Although an outright refusal by the County is unlikely, modifications are typical and would usually involve consultation with staff, the Project Team and touchpoints with Council. After the County approves the new OP, while global appeals to the entire Plan are currently not permitted under the *Planning Act*, appeals may be lodged to parts of the Plan, with some exceptions. Any sections subject to appeal would not come into force or effect until after the appeals are either withdrawn or disposed of through the Ontario Land Tribunal (OLT).

After the new OP comes into force and effect, the *Planning Act* requires that the municipality shall amended the Town's Comprehensive Zoning By-law within three years to ensure conformity with the new OP. Zoning By-law Reviews can be complex and controversial projects that take several years to complete and therefore to meet legislative requirements, Town staff would proceed immediately post-adoption of the new OP and pending 2024 budget approval to prepare a Request for Proposals and retain a consulting firm to drive the project forward through a transparent procurement process. Though these early steps and background research can be undertaken in the near-term, drafting of a new Comprehensive Zoning By-law should not occur until the new OP is approved to ensure that it accurately implements the policies.

#### **Modifications**

As noted above, Council may modify the new OP in any way it deems fit prior to adoption. In consideration of modifications, the Council should be cognizant that the Project Team and staff may not be able to support the amendments and third-party land use planning experts may be required to defend Council's position in the case of

appeals. For the purposes of this Report, staff are highlighting three areas of potential modification based on the most recent round of statutory consultation and/or that represent major impacts to the community at large. For clarity, Council may table additional modifications if desired or may choose not to make any modifications to the new OP as presented.

#### Poplar Regional Health and Wellness Village ("the Village")

The proponents of the Village have submitted two letters regarding the second Draft of the Official Plan. The first letter dated September 1, 2023 was responded to by staff, with minor and positive adjustments to the overlay policy approach, and these changes were agreed upon by the Project Team and the proponent's land use planner, with the caveat that she needed to confirm with her client. The policies as presented outline the proponent's vision that was presented to Council and the public in support of the MZO, do not conflict with the MZO, provide ample flexibility for evolution of the vision without amendment to the Plan and protects Employment Lands should the MZO ultimately be revoked.

The second letter dated October 23, 2023 takes a very different policy approach that the Project Team and staff are challenged to support, with very little direction available publicly in policy to achieve the vision, relying on the development agreement with the Town and the processes outlined therein. The Town negotiating team met with the developer on December 5, 2023. The proponents have now concurred with the overlay approach and are prepared to suggest a hybrid policy set that adequately describes the vision and development specifications in line with the MZO to be considered by Council prior to adoption or by the County of Simcoe through Town-requested modifications. Should Council wish to modify the new OP in accordance with the any documents provided by the proponents prior to adoption, it may be advantageous to seek legal advice in-camera prior to a decision being made.

#### **Downtown Protectionist Policies**

Since the early 2000s, the Collingwood OP has included policies that only permit the establishment of financial institutions and retail alcohol sales establishments in the Downtown core area. Restrictions also existed regarding the location of grocery stores. The primary purpose of these policies was ensure that anchor uses that generate traffic to meet the daily needs of individuals were generally located in the Downtown, providing for vibrancy and a higher chance that those residents and visitors would also patronize other Downtown businesses in the course of their errands. The Downtown Business Improvement Association (BIA) credits these policies, in part, for the ongoing success of Collingwood's Downtown area.

In the background work to the Official Plan, a substantial need for additional square footage for financial institutions, retail alcohol sales, and grocery stores was identified to meet the needs of a growing population. The Project Team and staff were also cognizant of the desire for complete communities where residents can access daily needs without the requirement to drive personal vehicles. In particular, the concept of promoting access to healthy food for residents by discouraging food 'deserts' and

ensuring all neighbourhoods have access to healthy food options, were key in considering the expansion of permissions for grocery stores into additional areas of the community. More contentious has been the retention of the "protectionist" policies to locate financial and retail alcohol sales only in the downtown area.

