

January 13, 2015

The Honourable Ted McMeekin
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

The Honourable Brad Duguid
Minister of Economic Development, Employment and Infrastructure
8th Floor, Hearst Block
900 Bay Street
Toronto ON M7A 2E1

Dear Minister McMeekin and Minister Duguid:

Re: Midhurst Secondary Plan – Township of Springwater

The Township of Springwater (the “**Township**”) is a rural municipality in the County of Simcoe. The Township was amalgamated in 1994 as a result of restructuring within the County, and includes the former Townships of Flos and Vespra, the Village of Elmvale, and a portion of the former Township of Medonte. The Township has a current population of approximately 18,000 people.

There are a total of nine settlement areas within the Township, of which Midhurst and Elmvale are the largest with current populations of approximately 3,100 and 1,700, respectively. Other settlement areas within the Township include Snow Valley, Centre Vespra, Minesing, Anten Mills, Phelpsston, Orr Lake and Hillsdale.

The Township’s governance consists of a seven-member elected Council, including the Mayor, Deputy Mayor and five ward Councillors. In the recent municipal elections which took place in October, 2014, the Township’s electorate voted to elect a new Mayor, a new Deputy Mayor, and all of the incumbent Councillors who had expressed significant concerns respecting the unprecedented growth which previous Councils had planned for the Township, particularly within the Midhurst settlement area.

The new Council is of the view that, having been elected on the basis of a clearly articulated campaign platform, it has been given a strong mandate from the citizens of the Township to re-examine the level of growth planned for Midhurst, and bring change in the direction of the growth, which a vast majority of citizens feel is now warranted.

By way of background, the following is a brief chronology of events relating to the Midhurst settlement area.

In 1996, there was a Growth Management Strategy completed by the Township that identified multiple study areas including Midhurst.

In 1998 the Township adopted its comprehensive Official Plan, which established a settlement area boundary for Midhurst and required that a Secondary Plan be completed. The Official Plan, including recognition of the settlement area boundaries for Midhurst, was appealed to the Ontario Municipal Board ("OMB") and finally approved in 1998.

In 2005 the Province initiated the implementation of the Places to Grow Act through a series of public information documents and consultations, which introduced Provincial objectives such as directing growth to settlement areas on full municipal services. Full municipal services are not available in Midhurst.

In 2006 the Provincial Growth Plan for the Greater Golden Horseshoe was enacted, whereby the Province committed all of the municipalities affected by that document to specific targets for future growth and intensification to 2031.

The Midhurst Secondary Plan was subsequently adopted in 2008. However, it was appealed to the OMB by a number of parties - including the Ministry of Municipal Affairs and Housing, which appealed the entire Secondary Plan for the following reasons:

- The decision to modify and approve OPA 38 is not consistent with PPS policies relating to municipal coordination, the management of growth, and the provision of infrastructure and public service facilities.
- The decision to modify and approve OPA 38 does not conform to the County of Simcoe Official Plan as OPA 38 provides for a population that is beyond that which is permitted in the County of Simcoe Official Plan

In 2012, the Provincial Regulations governing the application of the Growth Plan were unilaterally amended by the Province. Without mentioning Midhurst by name, the Province enacted a "Special Rule" to permit development applications for up to 300 hectares of land within the Midhurst Secondary Plan to proceed forward through the rezoning and draft plan of subdivision approval stages, provided that the list of criteria that were stipulated in that Special Rule are met. In effect, 300 hectares was approved for development within the Midhurst Secondary Plan, which equates to a population of approximately 10,000 to 12,000 people.

Following the enactment of the Special Rule, in the fall of 2012 the Ministry proceeded with a partial withdrawal of its appeal as it pertains to the first 300 hectares of developable

land within the Midhurst Secondary Plan. With that partial withdrawal, under the *Planning Act* the designation of those lands for urban uses in the Midhurst Secondary Plan was automatically deemed to be approved without the need for any consideration or decision by the OMB. Subsequently, the Growth Plan Regulations were further amended to expressly recognize the 300 hectares of developable lands within the “Midhurst Settlement Area”. The balance of the lands designated for urban uses in the Midhurst Secondary Plan, comprising an additional 468 hectares, remain under appeal before the OMB.

