



STAFF REPORT #P2021-12

Council 4/26/2021
Amendments: NO

Submitted to: Council
Submitted by: Adam Farr, Director of Planning, Building, By-law, Economic Development
Subject: Interim Control By-law & Land Use Planning Policy Study

PURPOSE

The purpose of this report is to provide justification and rationale for a Land Use Planning Policy Study and Interim Control By-law that is the subject of a recommended resolution.

RECOMMENDATION

THAT Report #P2021-12, "Interim Control By-law & Land Use Planning Policy Study" dated April 26, 2021 be received;

AND FURTHER THAT Council direct staff to carry out a Land Use Planning Policy Study including, but not limited to, the consideration of:

- any required changes to the Town's land use planning policies and/or regulatory framework resulting from water and wastewater servicing capacity limitations; and
- the implications of water and wastewater servicing constraints for growth management, servicing implementation and any other impacted policies within the Official Plan and as related to the Town's land use planning policies and regulatory framework.

AND FURTHER THAT the Land Use Planning Policy Study provide recommendations pertaining to the Town's land use planning policies and regulatory framework including, but not limited to, the Town's Official Plan and Zoning By-law;

AND FURTHER THAT the Council enact the Interim Control By-law attached as Appendix A to this report, implementing interim control of all development requiring water and or wastewater servicing capacity within the Town of Collingwood pending completion of the Land Use Planning Policy Study;

AND FURTHER THAT the Chief Administrative Officer be authorized to retain qualified consulting services as required including by non-standard procurement as may be deemed necessary in regard to the timely completion of the Land Use Planning Policy Study matters as referenced within this report #P2021-12.

AMENDMENTS

1. BACKGROUND

Public Works, Engineering and Environmental Services (Public Works) has advised that there is a water and wastewater servicing capacity shortage in the Town of Collingwood. By way of a separate report Public Works provides details on the scope of the existing water and wastewater system supply constraints, the overall system status, the estimated duration, and severity of servicing constraints before which additional system capacity may be forthcoming and any interim measures being explored to gain additional system capacity.

Before the water servicing shortage materialized, Environmental Services (a division of Public Works and Engineering) staff had already begun the process of gaining approvals and project planning for the expansion of the water treatment plant. Also, staff are exploring interim options that can be taken to generate additional water treatment plant capacity including through plant modifications and other means.

When the maximum daily water supply demands at the Town's water treatment plant exceeded eighty percent (80%) of the rated treatment capacity in 2019, the Town initiated a Municipal Class Environmental Assessment (EA) to expand and upgrade the disinfection process facility. The timing of this decision aligns with industry best management practices for initiating treatment expansion projects.

The EA for the water treatment plant expansion and upgrades was completed in 2020. Staff are currently preparing a Request for Proposal (RFP) for engineering services to design and provide construction administration services for the plant expansion, which will be issued following the execution of a new water supply agreement with the Town of New Tecumseth. Based on the current project schedule, it is anticipated that the earliest the expanded water treatment plant will be completed is 2025.

Impacts to land use planning policy and regulatory framework

The overall impact on the Town's land use planning policies and regulatory framework needs to be examined, understood and measures taken as required, to address immediate and longer-term concerns and to ensure that the system is sufficiently integrated to enable the community to meet its needs and fulfill the goals set out for the Town in the Provincial planning framework and for development as a complete community.

As described by Public Works, servicing demands associated with pending planning approvals exceed available water and wastewater supply. The Town's current land use planning policies and regulatory framework do not anticipate this scenario. Without considering the situation and developing an appropriate response, issues including, but not limited to, the following may emerge:

- The review of development approvals where servicing is not available but where the applicable provisions of the *Planning Act* do not allow for conditions to address servicing limitations, raises the prospect of demand for approvals to be issued or alternately those matters being appealed to the LPAT for a decision and returned back to a system with limited water servicing capacity. This is problematic in terms of potential litigation costs, legal

obligations to issue building permits and management of the land use planning policy and regulatory system in Collingwood.

- Without some sort of resolution through the overall land use planning policy and regulatory framework, the Town could lose the ability to manage how development unfolds relative to what limited servicing capacity may be available. This could further impede the Town's ability to deliver services to support core community needs and deliver those services in a balanced manner to fulfill the goal of achieving a complete community, the central overall goal of the Province's land use planning framework.
- An inability for land developers, end state purchasers and the community to have consistent and predictable expectations for the amount and pace of development.

