



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

RE: SUBMISSIONS TO THE PROVINCE OF ONTARIO ON BILL 108 AND PROPOSED CHANGES TO THE PROVINCIAL POLICY STATEMENT

DATE: DECEMBER 2, 2019

The purpose of this Memorandum is to provide members of Council with copies of the letters that Planning staff submitted through the Environmental Registry of Ontario in response to draft regulations and legislation that were available for public review and comment.

As part of the Provincial *More Homes, More Choice Act, 2019*, which was passed by the Legislature on June 6, 2019, the Province had posted their proposed regulations for comment with various deadline dates for comment. Planning staff reviewed the regulations and made submissions to the Province. The letters found in Appendix "A" were provided in response to aspects of the regulations that would have the most direct impacts to the City.

On September 3, 2019 the Province brought all changes into effect as specified by proclamation, except for those related to community benefits charges.

In July 2019, the Province released proposed policies to amend the Provincial Policy Statement (PPS) with a comment deadline of October 21, 2019. Planning staff attended technical briefings with Provincial staff to learn more about the proposed changes. Planning staff submitted a comment letter dated October 21, 2019 found in Appendix "B" to highlight the concerns with some of the proposed language in the new or amended policies. To date the Province has not released further information on when a new PPS will come into effect.

Any questions or comments can be directed to Kathy Suggitt at extension 5268.



PLANNING AND BUILDING SERVICES MEMORANDUM

APPENDIX "A"

Comment Letters on Proposed Regulations

Planning Act Review
Provincial Planning Policy Branch
777 Bay Street
13th floor
Toronto, ON
M5G 2E5
Canada

July 31, 2019

Dear Minister Clark:

Re: Comments on Proposed new regulation related to Schedule 12 of Bill 108 - the More Homes, More Choice Act, 2019 (ERO Number 019-0181)

The City of Barrie has reviewed the draft regulation listed as ERO number 019-0181 related to Bill 108 (More Homes, More Choice Act, 2019) transitional matters. At this time the City offers the following comments:


1. The reduction for decision timelines on applications for official plan amendments, zoning by-law amendments and plans of subdivision should apply to complete applications submitted after Proclamation. These timelines will be very challenging to meet going forward however we will all do our best to meet the needs for meaningful public input, professional assessment of information, industry's business needs and local decision making authority.

While working to manage these new timelines, municipalities should not be further disadvantaged by having to respond to applications which are coming close to "timing out" in September (i.e. if transition is based upon Royal Assent). Without sufficient advanced knowledge of the specific transition date there is no opportunity to meet the new legislated requirements on these applications currently in process.

2. In regard to additional residential unit polices, the City is concerned that increasing the number of units permitted on a property may have financial implications on the planned infrastructure for a community. For example, allowing three units as of right may require municipal water and sewer line/plant upgrades that had not been previously projected. Municipalities should receive financial support from the Province to help implement the intensification that the Province envisions through this policy. This will help municipalities in being able to create complete communities.

Thank you for giving the City the opportunity to review and provide comments on regulations related to Bill 108. Please feel free to contact Mr. Edward Terry, RPP, Planner at 705-739-4220 ext. 5135 (Edward.terry@barrie.ca), with any questions or to request additional information.

Sincerely,



Andrea Miller, RPP
General Manager Infrastructure and Growth Management
Director of Planning and Building Services (Acting)

John Ballantine
Manager
Municipal Finance Policy Branch
Municipal Affairs and Housing
777 Bay Street
13th floor
Toronto, ON
M5G 2E5
Canada

August 19, 2019

Dear Mr. Ballantine:

Re: Comments on Proposed New Regulation pertaining to the Community Benefits Authority under the Planning Act (ERO Number 019-0183)

The City of Barrie has reviewed the proposed new regulation posted on ERO number 019-0183 related to Bill 108 (More Homes, More Choice Act, 2019) pertaining to the community benefits authority under the *Planning Act*. The City offers the following comments:

1. **Transition:** The amendments to the Planning Act in Schedule 12 of Bill 108 (More Homes, More Choice Act, 2019) provide transitional provisions for section 37, and section 42 under the Planning Act, and development charges for discounted services (soft services) under the Development Charges Act to provide the flexibility necessary for municipalities to migrate to the community benefits charge authority. The proposed transition timing is such that by January 1, 2021 municipalities will have transitioned. We are concerned with the administrative challenge to get the community benefits charge by-law in place by then given all that must go in to preparing the by-law.
2. **Community Benefits Formula:** The City is very concerned that the Province will be establishing a formula to determine the prescribed percentages to take into account varying values of land. With such variation of land values across the Province, this will make it very difficult to establish and may not reflect the local conditions.

The City is also concerned with the potential impacts to the municipal financial planning process and estimates of revenues that the proposed process presents. There are too many unknowns to have any level of certainty in budgeting future needs and ability to fund those needs.

