



PLANNING AND BUILDING SERVICES MEMORANDUM

TO: MAYOR J. LEHMAN AND MEMBERS OF COUNCIL

FROM: K. SUGGITT, RPP, MANAGER OF STRATEGIC INITIATIVES, POLICY AND ANALYSIS

NOTED: A. MILLER, RPP, DIRECTOR OF PLANNING AND BUILDING SERVICES
A. MILLER, RPP, ACTING GENERAL MANAGER OF INFRASTRUCTURE, AND GROWTH MANAGEMENT
M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RE: PROVINCIAL POLICY AND LEGISLATION CHANGES INTRODUCED ON MAY 2, 2019

DATE: MAY 6, 2019

The purpose of this Memorandum is to provide members of Council with a brief overview of Bill 108 the proposed "More Homes, More Choice Act, 2019" which was introduced into the Provincial legislature on May 2, 2019 as well as an overview of the new Growth Plan, 2019 entitled "A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, 2019" which was also released on May 2nd and is to come into effect on May 16, 2019.

Although City staff is still reviewing the proposed legislative changes as part of proposed Bill 108 and will report back to City Council in further detail at a later date, the highlights of the Bill and the new Growth Plan are provided below for Council's benefit.

Bill 108 – More Homes, More Choice Act

The proposed "More Homes, More Choice: Ontario's Housing Supply Action Plan", introduced on May 2, 2019 is described as "a full-spectrum suite of legislative changes to increase the supply of housing that is affordable and provide families with more meaningful choices on where to live, work and raise their families." The proposed Bill 108 (to become known as the *More Homes, More Choice Act, 2019*) is intended to streamline the complex development approvals process and simplify the process for creating new rental housing options. The Bill, if approved, will make changes to 13 existing pieces of legislation and regulations across multiple ministries, including changes to the *Conservation Authorities Act*, the *Development Charges Act, 1997*, the *Endangered Species Act, 2007*, the *Environmental Assessment Act*, the *Environmental Protection Act*, the *Local Planning Appeal Tribunal Act, 2017*, the *Ontario Heritage Act* and the *Planning Act* amongst others. Each of the proposed legislative changes are posted individually through the Environmental Registry as Schedules to the main Bill 108. Most have a 30 day comment period, closing June 1, 2019, except where otherwise noted.

Planning Act Proposed Amendments (Schedule 12 to Bill 108):

The proposed amendments to the *Planning Act* include:

- Reducing the decision timelines for development approvals from 210 days for official plans and amendments to 120 days; from 150 days to 90 for zoning by-laws and amendments (except where there is a concurrent official plan amendment); and from 180 to 120 days for draft plans of subdivision
- Enabling the Minister to mandate the use of the community planning permit system (CPPS) in specific areas such as major transit station areas
- Focusing the use of inclusionary zoning to protected major transit station areas and areas where the CPPS has been required by the Minister

- Limiting third party appeals to plans of subdivision and approval authority non-decisions on official plans and amendments
- Requiring municipalities to authorize an additional residential unit in both the primary dwelling and an ancillary building or structure to help support a range and mix of housing options to boost supply
- Replace the current Section 37 bonusing provisions by establishing a new authority that would enable municipalities to collect funds/contributions for community benefit purposes
- Allow the Local Planning Appeal Tribunal (LPAT) to make decisions based on the best planning outcome as part of a return to *de novo* hearings in all cases and repeal of sections added to the Act in 2017 that restricted the grounds for appeal

Planning staff has some concerns with respect to the reduction in the timelines for making decisions on planning applications.

Development Charges Act, 1997 Proposed Amendments (Schedule 3 to Bill 108):

The proposed amendments to the *Development Charges Act* include:

- Make it easier for municipalities to recover costs for waste diversion, thereby facilitating having necessary infrastructure in place for new development
- Increase the certainty of development costs by:
 - Deferring development charges for rental housing, institutional commercial developments and not-for-profit housing until occupancy, with payment occurring over a five year period
 - Freezing development charge rates at an earlier point in time in the development process if/when an application is made for the later of site plan or zoning approvals
- Making housing more attainable by reducing costs to build certain types of homes by providing authority to exempt second units in newly built homes or ancillary structures, and in ancillary structures to existing homes, and the conversion of communal areas to residential units in rental buildings from development charges
- Put in place measures to ensure a smooth transition to the new authority that allows municipalities to charge for community benefits, which would replace the development charges for discounted (soft) services

Ontario Heritage Act Proposed Amendments (Schedule 11 to Bill 108):

The proposed amendments to the Ontario Heritage Act aim to improve provincial direction on how to use and interpret the Act, provide clearer rules and tools, and create more consistent appeals processes to help conserve heritage resources while allowing housing supply to increase. The amendments would:

