



# TOWNSHIP OF SEVERN

THE CORPORATION OF THE TOWNSHIP OF SEVERN

P.O. Box 159, Orillia, Ontario, L3V 6J3

May 8, 2015

Ministry of Municipal Affairs  
c/o Ted McMeekin, Minister  
777 Bay Street, 7<sup>th</sup> Floor  
Toronto, Ontario  
M5G 2E5

Dear Minister McMeekin:

RE: Provincial Planning Initiatives

Attached is a copy of Planning Report No. P15-022, dated April 15, 2015, which was presented to the Planning & Development Committee. The following is a copy of a recommendation of the Committee which was adopted by Severn Township Council:

" *THAT Planning Report No. P15-022, dated April 15, 2015, with respect to Provincial Planning & Development Initiatives be received;  
AND WHEREAS the Province is proposing that if a new Zoning By-law or Official Plan is adopted, amendments cannot be considered for two years;  
AND WHEREAS this Council has concerns that this new policy is not in keeping with the Provincial Policies that are to be working documents for the future development of municipalities;  
NOW THEREFORE BE IT RESOLVED THAT the Province of Ontario be respectfully requested to remove this proposed policy in order to ensure that future development within municipalities is not delayed for a two year period;  
AND FURTHER THAT this Resolution be forwarded to all municipalities within the County of Simcoe, all Counties & Regions in the Province, and the Association of Municipalities of Ontario for their consideration and support.*

*CARRIED "*

Your consideration of the Township's request and comments on the removal of this proposed initiative would be appreciated.

Respectfully submitted,



Sharon R. Goerke, CMO  
Clerk

/srg

Encl.

c.c. Provincial Counties / Regions  
County of Simcoe Municipalities  
Association of Municipalities of Ontario  
Garfield Dunlop, M.P.P.

**REPORT**

**P15-022**

**TO:** Chair & Members  
Planning & Development Committee

**FROM:** Andrew Fyfe  
Director of Planning and Development

**DATE:** April 15, 2015

**RE:** Provincial Planning and Development Initiatives

**Recommendation**

THAT Planning Report No. P15-022 dated April 15, 2015 with respect to Provincial Planning and Development Initiatives be received;

AND FURTHER THAT, the minister be advised of the concerns of the Township of Severn regarding some of the proposed amendments to the *Planning Act* contained in Bill 73.

**Background**

The Province has been conducting consultations on potential amendments to a number of documents which affect planning and development in Ontario. This report is intended to provide an overview of those processes and potential amendments.

**Co-ordinated Land Use Planning Review**

This review is looking at four policy documents: *The Growth Plan for the Greater Golden Horseshoe*, *The Niagara Escarpment Plan*, *The Oak Ridges Moraine Conservation Plan* and *The Greenbelt Plan*. Only the first document applies to Severn Township.

The Province is at the initial stages of their review and are conducting "Town Hall" meetings. Staff attended the one held in Barrie on April 1<sup>st</sup>. At this stage there are no concrete proposals, the Province is just seeking input into what they should be looking at. The discussion at the Barrie meeting was fairly wide-ranging and general, with the exception of the status of the Midhurst Secondary Plan which drew a lot of comments. A number of concerns were also raised about the role of the Ontario Municipal Board. Ministry staff indicated that the functioning of the OMB was not part of the review, but would be the subject of a review process in the near future.

The next stage of the process will be the release of proposed amendments to the Plan which is anticipated in the later half of the year. Once concrete proposals are on the

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table, staff will be in a better position to advise the Committee of the potential implications.

### Bill 73 – proposed Smart Growth for Our Communities Act

The government has announced proposed legislative amendments to the Development Charges Act, 1997 and the Planning Act. If enacted, the Bill would:

- Increase the potential amounts which could be collected to support the expansion of a transit system. This would have no impact on the Township at this time
- Municipalities would be able to recover capital costs associated with waste diversion. This could result in the addition to the Charges at the County level.
- The consideration of area-specific Charges will be mandatory. The Township already does this.
- Minor adjustments to how service levels are to be calculated. This may provide more “room” for collection, but the potential impact on Severn doesn’t appear to be large.
- Increased detail in reporting requirements and requirements for incorporation of new infrastructure into the existing asset management plan.
- More control over “other” charges such as Section 37 collections under the Planning Act for the granting of zoning bonuses. Some municipalities seek extra payments (sometimes categorized as “voluntary” payments) to expedite the construction of infrastructure or to fund items that are not eligible for Development Charges funding.
- Require the preparation of a “Parks Plan” in advance of completing an Official Plan update. Consultation with local school boards is required and the plan is to examine the need for additional parkland in the community.
- Timelines for notices and decisions will be refined
- “Global” appeals of an entire new Official Plan will not be permitted.
- Annual reports by the Treasurer on transactions through the Parkland Reserve will be required.
- Enable the use of alternate dispute resolution to resolve certain types of objections to planning approvals.
- Modifications to the “development permit system”. This system is used in limited circumstances in a small number of Ontario municipalities. Severn does not have the required Official Plan policies to implement such a system.
- If the approval authority concludes that a policy in a lower tier official Plan does not conform to an upper tier OP policy, it may refuse to approve the policy and that decision is non-appealable.
- **New Official Plans cannot be amended for two years after their approval. Even applications for amendment are embargoed.**
- **Similarly, if a new zoning by-law is adopted, amendments cannot be considered for two years.**

- For site-specific zoning by-law amendments, no applications for a minor variance may be made for two years after the adoption of the zoning by-law amendment without authorization by Council.

While most of the proposed changes to the *Planning Act* seem to represent minor “tweaking” of the planning process, the removal of the ability to appeal an upper-tier decision on Official Plan on conformity with upper-tier policies, does raise the spectre of a veto power being given to the upper-tier which if exercised leaves the lower-tier with no recourse.

The larger concern is the proposed prohibitions on the ability of Councils to consider amendments to new Official Plans and zoning by-laws and the additional limitations on minor variances. When a new OP or zoning by-law is adopted, it is not unusual as you work with the document to find errors and omissions which are addressed through a “house-keeping” amendment. The inability to correct these issues in a timely fashion could potentially cause a significant harm to an affected property owner. The inability to appropriately address this harm would appear to increase the potential liability of the municipality when it undertakes major planning exercises. Furthermore, no matter how well-considered and well-prepared a document may be, it is not always possible to anticipate events. Should an opportunity come forward which was not anticipated or there is a significant change in circumstances, municipalities will be unable to respond to otherwise appropriate proposals simply because a planning document is “too new”.

When an Official Plan or zoning by-law is appealed, the exact provision must be identified. Sometimes the solution is to amend a section of the document which was not appealed. As the OMB can only address what is specifically under appeal, the potential to resolve matters outside of a full Hearing will be diminished.

Finally, the addition of a requirement for Council approval of a proposed minor variance to a minor variance application prior to the submission of an application would significantly delay the consideration of a proposal by the body appointed to do so.

### **Financial Impact**

Many of the above will have little or no impact on the Municipality. The additional requirements for increased reporting will have some operational impacts. The requirement for a Parks Plan will add to the amount of background work required in support of an Official Plan update. The potential impact of restrictions on the ability to amend planning documents appears to increase the potential exposure of the Municipality to liability in its exercise of the planning function and it by diminishing the ability of the Municipality to respond to desirable proposals potentially weaken the tax base and the local economy.

Respectfully submitted,

Andrew Fyfe MA, Director of Planning & Development

