

TOWNSHIP OF MACHAR

STAFF REPORT

TO: Angela Loney
Clerk Administrator, Township of Machar

FROM: Jamie Robinson, BES, MCIP, RPP
Patrick Townes, BA, BEd
MHBC Planning Limited

DATE: February 10, 2025

SUBJECT: Application Status Update
Official Plan Amendment and Zoning By-law Amendment
517 Jim Young Road, 1968792 Ontario Inc.
(c/o Stephanie Apollonio and Bob Hoang)

INTRODUCTION

This Report has been prepared to provide Council and members of the public with an update on the active Official Plan Amendment and Zoning By-law Amendment applications that were submitted for the subject property located at 517 Jim Young Road.

The applications were submitted in April of 2024 and the Statutory Public Meeting was held at the Township on November 12, 2024. In accordance with the requirements of the Planning Act, where the approval authority for an Official Plan Amendment is the Ministry of Municipal Affairs and Housing (MMAH), a Statutory Public Meeting could not be scheduled until at least 90 days after the application was provided to MMAH.

MMAH staff stated that the Township should not make a decision on the Official Plan Amendment application until formal comments have been received from their office. To date, no comments have been received from MMAH.

PROCESS

MMAH has advised that the Official Plan Amendment application is undergoing review by their office and their partner Ministries, i.e. Ministry of the Environment and Climate Change (MOECC).

It is our understanding that due to the Provincial election, staff at the MMAH are restricted in what information can be reviewed and released. It is anticipated that comments from MMAH will not be provided until after the Provincial election.

Following the eventual receipt of the comments from MMAH, the Township will review the comments along with the applicant and determine if any revisions are required to the proposed applications.

Official Plan Amendment - following receipt and review of MMAH's comments, a subsequent Recommendation Report will be prepared for Council's consideration. While Council will provide a recommendation on the Official Plan Amendment application, MMAH has the final approval authority for this application.

Zoning By-law Amendment – a Zoning By-law Amendment cannot be passed that does not conform to the Official Plan. As a result, a recommendation or decision on the Zoning By-law should not proceed until there is a decision on the Official Plan Amendment application.

APPEAL RIGHTS

During the Statutory Public Meeting held on November 12, 2024, there were questions from members of the public that related to appeal rights. It was noted at the meeting that the legislation regarding appeal rights, specifically third party appeals (i.e. neighbours or residents) were recently changed and this information would be confirmed for the benefit of the members of the public.

Third party appeals were restricted through Bill 23, which resulted in neighbours or residents not being able to appeal decisions on Minor Variance and Consent applications. More recently, Bill 185 was passed on June 6, 2024 which resulted in expanded restrictions for third party appeals, including applications for Official Plan Amendments and Zoning By-law Amendments.

As a result of Bill 185, neighbours and residents are not permitted to appeal decisions on Official Plan Amendments and Zoning By-law Amendments. Only the following may submit appeals on Official Plan Amendments and Zoning By-law Amendments:

Official Plan Amendment:

1. A specified person who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
 - 1.1 A public body that, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.
 - 1.2 The registered owner of any land to which the plan would apply, if, before the plan was adopted, the owner made oral submissions at a public meeting or written submissions to the council.
2. The Minister.

3. The appropriate approval authority.
4. In the case of a request to amend the plan, the person or public body that made the request. 2006, c. 23, s. 9 (4); 2017, c. 23, Sched. 5, s. 80; 2024, c. 16, Sched. 12, s. 3 (1).

Zoning By-law Amendment:

1. The applicant.
2. A specified person who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.
 - 2.1 A public body that, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.
 - 2.2 The registered owner of any land to which the by-law would apply, if, before the by-law was passed, the owner made oral submissions at a public meeting or written submissions to the council.
3. The Minister. 2006, c. 23, s. 15 (10); 2017, c. 23, Sched. 3, s. 10 (4); 2019, c. 9, Sched. 12, s. 6 (4); 2021, c. 4, Sched. 6, s. 80 (1); 2024, c. 16, Sched. 12, s. 5 (7).

The definition of a specified person or a public body in the Planning Act does not include neighbours or residents.

Third party groups (e.g. neighbouring landowners, ratepayer groups and industry groups) who made oral or written submissions to Council may still seek party status to an appeal filed by a registered owner, specified person or public body as redefined above. A request for party status would be at the discretion of the Ontario Land Tribunal.

PEER REVIEW

The Township is currently engaging with an environmental firm to complete a peer review of the Environmental Impact Study prepared by Oakridge Environmental Ltd. that was submitted with the applications, and to review the implications of the Lake Capacity Study that was prepared by Hutchinson Environmental Sciences Ltd. for Eagle Lake in May 2013.

MMAH staff have confirmed they would like to see the results of the peer review.

NEXT STEPS

It is anticipated that the remaining steps associated with the application process will include the following:

- Township to complete a peer review of the environmental reports and documents.
- MMAH to finalize comments on the applications.
- Township and applicant to review the comments from MMAH.
- Revisions may be made to the applications as a result of the peer review process and the comments from MMAH.
- A Recommendation Report will be prepared for Township Council for a decision on the Official Plan Amendment.
- The Official Plan Amendment application will be forwarded to MMAH for final approval.
- A recommendation on the Zoning By-law Amendment application will be made following a decision on the Official Plan Amendment application.