

MEMO / NOTE DE SERVICE



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TO: Chair and Members of Planning Committee

DESTINATAIRE : Présidente et membres du Comité de l'urbanisme

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FILE NUMBER: ACS2015-PAI-PGM-0124

SUBJECT: **Bill 73 – *Smart Growth for Our Communities Act 2015***

OBJET : **Projet de loi 73 – *Loi de 2015 pour une croissance intelligente de nos collectivités***

**PURPOSE**

Planning and Growth Management has responded to the Provincial consultation on changes to the *Planning Act* in Bill 73 – *Smart Growth for Our Communities Act 2015*.

This memorandum presents the department's response to key changes to the *Planning Act*.

## **EXECUTIVE SUMMARY**

Bill 73 contains 23 changes to the *Planning Act* on a range of matters, plus technical amendments. The department supports several changes that increase the time available for collaborative planning before Council makes a decision and that reduce the time by all parties at the Ontario Municipal Board.

## **RÉSUMÉ**

Le projet de loi 73 contient 23 changements à la *Loi sur l'aménagement du territoire* sur un éventail de questions, en plus de modifications techniques. Le service appuie plusieurs changements qui augmentent les délais fixés pour la planification concertée avant la prise de décision du Conseil, et qui réduisent le temps de toutes les parties devant la Commission des affaires municipales de l'Ontario.

## **BACKGROUND**

Bill 73 follows a Provincial consultation on land use planning and the appeals system that concluded in January 2014. The Bill is intended to respond to issues raised during the consultation regarding citizen engagement, providing more certainty in the planning system, local decision-making, and dispute resolution.

## **DISCUSSION**

### 1. Changes affecting the Official Plan

A comprehensive review is only required 10 years after a new official plan comes into force and at five-year intervals thereafter. If an Official Plan is amended rather than replaced with a new plan, a five-year review is required.

Appeals of all of a new official plan ("global appeals") and appeals of certain matters (e.g., population and employment projections under the *Places to Grow Act*) are no longer permitted.

No private amendments are allowed for two years after any part of a new official plan comes into effect.

Response: The department supports increasing the interval between comprehensive reviews and requests that the 10-year cycle also apply where a comprehensive review leads to an official plan amendment rather than adoption of a new official plan.

Also, global appeals of an official plan amendment such as OPA 150 should not be permitted, and no appeals should be permitted of population and employment projections approved by the Province for municipalities not regulated by the *Places to Grow Act*.

Private amendments should be permitted after the Official Plan is approved to support development that is consistent with the Official Plan. Prohibiting amendments would likely increase appeals to new plans following comprehensive reviews, as property owners seek to ensure their development can go ahead under the new Official Plan.

## 2. Changes affecting Zoning

Where the Zoning By-law is repealed and replaced in its entirety following a comprehensive review, no privately-initiated amendments are permitted within two years following approval of the new by-law.

In the two years following an owner-initiated, site-specific rezoning, applications for a minor variance are only permitted with the consent of Council.

Response: The department does not support the prohibition of private zoning amendments because it would lead to more appeals of the new Zoning By-law.

The department supports the proposal regarding minor variances as a means of providing Council with greater authority over Committee of Adjustment decisions. If Council refuses to consent to the application for a minor variance, the applicant would still have the option to apply for a Zoning By-law amendment.

## 3. More time for decisions

Two avenues are opened: Council or the applicant can request up to an additional 90 days for a Council decision on a privately-initiated amendment to the Official Plan. Without an extension, the time period for decisions on these applications is 180 days.

Also, Council can recommend mediation when it receives a notice of appeal of a decision on various applications. The time for forwarding the appeal to the OMB is thereby extended to 75 days from the required 15 days.

Response: The department supports longer time periods for Council to make planning decisions in order to support collaborative decision-making. Dispute resolution is not as effective, since it occurs when positions have been taken, Council has made a decision, and an appeal has been prepared.

#### 4. Effect of submissions to Council

Council must explain the effect of written or oral submissions when providing written notices of decisions on planning matters. The same applies to written notice provided by the Committee of Adjustment.

Response: The department does not support this proposal because of the difficulties inherent in determining the effect of submissions on decisions.

#### 5. New Provincial requirements

A Planning Advisory Committee becomes mandatory; it must include at least one person who is not a Councillor or member of staff.

The Province may require a municipality to establish or adopt a development permit system.

Municipalities must account annually for all cash received for parkland dedication and all cash received in exchange for increases in height or density allowed through section 37 of the *Planning Act*.

Response: The department does not support the Province requiring a municipality to adopt a development permit system because the municipality is best positioned to choose local planning tools.

It would be difficult to establish a new Planning Advisory Committee without duplicating the public involvement occurring through other, established channels. Clarification of the role of such a committee is requested.

The department supports increased transparency in accounting for cash-in-lieu and cash contribution received through Section 37 agreements.

#### 6. Parks

An alternate requirement for parkland dedication that is used to calculate cash-in-lieu is set at one hectare of land for every 500 units, a reduction from the current level of one hectare of land for every 300 units. Further, municipalities must prepare a parks plan

showing the need for municipal parks in order to meet the requirements for collecting cash-in-lieu payments.

Response: The 1:500 rate will generate less cash-in-lieu for the purchase or improvement of local parks. The reduction in the rate for calculating cash-in-lieu may have the greatest impact in older areas of the city where modest intensification is anticipated. The department requests a rationale for the proposed change and asks that the 1:300 continue to be used in certain circumstances.

The City will not be required to prepare a parks plan until it replaces or amends current Official Plan policies on cash-in-lieu.

## **CONCLUSION**

The Province has struck a working group to advise on several aspects of the *Planning Act*. These include regulations on what constitutes a minor variance, standards for giving notice of planning decisions, and requirements of applicants regarding public engagement.

Passing of the Bill is at the discretion of the Legislature. Debate on the second reading of the Bill was adjourned as a result of the recess of the Legislature for the summer period.

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