In addition, The integration of servicing considerations into the land use planning policy and regulatory framework in anticipation of the availability of future water system capacity including, but not limited to, consideration of land use planning, infrastructure, and financial components will be required and may necessitate specific provisions within the land use planning policy and regulatory framework.

The lack of servicing capacity creates challenges to the Town in fulfilling its role within the Provincial Growth framework and this forms an important part of the need for the required Land Use Planning Policy Study.

The policy content of the respective Simcoe County and Collingwood Official Plans is intended to form part of an integrated framework that fulfills the direction of the Province of Ontario's Growth Plan for the Greater Golden Horseshoe, better known as the "Growth Plan". Simcoe County falls within the Growth Plan boundaries and Collingwood is a "lower tier" local municipality within Simcoe County.

The Growth Plan targets population and jobs growth according to "planning horizons" tied to future dates - 2031, 2041, 2051 - based on Provincial estimates. Municipalities that fall within the Growth Plan boundaries are required to comply with those targets and meet related policy objectives for accommodating that growth. The Simcoe County Official Plan is currently structured to accommodate targeted population and jobs growth to the 2031 horizon. The Town's Official Plan is required to comply with the County Official Plan and was amended broadly in 2011 to comply with related population allocation to the 2031 time horizon. The Town is a designated primary settlement area in the Simcoe County Official Plan which, generally speaking, means that Collingwood is the focus of greater population growth in a more dynamic urban form with an overall goal of creating a complete community.

The Town policy under which population and employment targets are set is excerpted below:

2.5.3 Population and Employment Allocation

Under the Growth Plan Collingwood has been allocated a population of 33,400 and an employment level of 13,500 for 2031. These allocations will be used to plan and manage growth in the Town and will not be exceeded except in accordance with the policies of the Growth Plan. As of May, 2011, Collingwood's permanent population was reported as being approximately 19,240, occupying 8,340 dwelling units, with an average of 2.31 persons per dwelling unit. Accordingly, based on these figures, Collingwood's population growth is anticipated to be approximately 14,160 people by 2031 to achieve the assigned allocation.

Accompanying the concept of primary settlement area are assumptions around servicing availability that are addressed throughout the Planning policy framework. The Town of Collingwood Official Plan contains a broad range of coordinating and implementing policies around which questions are

are prompted by concerns around servicing constraints. These include, but are not limited to, questions around the ability of the Town to fulfill the overall goal of achieving “complete communities” as set out in the Growth Plan, the Simcoe County Official Plan and the Town’s Official Plan.

“Complete communities” is defined in the County Official Plan as follows:

COMPLETE COMMUNITIES meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents, convenient access to public transportation and options for safe, nonmotorized travel is also provided.

The Town is now updating its Official Plan. Initiated in January 2020, the Official Plan Update is currently at the draft plan-writing stage. Extensive background research and consultation has been undertaken. A statutory public meeting will be held to publicly review the draft Official Plan and meet the associated *Planning Act* requirements. The final draft Official Plan will be submitted for consideration to Town Council. If approved, the new Official Plan will be forwarded to County Council for final approval after which the Official Plan is subject to appeal. Once the appeal period has passed and any appeals are resolved, the new Official Plan will come into effect.

As mentioned above, the Growth Plan was amended in 2020 to, among other things, plan for growth to a 2051 time horizon. Now, in accordance with the Provincial requirements, the County is updating its Official Plan by conducting what is known as a Municipal Comprehensive Review. This is a term used to describe a technical exercise of reviewing how the policies of the Plan need to be updated to accommodate the anticipated increased population and jobs to that 2051 date as estimated by the Province. Once the County is finished its exercise the Town of Collingwood and all the other municipalities in Simcoe County will be required to update theirs.

Interim Control By-law

Section 38 of the *Planning Act* enables municipalities to enact interim control by-laws for a period of one year (with the potential to renew for a further year), having the effect of restricting development in an area specified by the by-law, to enable a study to be undertaken.

Section 8.2.4 “Interim Control By-law” of the Town of Collingwood Official Plan states:

where Council, has by by-law or resolution, directed that a review or a study be undertaken with respect to land uses in the Town or in defined areas of the Town, it may pass an interim control by-law pursuant to Section 38 of the Planning Act which serves to control the use of land, buildings or structures within the municipality or within the defined areas of the municipality that are subject to review and study.