The BIA has requested that these protectionist policies remain in the new OP. The Project Team and staff included the following caveat to allow for flexibility based on further study:

"The Town may consider relief from this policy through an Amendment to this Plan that is supported by a Retail Commercial Study that demonstrates no negative impact on the Downtown Core, Core and addresses any other relevant economic development or land use planning considerations, to the satisfaction of the Town. The Town may also conduct such a study on a Town-wide basis."

However, other landowners have taken a different position to suggest broadening the land use permissions and would be in a position to appeal this approach. The Project Team and staff are challenged to support the retention of the protectionist policies as they appear in the new OP (retained at the request of the BIA). With the advent of online banking, formerly limited alcohol sales now permitted widely in convenience locations and most grocery stores, and alcohol that can be ordered online, it becomes more challenging to substantiate that these uses still remain the anchor traffic generators that they have been in the past. Further, it is doubtful that the physical extent of the Downtown designation could accommodate the projected square footage required to meet the future demand for these uses, particularly since the new OP retains height limitations until the Downtown Master Plan is completed. Lastly, having these uses in one centralized location is less conducive to complete communities and active transportation, requiring many to drive to access these amenities, as well as needing more parking to be accommodated Downtown.

The BIA's land use planning agent was only able to provide one other example of where protectionist policies of this nature still exist in Ontario (Town of Parry Sound, 2014), though there may be others. It is important to note that if Council elects to retain these policies, they are structured in a manner to allow individual landowners or the Town to conduct a retail commercial study to justify future amendments.

#### Environmental Protection Site Specific Deferrals

As noted in this Report, there are a number of landowners that do not wish to have the Environmental Protection designation apply to their lands. Overall, the EP designation was expanded in the new OP through an extensive review of available data by a qualified ecologist. Nonetheless, the option was provided to these landowners to undertake site specific environmental impact studies of their properties, to be peer reviewed by the Town's consultant. If it is found that no significant features exist on the parcels or that there are some portion of the properties that are absent these features, the EP designation would be adjusted. Importantly, some of these landholdings may

also contain natural hazards and owners were encouraged to engage with the relevant conservation authority through their study.

A number of these studies are still underway and several landowners have requested that a decision on their properties be deferred until the studies can be completed and peer reviewed. The Project Team and staff would not recommend this approach. Not only would it result in confusion and challenges with the existing 2004 Official Plan remaining in effect for these parcels only and the resulting potential for natural heritage features to remain unprotected, there are also several reasonable paths forward for future changes to the designation of the effected lands including:

- Requesting modifications from the County if studies are completed post adoption but prior to approval of the new OP
- Future housekeeping amendments for significant but substantiated adjust the EP designation
- The new OP allows for minor alterations to the EP designation without amendment to the Plan
- The new OP permits limited development for existing legal lots of record
- Transition policies are included within the new OP for ongoing applications under the Planning Act

# **Financial Impacts**

The budget to undertake and complete the Official Plan Update was approved by Council in 2023, as well as previous years. A contract was entered into with The Planning Partnership as the lead consultant assisting with the Official Plan Update and the project is currently tracking to be completed on budget in 2023, with a minor adjustment that was required to facilitate work on Draft 2 to ensure consistency with the proposed 2023 PPS and related legislative changes. The minor adjustment was financed through the delay of the Zoning By-law Review project and associated reallocation of funds. The Zoning By-law Review cannot actively begin until the new Official Plan is adopted by Council because the Plan forms the policy basis for implementation through zoning.