3. **Appraisals for community benefits:** The described process to undertake appraisals and then have the municipality provide an appraisal in situations where the owner of the lands pays the charge under protest, is unclear as to how the municipality would recover any costs associated with that. The costs associated with the appraisals and related matters should be borne by the proponent entirely.
4. **Community Planning Permit System:** The proposed regulation sets out that where a municipality has a community planning permit system (CPPS) in effect, they would not be able to use the community benefits by-law.
 - a. It is unclear whether that means only for the area in which the CPPS applies, or if it means generally across the municipality.
 - b. The City of Barrie is concerned with this approach, as we recognize the benefits of the CPPS as a planning tool and are considering its use, setting the stage through our new Official Plan which is currently being prepared. It is unclear how this may affect the City's consideration of the use of this tool.
 - c. We do not support the direction that the areas that have a CPPS in place cannot implement a CBC by-law. The CPPS is an incentive for developers to obtain approvals faster, but the CBC by-law allows the municipality the opportunity to collect funds to ensure that these areas can be developed as complete communities with the amenities that the local residents will require (i.e. parks, libraries, etc.).
 - d. The Province should empower municipalities to provide incentives to developers with the CPPS tool but maintain the balance of ensuring that these communities develop in a complete way consistent with the entire municipality through the use of the CBC by-law.

Thank you for the opportunity to review and provide comments on the proposed new regulation. Please feel free to contact Mr. Edward Terry, RPP, Planner at 705-739-4220 ext. 5135 (Edward.terry@barrie.ca), with any questions or to request additional information.

Sincerely,



Andrea Miller, RPP
General Manager Infrastructure and Growth Management
Director of Planning and Building Services (Acting)



PLANNING AND BUILDING SERVICES MEMORANDUM

APPENDIX "B"

Comment Letter on Proposed PPS Policies

Provincial Policy Statement Review
Provincial Planning Policy Branch
777 Bay Street
13th floor
Toronto, ON
M5G 2E5
Canada

October 21, 2019

Dear Minister Clark:

**Re: Comments on the Provincial Policy Statement Review: Proposed Policies
ERO Number 019-0279**

The City of Barrie has reviewed the draft regulation listed as ERO number 019-0279 related to the Provincial Policy Statement (PPS) review. At this time the City offers the following comments:

1. Section 1.2.2 of the PPS is proposed to be revised to state that Planning Authorities shall engage with Indigenous communities and coordinate on land use planning matters, whereas the current PPS “encourages” Indigenous engagement. The “duty to consult” rests with the Crown. Municipalities continue to work to enhance engagement practices with Indigenous communities. Without the intention of this new policy being clarified as it relates to Indigenous engagement in the PPS, this requirement may have an impact on a municipality's ability to meet planning application approval timelines.
2. The definitions of “Affordable” and “Low and Moderate income” must change, or at least allow the municipalities to modify the definition to suit local circumstances. The current definitions do not reflect the current reality in many parts of the Province and are not achieving any results that are addressing the real problems of lower income households.
3. The terms “market based” and “market demand” are new terms that are not defined and should not be introduced in the PPS. Any reference to “market” has the potential to skew planning proposals based on current market, rather than having proposed developments that reflect and contribute to creating the planned community that is established by local planning policy. The “market” is impacted by many factors such as interest rates, land values, specific

site locations and changing demographics resulting in widely differing viewpoints, in particular in the absence of definitions. There will be unintended consequences if these terms get included.

4. There is no definition for "significant supply" within policy 1.1.3.3 as it relates to a range of housing options. There should be some guidance given to that term.
5. Policy 1.1.3.7 proposes to change the word "shall" with the word "should" as it relates to targeting intensification and redevelopment prior to or in concurrence with development in designated growth areas. In addition, this policy references the timing of infrastructure and public service facilities in designated growth areas. The word "shall" is appropriate and should remain.
6. There are several mentioned guidance documents or guidelines that are to be forthcoming. Guidance materials provide clarity of the outcomes municipalities are to achieve, therefore these should be available at the time that the PPS comes into effect, otherwise they are subject to misinterpretation or misuse.
7. Section 4.7 states that municipalities shall take action to fast-track approvals for housing and job growth. It is not practical to further fast-track approvals as this policy combines with recently reduced approved approval timelines. This policy related to the development approvals process should not be included in the PPS.

Thank you for giving the City the opportunity to review and provide comments on the review of the Provincial Policy Statement. Please feel free to contact Kathy Suggitt, RPP, Manager of Strategic Initiatives, Policy and Analysis at 705-739-4220 ext. 5268 (Kathy.Suggitt@barrie.ca), with any questions or to request additional information.

Sincerely,



per Michelle Banfield, RPP
Director of Planning and Building Services