The impact to the Town's land use planning policies and regulatory framework resulting from the water and wastewater servicing constraints and any measures required to address the related issues are not fully understood at this time. This will be the subject of the study described in greater detail in the analysis section below.

2. INPUT FROM OTHER SOURCES

The content of this report is informed by advice of the Town solicitor, internal discussion among Town senior management, expert advice and extensive review of other municipalities.

3. APPLICABLE POLICY OR LEGISLATION

A broader examination of the applicable policy or legislation would form part of the study that is the subject of the recommendations in this report. Servicing forms a fundamental component of the integrated planning system in Ontario. A prolonged servicing shortfall impedes the ability of a municipality to fulfill its roles and responsibilities within that system and triggers questions as to how it will meet its own community development needs. The unexpected nature of the shortfall raises a range of questions and demands immediate and longer-term solutions that require an examination of the Town's land use planning policies and regulatory framework. The following provides a non-exhaustive analysis of some of the relevant policy and legislative content associated with this situation. Further analysis through the proposed Land Use Planning Policy Study may require a broader reference to related policy as the impacts to the land use planning policy and regulatory framework are better understood.

Planning Act

The *Planning Act* includes a wide range of legislative provisions that, in part, establish the fundamental basis for land use planning in Ontario including the various elements of the development approvals framework. Additionally, various regulations speak to related detailed implementation provisions.

The authority to pass an Interim Control Bylaw and initiate a Study in respect of land use planning policies is set out in Section 38 of the Planning Act:

Interim control by-law

38 (1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

Provincial Policy Statement (PPS)

The PPS sets out broad-based policy direction on matters of provincial interest related to land use planning and development in Ontario. Some specific and directly relevant policies are excerpted below subject to the caveats set out within the PPS that all policies be read in its entirety and the relevant policies be applied to each situation:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

1.2 Coordination

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:

- a) *managing and/or promoting growth and development that is integrated with infrastructure planning;*
- d) *infrastructure, multimodal transportation systems, public service facilities and waste management systems;*

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for sewage and water services shall:

- a) *accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:*
 - 1. *municipal sewage services and municipal water services; and*
 - 2. *private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;*
- b) *ensure that these systems are provided in a manner that:*
 - 1. *can be sustained by the water resources upon which such services rely;*
 - 2. *prepares for the impacts of a changing climate;*
 - 3. *is feasible and financially viable over their lifecycle; and*
 - 4. *protects human health and safety, and the natural environment;*
 - c) *promote water conservation and water use efficiency;*
 - d) *integrate servicing and land use considerations at all stages of the planning process; and*

e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.

Growth Plan

The notion of a centralized, hierarchical planning regime structured with the Provincial government at the top followed by tiers of various levels of governments with integrated policies and restrictions on local decision making is somewhat complex. A simplified way of understanding the structure with respect to the notion of population and economic growth in different time frames is as follows:

- The Government of the Province of Ontario conducts population and employment forecasts into the future then distributes or allocates that estimated growth across designated geographic areas of the Province.
- The “Growth Plan for the Greater Golden Horseshoe” (GPGGH), more commonly known as the “Growth Plan”, sets out that geographic area and it includes Simcoe County.
- Within the Plan there are time horizons that reflect the related population and employment forecasts. In 2020, the current Provincial Government revised the planning horizon to 2051. Prior to those amendments, the planning horizon was to 2031. Simcoe County was assigned a portion of that growth and in turn allocated that growth across all the municipalities within its jurisdiction including to Collingwood.

Among other things, the infrastructure framework in the Growth Plan:

requires that municipalities undertake an integrated approach to land use planning, infrastructure investments, and environmental protection to achieve the outcomes of the Plan. Co-ordination of these different dimensions of planning allows municipalities to identify the most cost-effective options for sustainably accommodating forecasted growth to the horizon of this Plan to support the achievement of complete communities.

A repeated theme throughout the Provincial planning hierarchy at each tier is “complete communities.” The Growth Plan states:

This Plan is about accommodating forecasted growth in complete communities. These are communities that are well designed to meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. Complete communities support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. They provide for a balance of jobs and housing in communities across the GGH to reduce the need for long distance commuting. They also support climate change mitigation by increasing the modal share for transit and active transportation and by minimizing land consumption through compact built form.

