

Council Report

DATE: Tuesday, March 19, 2019

WARD(S): ALL

TITLE: PROPOSED AMENDMENT 1 TO THE GROWTH PLAN (2017)

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To advise Council of the Ontario government's proposed amendments to the Growth Plan (2017) and advise of the potential implications for the City of Vaughan; and to obtain Council's endorsement of this report and the attached comments and recommendations, subject to any further comment that Council deems appropriate, to augment earlier staff input to the Province.

Report Highlights

- The Province has proposed amendments to the Growth Plan (2017)
- The proposed amendments have a potential impact on major elements of the municipal planning system in the Greater Golden Horseshoe, including the Region's Municipal Comprehensive Review and the City's Official Plan Review
- City staff will continue to meet with Provincial representatives to provide input on the proposed changes to the Growth Plan (2017)

Recommendations

1. THAT the comments and recommendations provided herein be endorsed as the City's response to the proposed Amendment No. 1 to the Provincial Growth Plan and the associated changes in regulation posted on the Ontario Environmental Registry, subject to any additional comments that Council may wish to include; and
2. THAT the City Clerk circulate this report to the Regional Municipality of York Chair, Chief Administrative Officer and Chief Planner and the Members of the Provincial Parliament representing the City of Vaughan for information.

Background

In the Autumn of 2018, the Ministry of Municipal Affairs undertook a stakeholder consultation process to consider changes to the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan) (2017). A series of technical working groups, with representatives of the municipal and development sectors, were held to discuss implementation issues associated with the new Growth Plan (2017); and to develop solutions to the implementation challenges. Sessions were also held with representatives from other sectors including, the business, development, environmental and the research sectors. This resulted in a series of recommended changes to the Growth Plan (2017).

Request for Comment on the Proposed Changes

The proposed changes to the Growth Plan (2017) were posted on the Environmental Registry of Ontario (ERO) on January 15, 2019 with a submission date of February 28, 2019. Growth Plan (2017) changes were covered under four separate postings:

- **ERO Number 013-4504:** Proposed Amendment to the Growth Plan (2017) for the Greater Golden Horseshoe (2017)
- **ERO Number 013-4505:** Proposed Modification to Ontario Regulation 311/06 (Transitional Matters – Growth Plans)
- **ERO Number 0-13-4506:** Proposed Framework for Provincially Significant Employment Zones
- **ERO Number 0-13-4507:** Proposed Modifications to Ontario Regulation 525/97 (Exemption from Approval – Official Plan Amendments)

The postings provide a commenting window of 45 calendar days for the Growth Plan (2017) amendments and related matters.

The Stated Intent of the Changes to the Growth Plan (2017)

In the ERO posting the Ministry of Municipal Affairs indicated that the proposed changes are intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Specific changes are to have the following results:

- **Employment Planning:** A modernized employment area designation system that ensures lands used for employment are appropriately protected while unlocking land for residential development
- **Settlement Area Boundary Expansions:** A system that enables local municipal decisions on reasonable changes to settlement area boundaries in a timely manner to unlock land faster for residential and commercial development that supports more jobs and housing
- **Agricultural and Natural Heritage Systems:** Provide Greater Golden Horseshoe regional mapping systems that are factual and reflect the local mapping realities, while providing for the appropriate level of protections for our

natural resources and continuing to build on the economic viability of our agri-food industry

- **Intensification and Density Requirements:** Provide a simplified approach to minimum intensification and density targets that reflects the objectives of supporting provincial transit investments, the planned growth rates and local realities of different communities, including market demand for housing. The application of different levels of targets recognizes that “one-size does not fit all” and makes it easier to understand and measure the impacts of growth in the region
- **Major Transit Station Areas:** A streamlined approach that enables the determination of major transit station areas to happen faster so that zoning and development can occur sooner

Previous Reports/Authority

N/A

Analysis and Options

Overview

Amendment 1 to the Growth Plan (2017) expands opportunities for changing significant policies and procedures of the Growth Plan through processes proposed in the new Amendment. Such changes would be undertaken outside of a Municipal Comprehensive Review (the “MCR”), which would ultimately be reflected in the municipal official plans. One of the fundamental principles of the Growth Plan is that the lower-tier municipal plans are to be based on a thorough Municipal Comprehensive Review undertaken by the upper tier, which would be further articulated through the lower tier Official Plan Review.

These proposed changes have the potential to compromise the intent of the Growth Plan, which was approved in July 2017. The following areas may be impacted:

1. The density and intensification targets are subject to proposed policies that would permit changes to be made outside an MCR process, including:
 - a. Region-wide Intensification (within the delineated built-up area, the “DBA”) targets,
 - b. Designated Greenfield Area (the “DGA”) targets, and
 - c. Major Transit Station Area (the “MTSA”) targets.
2. Settlement Area Boundary Expansions, boundary adjustments, and employment land conversions are proposed to be permitted outside a MCR, subject to criteria.