- Establish in regulation prescribed principles that shall be considered by municipalities when making decisions under Parts IV and V of the Act
- Create regulatory authority to establish mandatory requirements for the content of designation by-laws
- Improve the process for adding properties that are not yet designated (known as "listed") to the municipal register
- Create clearer rules and a transparent process for reaching decisions (on matters such as proposed alteration or demolition or intent to designate properties for example)

Conservation Authorities Act Proposed Amendments (Schedule 2 to Bill 108):

The proposed changes to the Conservation Authorities Act would focus conservation authorities to deliver on their core mandate of flood management and hazard lands, protecting sources of drinking water and ensuring sustainable use of Ontario's natural resources. The proposed changes would also make the approval processes faster, more predictable and less costly. The proposed legislative changes to the Act are posted for public comment until May 20th and the proposed regulatory changes on development permits are posted until May 21st.

Endangered Species Act, 2007 Proposed Amendments (Schedule 5 to Bill 108):

The proposed changes to the Endangered Species Act are seeking to harmonize this legislation with other legislation and establish Canada's first Species at Risk Conservation Trust. The changes would support a modern ecosystem-wide approach to species protection that balances a healthy environment with a healthy economy. The ERO posting regarding these proposed changes are posted for comment until May 18, 2019.

Environmental Assessment Act Proposed Amendments (Schedule 6 to Bill 108):

The purpose of the proposed changes to this Act are to focus the environmental assessment process on projects that pose actual risk to the environment and streamline the approval timelines and reduce duplication. The ERO posting is open for public comments until May 25, 2019.

Environmental Protection Act Proposed Amendments (Schedule 7 to Bill 108):

The proposed changes to the Act seek to properly manage local soil and brownfields, so that resources don't go to waste, and to reduce construction costs associated with managing and transporting excess soil. The comment period for the ERO posting is open until May 31, 2019.

Local Planning Appeal Tribunal Act, 2017 Proposed Amendments (Schedule 9 to Bill 108):

The proposed amendments to the Act will allow the LPAT to hear appeals for major land use planning decisions in much the same as the former Ontario Municipal Board process, allowing for de novo hearings, meaning evidence can be brought forward at the hearing and witnesses will be allowed to be cross examined under specific circumstances.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

As part of the Provincial government's action plan, they also launched a new Growth Plan, entitled "A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019" which will come into effect on May 16, 2019. This new Growth Plan will replace the existing Growth Plan, 2017. The government is consulting on proposed amendments to the transition matters regulation (O. Reg. 311/06) through an Environmental Registry of Ontario posting (ERO 019-0018) until June 1, 2019. From an early assessment of what matters will be transitioned, it appears as though everything that is in process now will be subject to the Growth Plan, 2019 unless it was previously transitioned ahead of the June 2006 Growth Plan, or unless an LPAT or OMB case has been heard and no decision has been made on it by May 16, 2019.

As a summary of the major changes to the Growth Plan that are important to the City of Barrie, the following are provided (with the understanding further analysis of the changes are being reviewed by staff and a more detailed report may be provided at a later date):

- The new Growth Plan comes into effect May 16, 2019
- The City's new Official Plan, in process now, will be required to be in conformity with the GP, 2019
- The intensification target for Barrie is 50% (i.e. half of all new dwelling units built each year must be within the Delineated Built Up Area) by the time the next municipal comprehensive review is approved and in effect (that work is currently underway for the new OP)
- Barrie has to plan to achieve 50 persons and jobs/ hectare density in the Designated Greenfield Area (DGA) within the horizon of the Plan (i.e. to 2041)
- Barrie has to plan to achieve 150 persons and jobs/hectare density in the Urban Growth Centre (UGC) by the year 2031
- Barrie should designate and preserve lands located adjacent to or near Highway 400 and major interchanges as areas for employment uses such as manufacturing, warehousing and logistics, and

appropriate associated uses and ancillary facilities. This work is currently being considered as part of the new Official Plan. None of the lands within the City of Barrie has been identified as provincially significant employment zones.

- Employment land conversions of land within employment areas to non-employment uses may only be permitted through a municipal comprehensive review, unless certain criteria are met including maintaining a significant amount of jobs on the lands through the establishment of development criteria
- Settlement area boundary expansions may occur only through a municipal comprehensive review and must be justified based on certain criteria including that the expansion will not affect the municipality's ability to achieve the intensification target and the expansion is informed by applicable water and wastewater and stormwater master plans

Based on Planning staff's review of the changes to the Growth Plan that will take effect on May 16, 2019, the Plan is very similar to what was proposed as the amendment to the Growth Plan that staff commented on early this year and the changes will be able to be incorporated into the City's new official plan. The work that has been underway including the land needs assessment has considered the potential changes and will include an analysis of the new targets.

Staff will continue to review the proposed legislative changes through Bill 108 and determine if there is any need to provide comment through the ERO postings. As well, staff will continue to review the new Growth Plan to ensure all planning applications and recommendations are in conformity with the Plan.