2.2.1 Managing Growth

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:
 - a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and
 - iii. can support the achievement of complete communities.

2.2.6. Housing

4. Municipalities will maintain at all times where development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.

Simcoe County Official Plan

The following Simcoe County Official policy excerpts include some related explanatory references. The following reflect only a small portion of the related County Official Plan policies:

Given the diversity of size, setting, and extent/types of hard and soft services which characterize the County's settlements, some settlements are more suitable for accommodating long-term growth. The primary settlement areas will develop as complete communities. Local municipal official plans shall conform to this Plan and direct most growth to settlement areas based on a hierarchy of settlement areas to be determined according to Section 3.5 of this Plan.

Primary settlement areas are larger settlements suitable for high intensification targets, public transit services, and high-density targets for designated Greenfield areas and have full municipal water services and municipal sewage services. Primary settlement areas will develop as complete communities.

That higher density of population growth necessitates a complete communities approach to development. Complete communities is defined in the County Official Plan as follows.

COMPLETE COMMUNITIES meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents, convenient access to public transportation and options for safe, nonmotorized travel is also provided.

Additionally, the County Plan references expectations around servicing:

3.2.4 The majority of population and employment growth will be directed to settlement areas with full municipal water services and municipal sewage services.

The direction within the County plan is intended to be carried through to the local Official Plan:

Municipalities with primary settlement areas will, in their official plans, identify primary settlement areas, identify, and plan for intensification areas within primary settlement areas and ensure the development of high-quality urban form and public open spaces within primary settlement areas through site design and urban design standards that create attractive and vibrant places that support walking and cycling for everyday activities and are transit supportive.

Further:

It is a policy of this Plan that in the development of settlements that a range of types of housing, including detached, semi-detached, townhouse, and apartment units, be provided, along with a mix of affordable housing, to meet a variety of housing needs. Targets in relation to this objective are stated in Section 4.3 of this Plan. Local municipal official plans and zoning by-laws shall facilitate the provision of a range of housing types and affordable housing.

Town of Collingwood Official Plan

The Town's Official Plan had been amended in 2011 to comply with the Province of Ontario's 2031 population and economic growth targets, the Simcoe County Plan and includes a wide range of related content policy content.

The following policy references provide a preliminary policy context for consideration at this time and may be expanded through the Land Use Planning Policy Study to include expanded references and consideration of broader set of policy issues and related policies:

The Growth Management, Servicing and Implementation sections of the Plan include some content that, in turn shapes and influences related other policies throughout the Plan. The full extent will be better understood through further review by way of the related proposed Study.

The Growth Management section includes policy content that situates the Town Official Plan in the context of the Provincial Growth Plan and includes sections on:

- Complete Communities and Compact Urban Form
- Population and Employment Allocation
- Urban Structure
- Residential Lands
- Land Budget
- Intensification and Density Targets

Complete communities is again referenced in this section:

2.5.2.1 Complete Communities are defined as those meeting people's needs for daily living, throughout an entire lifetime, by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents, and providing convenient access to public transportation and options for safe non-motorized travel.

The section includes key commentary on urban structure which speaks to relationships in broader land use designations that defines the municipality's current form:

In the context of Collingwood, the Growth Plan characterizes the Town as a primary settlement area in its entirety consisting of a settlement boundary, a built boundary, a built-up area and a designated Greenfield area.

This section also speaks to land supply and availability for development.

Service areas and related policies are set out for Service Areas 1-4 and are accompanied by Schedule F.

The Implementation section sets out all the means by which the Town shall implement the Official Plan:

Utilizing the power conferred on it by the Planning Act, the Municipal Act and such other statutes as may be applicable;

Among the content included in this section is detail on the relationship of the Zoning By-law to the Official Plan and policy direction on all application categories and their various permutations, how they are to be administered and generally associated details. It is also within this section where one finds the authority to approve Interim Control By-laws, Holding By-laws, details of the municipality's site plan control authority, Plans of Subdivision and Condominium, Pre-consultation and a range of other related content.

A comprehensive Official Plan Update is currently underway. This update and its relationship to the Simcoe County Municipal Comprehensive Review and Official Plan is discussed in more detail in the Analysis section below.