As noted above, should additional public consultation be desirable, budget and project scope amendments would be required. The Project Team also made some progress on a preliminary refresh to the Town's Urban Design Manual, but additional work is needed and will be guided by the new Official Plan, once adopted and approved. Staff could include funds in the 2025 budget for completion of the comprehensive review of the Urban Design Manual for Council's consideration, recognizing that the next priority and a legislative requirement is to update the Town's Comprehensive Zoning By-law to implement the new Official Plan. Though still valuable, urgency around revisions to the Urban Design Manual is somewhat diminished with the Province's removal of the ability for municipalities to address matters related to exterior design, character, and appearance of buildings through site plan control. Further, the Manual is intended to be

subject to a targeted update in response to the identified urgent issue of tree canopy preservation.

Though global appeals to the approval of the new OP are not permitted under the Planning Act, site or policy-specific appeals are possible to the decision of the County of Simcoe. Should appeals be launched, it is expected that Town staff, consultants and legal representatives would have a significant role, impacting both human resources for other projects and financial impacts. Funds were included in the draft 2024 Operating Budget related to appeals, but additional dollars may be required depending on the number of appeals received.

# 3. Input from Other Sources

This Report was reviewed by Department Heads on December 5, 2023 and the content response to the input and advise received. The Report motion and key policy questions were also circulated to and discussed with the Town Solicitor on November 27, 2023 to identify any legal considerations for adoption of the new OP and repeal of the 2004 document. Further, refer to the "Engagement on Draft 2 of the Official Plan" Sections of this Report regarding public and stakeholder input.

# 4. Applicable Policy or Legislation

#### **Core Legislative and Policy References**

- Planning Act, 1990 and associated amendments under Bills 109, 23 and 97.
- Provincial Policy Statement (2020)
- Proposed Provincial Planning Statement (2023)
- Growth Plan for the Greater Golden Horseshoe (2020 Consolidation) to be repealed by the Province
- Simcoe County Official Plan (2023 Consolidation)

# Community Based Strategic Plan (CBSP)

This report represents progress toward the following CBSP goals, objectives and actions:

Goal: Transparent and Accountable Local Government

Objective(s): Enhance Public Trust

Strategic Action(s): Continue public communication and engagement on Town activities; and Proactively engage the public on town decisions, using Engage Collingwood, Coffees with Council and other opportunities.

Goal: Support and Manage Growth and Prosperity

Objective(s): Update our Land Use and Regulatory Framework

Strategic Action(s): Deliver Official Plan review; Develop community vision, integrating growth and development as well as landscapes and viewscapes into the Collingwood development context; and Enact and pass bylaws or other direction that will provide more certainty to development industry, including the community's development vision.

# 5. Considerations

<ul> <li>Community Based Strategic Plan:</li> <li>Services adjusted if any</li> </ul>	Progresses towards achieving CBSP Goal None
Climate Change / Sustainability:	Positive impact on climate change/sustainability (decreases GHG emissions)
Communication / Engagement:	Advertisement/Notice will be provided
Accessibility / Equity, Diversity, Inclusion:	Consistent with Multi-Year Accessibility Plan
☑ Registered Lobbyist(s) relating to content:	Some of the residents and stakeholders that have commented on Draft 1 and 2 of the Official Plan may be registered lobbyists
Next steps and future action required following	

Next steps and future action required following endorsement: See the "Next Steps" Section of this Report.

# 6. Appendices and Other Resources

Appendix A: Indigenous Engagement Record

Appendix B: Comment - Response Matrix

Appendix C: <u>Summary of Public Meeting and Open Houses, November 6, 2023</u>

Appendix D: <u>Town of Collingwood Official Plan Final Draft (December 2023) –</u> <u>Clean Copy</u>

Appendix E: <u>Town of Collingwood Official Plan Final Draft (Tracked Change</u> <u>Version from Draft 2)</u>

Resource 1: <u>Copies of All Public, Stakeholder and Agency Correspondence on</u> <u>Draft 2</u>

# 7. Approval

#### Prepared By:

Summer Valentine, Director of Planning, Building, and Economic Development

#### Reviewed By:

Sonya Skinner, CAO

#### **CAO Comments:**

Endorsed on Dec. 6, 2023 to proceed to Council