Allowing boundary changes, the conversion of employment land, and the changing of targets outside a Municipal Comprehensive Review may lead to ad hoc decision-making, weakening the plan and placing less reliance on the Municipal Comprehensive

Review, which needs to remain as the foundation for municipal growth management policy. There is a danger that this approach will lead to municipal Councils being presented with numerous and potentially competing proposals for changes under the proposed flexibility policies.

It is acknowledged that such flexibility may be helpful in dealing with minor changes that may be necessary to address a specific issue or take advantage of a unique opportunity. If such policies are to remain, there would need to be clearly defined processes to identify, evaluate and approve the proposed changes, if Amendment 1 were to be approved as is.

For example, if a land use conversion occurs outside of a MCR, must it be municipally initiated or is there an avenue for third party applications under the *Planning Act*? A level of certainty and clarity is needed. As such, the following should be made clear:

1. Who can initiate these processes? (i.e. the municipalities or are third parties allowed to apply for such changes?)
2. What is the process? (i.e. Will municipalities be allowed to identify process requirements for assessing such changes and how the upper and single-tier municipalities address the changes)
3. Can requests for conversions, changes in density requirements and boundary expansions be denied by municipalities without appeal?

The key point is that such changes should only be initiated by the lower tier or upper tier municipalities and be approved by the upper tier municipality (in this case York Region). The only avenue of appeal that should be available is to the Region/Province on the adoption of the implementing municipal official plan amendments.

Third party appeals should not be allowed for any failure of a municipality to adopt such a change or for their refusal to consider its adoption. These matters should not be appealable to the Local Planning Appeal Tribunal. These decisions should be left solely in the hands of the municipalities, in consultation with the Province. If third-party appeals are allowed, it could lead to numerous applications and hearings, which would divert scarce resources from plan implementation and result in lengthy and expensive hearing processes.

Applicability to the City of Vaughan in the Context of York Region

In evaluating the situation in the City of Vaughan, as one of the largest lower-tier municipalities in York Region, it should be noted that the City is already on its way to implementing the policy intent of the current Growth Plan (2017). Planning for growth to 2041 is underway and this is expected to continue even with the proposed amendments to the Growth Plan (2017). The following is pertinent to the current situation:

1. York Region is now undertaking its Municipal Comprehensive Review to plan for growth to 2041 under the Growth Plan (2017);
2. The City of Vaughan has finalized a Request for Proposal to retain consulting resources to undertake an Official Plan Review that will achieve conformity with the Region's 2041 MCR and the updated Regional Plan;
3. The City is still working to fulfill the policies of VOP 2010 (based on the 2006 Growth Plan) to plan for growth to 2031;
4. While supportive policies are already in place, (i.e. intensification areas and the planning for employment land and new communities) the delivery of development that implements these policies is faced with several long-term obstacles. These include:
 - A lack of sanitary sewage and water services
 - A planned transit system that is improving, but full implementation to support the planned level of development will not be achieved in the short-term
 - A backlog of development approvals that are currently subject to OMB/LPAT appeal processes
5. It will take years of infrastructure investment and the resolution of appeals to fulfill the intent of VOP 2010; and
6. This did not change with the approval of the current Growth Plan (2017), nor will it change with the approval of any of the amendments that are now under consideration.

In a global sense, the proposed amendments to the Growth Plan (2017) will have marginal impacts on the delivery of new development. The delivery of the necessary hard services is required to take advantage of the already planned inventory of development land.

With the Region moving forward with its MCR, there is no immediate need for proceeding with any boundary expansions, employment land conversions; or adjustments to density or intensification targets in advance of or outside the MCR. If flexibility is to be provided in the new policies, the processes will need to be confirmed and the decision-making should be left in the hands of the affected municipalities.

As such, in finalizing the Growth Plan under Amendment 1, which acknowledges that one size does not fit all, consideration should be given to measures that will support lower-tier decision making and the creation of municipal policies that are flexible, adaptable and opportunity driven, as the best means of fulfilling Provincial policy.

In addition to these larger issues, Attachment 1 provides Policy-Specific Comments on Proposed Amendment 1 to the Growth Plan (2017).

Financial Impact

There are no direct financial implications resulting from this report.

Conclusion

Staff have reviewed the proposed amendments to the Growth Plan (2017) and have prepared comments in this report for Council's review and endorsement.

The commentary provided in this report and Attachments 1 and 2 form the basis of the comments submitted in response to the ERO posting. As a general consideration, there is no real advantage, at this time, to the City in pursuing any process that would exist outside of the York Region Municipal Comprehensive Review. The Region and the City should stay the course on the respective MCR/Official Plan Review processes and incorporate any changes that may result from the amended Growth Plan (2017). This will ensure a continuing commitment to comprehensive planning to guide development in the Region and the City to 2041.

For more information, please contact: Kyle Fearon, Senior Planner, Long-Range Planning, ext. 8776 or Fausto Filippetto, Manager of Long-Range Planning, ext. 8699.

Attachments

1. Policy-Specific Comments on Proposed Amendment 1 to the Growth Plan (2017)
2. Recommended Modifications for Provincially Significant Employment Zones Mapping

Prepared by

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