The Town of Collingwood Comprehensive Zoning By-law

The Town of Collingwood Zoning By-law sets out the various development standards that are intended to implement the Official Plan and by extension the overall Provincial planning framework. Included within the Zoning By-law are the various land use categories, classifications, regulations, provisions and related implementation guidance. , Of note in the context of this report the Zoning Bylaw includes details on Holding provisions.

There are a handful of zoned properties that include Holding provisions for which the threshold is identified as:

Confirmation of adequate and functional municipal services

Also, as referenced above, the planning system presumes a sufficiency of available servicing capacity which would need to be reviewed in the implementation context given the water and wastewater system capacity shortage.

The full extent of relevant content from within the Zoning Bylaw would be explored through the proposed Study.

Community Based Strategic Plan

The report is consistent with the CBSP Vision and the pillar "Support and Manage Growth and Prosperity", the related goal, "Update our Land Use Planning and Regulatory Framework", and "Enact and pass by-laws or other direction that will provide more certainty to development industry, including the community's development vision." The supply constraint impacts the Town's ability to fulfill its Community-Based Strategic Plan. The proposed Land Use Planning Policy Study was not reflected as a specific measure contemplated within the Strategic Plan because the need for it was not anticipated but the actions are generally consistent with its targeted outcomes.

4. ANALYSIS

The Policy and Legislation section above provides a non-exhaustive summary of excerpts from within the various related policy and legislative documents and demonstrates the role of, among other things, growth management, servicing and infrastructure in coordination with land use planning and other elements as cornerstones of the of the Provincial planning regime. Where the servicing pillar is compromised, the land use planning policy and regulatory regime is impacted and those impacts need to be examined in terms of scope, the detailed impacts and the range of solutions required to restore the integrity of the land use policy and regulatory framework and provide for development that reflects balanced community needs.

This report explains the urgency of the issues and scope of impact on the Town's land use policy and regulatory framework. Staff have examined the viability of alternative measures and concluded, on the basis of the current situation defined by Public Works that the ICBL and Land Use Planning Policy Study is urgently needed.

Land Use Planning Policy Study

This report recommends the initiation of a study in respect of the Town's land use planning policies and regulatory framework to examine the appropriate land use planning response to immediate and projected longer-term water and pending potential wastewater system capacity constraints on the Town's overall planning regime. Some considerations include, but are not limited to:

- the immediate day-to-day community needs in terms of the Town's role within the Provincial planning framework including, but not limited to, its designation as a primary settlement area, the overarching goal of achieving a complete community and implementation of development approvals; and
- short, medium and longer term policy impacts throughout and beyond the duration of the immediate servicing constraints and in regards to policies and regulatory measures necessary to:
 - ensure the appropriate integration of land use planning, infrastructure and financial dimensions of community development;
 - address impacts on the Town's land use planning policy and regulatory framework; and
 - safeguard the Town's ability to meet its community development needs in the short and long term.

Study Scope:

The study would, subject to further refinement as appropriate, generally include:

1. Background research and analysis:
 - detailed policy and legislative review;
 - review the experience of other municipalities and best practices in dealing with constrained or more actively managed servicing regimes relative to:
 - land use planning, financial matters and other aspects of planning generally and;
 - the role of, among other things, growth management, servicing and implementation policies and other policies that may be impacted or factor into consideration of possible solutions;
 - any regulations both locally and within the Provincial and local land use policy and regulatory framework;
 - the ability of the Town to meet balanced community development needs and achieve the goal of a complete community including consideration of distribution and allocation of available servicing capacity, as well as achievement of the Community-Based Strategic Plan, including its overall Vision and more certainty to development industry;
 - legal implications for the Town's overall development review/approvals framework.
2. Consultation with the public and stakeholders:
 - to help build understanding of the issues being studied;
 - facilitate communication on development of prospective solutions; and
 - present preferred options for feedback.
3. Coordination of any proposed solutions with *Planning Act*, *Municipal Act* and other legislative instruments within the municipality's purview including but not limited to: Official Plan policies, Zoning By-law content, provisions of the Site Plan Control By-law, application types and processes in all application categories including, but not limited to, approval and extension consideration of draft plans of subdivisions, severances, official plan and zoning by-law amendments, site plan applications, minor variances and any development or Planning Act or other legislative action with servicing implications;
4. Consideration of Collingwood's community needs and design of land use planning solutions that recognize local issues, priorities and concerns and the role the municipality plays within the Provincial Growth Plan framework.

