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**TO:** GENERAL COMMITTEE

**SUBJECT:** McLEAN PROPERTY MZO – FINAL TECHNICAL COMMENTS

**WARD:** ALL

**PREPARED BY AND KEY CONTACT:** A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT EXT. 4485

**SUBMITTED BY:** A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

**GENERAL MANAGER APPROVAL:** A. MILLER, RPP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

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### **RECOMMENDED MOTION**

1. That the technical comments provided by staff in the Memorandum dated June 22, 2020 and included as Appendix “A” to Staff Report DEV025-20, together with the additional technical comments noted in Staff Report DEV025-20 be formally submitted to the Minister of Municipal Affairs and Housing, with a cc to the Township of Oro-Medonte and the County of Simcoe, for consideration in the context of the requested Minister’s Zoning Order.
2. That the Minister of Municipal Affairs and Housing be formally advised that Council of the City of Barrie opposes the principle of development for the McLean property being established by a Minister’s Zoning Order (MZO) because an MZO circumvents the technical report preparation and review process that underlay good planning and transparent decision making.
3. That the Minister of Municipal Affairs be formally advised that the Settlement area being discussed in the McLean proposal is the City of Barrie settlement area as noted in the Growth Plan and City of Barrie Official Plan, that the City of Barrie has not identified a settlement boundary expansion in this area and that the Barrie City Council is opposed to any consideration of an expansion outside of the Municipal Comprehensive Review (MCR) and Official Plan (OP) process, as required by the Growth Plan.
4. That the Council of the Township of Oro-Medonte and the County of Simcoe be requested to reconsider supporting the requested MZO and instead process the development proposal using an open, transparent and technically-based approach as intended by the *Planning Act*, Provincial Policy Statement, Growth Plan, MECP Design Guidelines for Sewage Works, *Clean Water Act*, applicable Official Plans and all related land development policies and guidelines.

### **PURPOSE & BACKGROUND**

#### **Report Overview**

5. The purpose of this Staff Report is to report back to Council, per motion 20-G-117, on the discussions with the consultants for the proposed McLean property development and Township of Oro-Medonte Staff with respect to City’s concerns with the proposal and specifically the requested MZO.

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## **ANALYSIS**

6. The need for staff to review the McLean property development proposal arose as a result of Simcoe County Council considering a request to support an MZO in the Township of Oro-Medonte.
7. The Oro-Medonte development proposal was never circulated to City staff for comment because a development application was not dealt with by Oro-Medonte; the McLean's only requested support for an MZO via a deputation to Oro-Medonte Council.
8. Little, if any, detailed technical work has been presented in support of the proposed development and therefore the County Staff Report does not provide any technical comment on the merits of the proposed development. This is in contrast to staff reports for most development proposals in the County that involve significant water, wastewater and transportation servicing requirements, that involve the potential removal of significant lands from agricultural production, that potentially impact Drinking Water Source Protection policies and Lake Simcoe policies, and that potentially impact the urban/rural settlement structure of the County.
9. In the County Council motion where "support in principle" was provided, the City of Barrie was afforded an opportunity to provide technical comments for inclusion in the package to be sent to the Minister. It was agreed by all parties that discussions between the McLean team and City staff would take place in an effort to address technical concerns prior to finalization of the City's technical comments.
10. A few meetings took place between the McLean team and City staff however, before any additional/clarifying information was provided by the McLean team, City Staff were advised that the McLean's had decided not to continue discussions at this point. No further discussions took place after early July 2020.
11. The McLean team also confirmed that rumours circulating in mid to late July about a reduction in size of the development proposal and/or servicing from the City of Barrie are not being contemplated by the McLean family. As such, no further technical work was done by City Staff.
12. The planning policy, wastewater, municipal drinking water, source water protection and transportation planning concerns outlined in the staff Memorandum dated June 22, 2020 remain unanswered and legitimate concerns for development of this size on the border of the City.
13. In addition to the technical information provided in the June Memorandum, comments made by the McLean's during the June 29, 2020 Council meeting and subsequent follow up with the McLean team, suggest that the proposed servicing system is a small municipal system (to be run by the Township) and not a private servicing system as suggested in some material and discussions as noted in the June Memorandum. City Staff question why a Municipal Class EA is not being completed for the proposed small municipal servicing system.
14. These technical comments generally reflect the scope of comments that would have been provided had a development application been circulated to the City of Barrie through a traditional planning approval process. Through the traditional process, the general expectation is that input from circulated commenting agencies is reviewed and any resolution be reflected in the approved plan/decision. Where resolution is not possible, the traditional planning approval process generally explains the rationale for proceeding and/or the mitigation, if any, to reduce impact of a stated concern.
15. It is the City's expectation that these technical comments will be fully addressed before a final decision on the principle of development is made with respect to this property.

16. Staff have received several calls from Barrie and area residents expressing concern about the proposal and asking how to become involved. Written correspondence has also been received. The comments received generally cover the topics of urban/rural development, servicing, transportation, environmental impact, transparency, and 'following the rules'.
17. The matter of right of way ownership, road maintenance and entrance permits over Penetanguishene Road across the frontage of the McLean property has been raised to staff. The City owns and maintains the Penetanguishene Road up to Georgian Drive.
18. One matter that is outside the scope of the City's technical review but has none-the-less been brought to the attention of staff, is the loss of agricultural land. Staff acknowledge this is a valid planning matter and one addressed by Provincial and County policy however, given the urban nature of the City, offering comment on this topic is the purview of other jurisdictions.

#### **ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS**

19. The following environmental and climate change impact matters have been considered in the development of the recommendation:
  - a) Potential impacts on groundwater;
  - b) Potential creation of a transport pathway for chemical and pathogen contamination of the City's municipal drinking water production wells;
  - c) Potential environmental impacts for both water and wastewater servicing the transportation network; and
  - d) Lack of contingency planning and failure to apply MECP Design Guidelines for Sewage Works.

#### **ALTERNATIVES**

20. The following alternatives are available for consideration by General Committee:

**Alternative #1** General Committee could not forward any technical comments to the Minister and not oppose the MZO request. (i.e. Status Quo)

This alternative is not recommended as it potentially compromises the City's water production wells, transportation network and settlement area boundary in a way that is not consistent with Provincial Policy, approved local planning documents and good planning principles.

**Alternative #2** General Committee could alter the proposed recommendation by revising the list of technical comments.

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**FINANCIAL**

21. There are no known financial implications for the Corporation resulting from the proposed recommendation.
22. Should additional technical work be required, staff time and/or infrastructure modelling costs will need to be considered.

**LINKAGE TO 2018–2022 STRATEGIC PLAN**

23. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:
  - Growing Our Economy
  - Fostering a Safe and Healthy City
  - Building Strong Neighbourhoods
  - Offering Innovative and Citizen Driven Services
  - Improving the Ability to Get Around Barrie



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**APPENDIX "A"**

**June 22, 2020 Memorandum – Status of McLean MZO Request**