Once the Ministry's appeal of the Midhurst Secondary Plan was withdrawn in respect of the 300 hectares, applications were filed by two developer groups for draft plans of subdivision and implementing zoning by-laws on those lands. It is Council's understanding that all of the proposed development lands were acquired after the Growth Plan was in place. Moreover, if it were not for the Special Rule, even with the Growth Plan, no development of those lands would have been possible insofar as the Ministry itself had determined that such intensive development in Midhurst was unsupportable from a policy standpoint.

Following a settlement hearing in July 2014, on October 29, 2014 the OMB issued its formal Decision and Order approving the draft plans of subdivision and zoning by-laws for development within the first 300 hectares in Midhurst. In total, the approved subdivisions allow for development of a total of 4,595 new residential units which would eventually house some 15,000 future residents, in successive phases. This represents an increase of approximately 500% of the current population of Midhurst.

The chronology set out above raises a number of significant questions and concerns respecting the future growth planned for Midhurst.

From a process standpoint, the principal concern relates to the need for decisions respecting the long-term growth management of the Township to be made in an open and public forum in which there are meaningful opportunities for Township residents and other affected stakeholders to participate, and which is more consistent with the nature of the democratic process. In this instance, none of the steps leading up to the adoption of the Special Rule and the Ministry's partial withdrawal of its appeal took place in an open and public forum. Rather, in the case of the Special Rule, the Township had no input whatsoever and it became aware of the Special Rule only after the fact. In the case of the Ministry's partial withdrawal, there were a series of closed-door meetings convened by the Provincial Development Facilitator which included representatives of various developers within Midhurst. Although the then-Council of the Township provided oversight and direction respecting the positions taken by its representatives at those meetings, there was little or no opportunity for consultation and engagement with those most directly affected by the level of growth proposed for Midhurst – namely, the current Township

residents and other stakeholders, who were effectively excluded from the dispute resolution process.

From a substantive standpoint, the questions and concerns we would like to discuss with your respective Ministries include the following:

1. Why is the Township expected to absorb an additional 300 hectares of urban-scale development, given Council's understanding that the Township is capable of meeting its population target under the Growth Plan in the absence of those additional development lands?
2. Why is such a substantial component of the Township's allocated growth under the Growth Plan being targeted for one settlement area (Midhurst), rather than spread out among other existing settlement areas such as Hillsdale or Elmvale where developers have already purchased land for further development?
3. Has due consideration been given to the substantial amount of prime agricultural lands which will be lost if development on all of the 300 hectares in Midhurst proceeds as planned, and the policies prescribed by the Provincial Policy Statement (2014) for the balanced protection of such lands? In addition, has due consideration been given to the potential for substantial negative impacts on the Provincially Significant Minesing Wetlands as a result of servicing all of the development lands planned for Midhurst?
4. Should the level of growth envisaged for the Township be more commensurate with the smaller-scale, rural character of its existing communities, rather than the urban level of growth typically envisaged for larger urban communities in the Greater Golden Horseshoe?
5. The Township's Official Plan is due for a comprehensive review, which Council intends to undertake in the near term. An updated Official Plan could provide the framework for implementing the policies of the Growth Plan and the Provincial Policy Statement through a more condensed approach that would better enable the Township to avoid the sprawl which the Province is seeking to control across Simcoe County.

In light of these and other questions and concerns, Township Council has directed the Mayor and Deputy Mayor to pursue an initial exploratory meeting with one or both of you to discuss these matters, at your earliest opportunity. The purpose of the meeting would be to engage in a high-level discussion of how the Township got to its current state in terms of the Midhurst settlement area, and consider whether the Province would be prepared to entertain other strategies for growth management in Midhurst.



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We look forward to hearing from you as to whether such a meeting with you and your respective Staff can be facilitated, at your earliest opportunity.

Thank you in advance for your attention to these important matters affecting the future of our Township.

Yours truly,

A handwritten signature in black ink, appearing to read 'Bill French', with a long horizontal flourish extending to the right.

Bill French
Mayor
Township of Springwater

c.c. Council Members