A qualified consultant would be retained by the Town in accordance with the Town's procurement policies and/or as otherwise directed to lead and coordinate the project with staff responsibilities assigned to Planning, Public Works and Finance staff.

The outcome of the study would include recommended policies, by-law amendments and any other relevant measures to address the matters as set out in this report.

The intention is to carry out this study with a qualified consultant in a timely fashion, while not compromising the scope items outlined here.

Relationship to the Official Plan Update

The Town's Official Plan Update is significantly underway. The intent of the Land Use Planning Policy Study contemplated within this report, includes but is not limited to examination of the impact of the servicing shortage on the land use planning policy and regulatory matters identified within this report. The scope of the study includes Official Plan policy matters but also expands to include other areas of the regulatory framework and the relationship of any potential changes to the Plan resulting from that review relative to the Official Plan Update will need to be considered as appropriate.

Further defining the scope of any Official Plan component of the Land Use Planning Policy Study will be undertaken with the objective of achieving process efficiencies in integrating or separating, the Land Use Planning Policy Study from the Official Plan Update as appropriate.

Interim Control By-law

The attached Interim Control By-law includes two (2) general parts:

- Main text of the By-law: This section establishes the basis of the By-law, references the required Land Use Planning Policy Study and rationale and outlines any provisions and limitations imposed by way of the Interim Control By-law.
- Exemptions from the By-law: This is a schedule that identifies specific properties and projects that are exempt from the provisions of the By-law and the detailed nature of those exemptions.

Consideration of Additional Exemptions from the ICBL

Currently there are two exemptions from the ICBL:

- 10 Greco Court includes a project for which a conditional building permit was issued under Building Permit No.: PRBD202000884 and where site plan approval has been recommended by Development and Operations Committee. Site plan approval was recommended by Development and operations Committee on April 12, 2021, and ratification is anticipated to be forthcoming as part of the April 26, 2021 Council meeting;
- All Town owned properties are exempt from the ICBL, recognizing that they represent residents' priorities and collective benefits.

Throughout the term of the ICBL, in the event that it is determined additional servicing capacity is available, the Town may, at its discretion, want or need to consider assigning water system capacity for community development purposes.

A mechanism by which this could be achieved is for Council, at its discretion, to approve exemptions from the Interim Control By-law. This could come in the form of amendments to the ICBL that exclude projects on certain properties from the restrictions of the ICBL.

Staff advise that, should Council choose to explore such an option, due regard would need to be had for the scope and impact of the ICBL across the Town and related concerns and consideration given to appropriate review criteria which could include, but not necessarily be limited to:

- projects with community benefits including, but not limited to, public health, safety and well being , affordable housing, heritage protection, environmental protection and any other matters deemed to be of an overriding municipal interest;
- non-residential projects generally including, but not limited to, those with a significant economic impact in terms of investment, job generation, tax base growth and/or those that fulfill or are aligned with municipal economic development objectives;
- properties that already carry water servicing capacity and are the subject of redevelopment but do not require new or additional water system capacity and may also address the aforementioned criteria; and,
- any other initiatives or scenarios as determined by Council for consideration of allocation of available water system capacity.

Council may wish to adopt a process similar to that now in place for reviewing requests by private property owners for re-designation of their properties as part of the Official Plan Update. In that case, Council passed a policy that sets out criteria for consideration in the evaluation of such requests. These requests are filed with the Clerk, received by Council and forwarded to staff for consideration. The policy would not necessarily need to follow that same design but it is offered for consideration as a possible reference point for the structure of an exemption process.

In other instances, after initial exemptions are identified, some municipalities will bring forward exemptions at a subsequent meeting date that were not captured in the initial list for one or another reason.

This situation is unique due to the extent of servicing constraints and unknown timing of availability of additional capacity as set out by Public Works.

5. EFFECT ON TOWN FINANCES

Potential financial matters as an outcome of an interim control by-law will likely include:

- reduced planning and development application fees and revenues;
- reduced building permit and construction activity;
- reduced development charges received, and, potentially,
- deferral of some Capital Works projects.

Subject to review by the Treasurer, the funding as required for the Study will be derived from available budget sources with final costs to be confirmed and reported to Council at a later date.

Given the need to proceed expeditiously with the study, this report recommends that the Chief Administrative Officer be delegated the authority to enter into a non-standard sole source contract for the required work as may be appropriate.

6. CONSIDERATIONS

- Community Based Strategic Plan: N/A or Explain: Consistent with CBSP
- Climate Change / Sustainability: N/A or Explain: Choose an item.
- Accessibility: N/A or Explain: Choose an item.
- Communication / Engagement: N/A or Explain: Advertising/notice will be provided and additional public input will be sought, pending Council's endorsement of a Land Use Planning Policy Study
- Accountability / Transparency: N/A or Explain: Enhances Accountability and Transparency

7. APPENDICES & OTHER RESOURCES

Appendix A	<i>Interim Control By-law</i>
------------	-------------------------------

SIGNATURES

Department Head:	
Adam Farr, RPP, MCIP Director of Planning and Building Service Town of Collingwood	

The Corporation of the Town of Collingwood

By-Law 2021-XXX

Being an Interim Control By-Law for The Corporation of the Town of Collingwood under Section 38 of the *Planning Act* to apply to all lands within the Town

WHEREAS Council for The Corporation of the Town of Collingwood (the “**Town**”) is empowered to enact this by-law by virtue of Section 38 of the *Planning Act*, R.S.O. 1990, c P.13, as amended (the “**Act**”);

AND WHEREAS Council for the Town desires that a review and study be undertaken in respect of its land use planning policies including, but not limited to, its Official Plan and Zoning By-law, as a result of a significant and ongoing water and wastewater capacity shortage in the Town for which a resolution has not yet been determined;

AND WHEREAS Council for the Town has deemed it necessary and expedient to pass this by-law to provide the Town with sufficient time to undertake the necessary review and study in respect of its land use planning policies;

NOW THEREFORE the Council of the Town hereby enacts as follows:

1. Town staff are hereby directed to undertake a review and study in respect of the Town’s land use planning policies, including, but not limited to, its Official Plan and Zoning By-law, in relation to:
 - (a) any required changes to the Town’s land use planning policies and regulatory framework as a result of the Town’s significant and ongoing water and wastewater servicing capacity constraints; and,
 - (b) the impact and implications of the water and wastewater servicing capacity constraints on Official Plan policies and Zoning By-law provisions related to growth management and servicing as well as the Town’s other land use planning policies and regulatory framework.
2. This By-Law shall apply to all lands within the boundaries of the Town, except for those lands outlined in **Schedule “A”** attached hereto.
3. Notwithstanding any other by-law to the contrary, no person shall:
 - a) use any land, buildings or structures within the Town for any purpose whatsoever except for a use that lawfully existed on the date this by-law was passed as long as it continues to be used for such purpose; or
 - b) be permitted to construct, alter or expand any building or structure within the Town, save and except where such construction, alteration or expansion:
 - i) is for a deck, patio, fence, porch, accessory building or structure, temporary building or structure, or interior or exterior renovation to an existing building; or,
 - ii) is for the repair, re-build or restoration of an existing building or structure, or part thereof, provided that the building or structure continues to be used

for the same purpose, and in the same manner, as it was used on the date of passing of this by-law.

4. Notwithstanding any other provision of this by-law:
 - a) a building permit may be issued to permit the construction of a building or structure in accordance with a building permit application received by the Town on or before April 20, 2021; and,
 - b) this by-law shall not apply to prevent the erection or use of any building or structure for which a permit has been issued under subsection 8(1) of the *Building Code Act, 1992*, prior to the day of the passing of the by-law, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8(10) of the *Building Code Act, 1992*.
5. If any provision or requirement of this by-law, or the application thereof to any person, shall, to any extent, be held to be invalid or unenforceable, the remainder of this by-law, or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of this by-law shall be separately valid and enforceable to the fullest extent permitted by law.
6. Where a conflict exists between the provisions of this by-law and any other by-law of the Town, this by-law shall prevail.
7. This by-law shall be in force and effect for a period of one (1) year from the date of its passage.
8. The Town Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law in accordance with the Act and the regulations thereunder.

ENACTED AND PASSED this ... day of April, 2021.

Mayor

Town Clerk

Schedule "A" To By-Law 2021-XXX

EXEMPTIONS

The following properties within the Town shall be exempt from the provisions of this by-law:

1. All lands owned by the Town of Collingwood
2. 10 Greco Court