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Home Builders' Association

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Ontario Growth Secretariat
c/o Business Management Division
Ministry of Municipal Affairs
College Park 17th Floor
777 Bay St.
Toronto ON M5G 2E5

RE: Guidance to support implementation of the Growth Plan for the Greater Golden Horseshoe, 2017:
Application of the Intensification and Density Targets & The Municipal Comprehensive Review Process
ERO number: 013-2359

Background:

The Growth Plan for the Greater Golden Horseshoe, 2017 (the “Growth Plan”) sets minimum standards for density and intensification in municipalities. Density is a measure of people and jobs per hectare, or simply jobs per hectare, depending on the type of target. Intensification is a measure of the percentage of residential development added each year to specified parts of existing urbanized areas. Municipalities are required to plan for five types of targets, where applicable. The targets are key to making more efficient use of land and infrastructure, and help inform infrastructure planning.

The five types of targets are:

1. Intensification;
2. Designated Greenfield Area density;
3. Employment Area density;
4. Urban Growth Centre density;
5. Major Transit Station Area density

OHBA Commentary:

OHBA continues to support the guiding principles of protecting our most valuable environmental resources and the creation of complete communities that are the foundation of the Growth Plan and Greenbelt Plans. Ontario’s GGH is one of Canada’s economic engines and contains some of Canada’s best farmland and natural features. It is also one of the fastest growing regions in the country which is why it is so critical to that the plans work together to provide a broad, long-term planning framework for the region. It is also critical to ensure a clear, transparent and effective public policy framework to guide and support growth while protecting our environment.

As stakeholders in the planning process, we are partners with the government in creating complete, transit-oriented communities, protecting the environment and ultimately implementing the PPS and Provincial

Plans. Our comments are intended to assist the government in achieving sustainable growth by providing for housing choice, creating complete communities, attracting employment opportunities, improving inter-plan co-ordination and balancing the Province's economic, social and environmental interests over the long-term.

OHBA has been critical in the past with respect to the delays and extended timelines for municipalities to achieve conformity with the original 2006 Growth Plan. In fact, OHBA remains very concerned and continues (along with other stakeholders) to advocate that the province must take a much more aggressive and vocal role to ensure that not only Official Plans are updated, but that municipalities comply with the Planning Act to update their zoning by-laws to be in conformity with their own Official Plans and with the Growth Plan. The continues to be a lack of alignment in many jurisdictions between higher-level provincial plans and the local planning implementation framework.

As stated in the Environmental Registry posting, the municipal comprehensive review ("MCR") is a process that upper- and single-tier municipalities use to ensure their official plans conform with the policies in the Growth Plan. An MCR results in a new official plan or official plan amendment that comprehensively applies all the policies of the plan, and which is then submitted to the province for approval. OHBA is generally supportive of the province providing guidance, however we have a number of specific comments and concerns we will outline in this submission. OHBA is however concerned that a number of municipalities such as the Region of Peel have, "expressed their concern on how requiring a single amendment will impede the timely implementation of important community building polices and impact affordability, competitiveness, infrastructure planning and financing. Regional staff are preparing comments on these guidance documents and will be requesting the Province to allow greater flexibility in the MCR process and permit a staged approach." OHBA also wishes to make it clear that municipalities need to go beyond Official Plan conformity and conduct comprehensive zoning by-law updates and that conformity must be achieved in a more efficient and comprehensive manner than the first round of conformity following the 2006 Growth Plan.

Draft Guidance for the MCR Process

OHBA's concerns regarding the draft guidance for the municipal comprehensive review (MCR) process stems from a statement under section 2.2 (Implementation of the Municipal Comprehensive Review) on page 5:

The MCR process will lead to the revision of an official plan in accordance with section 26 of the Planning Act, which will require Provincial approval. By definition, the MCR requires comprehensive application of the policies in the Growth Plan, 2017. This means that upon completion of the MCR process, the official plan (once approved and in effect) will be entirely in conformity with the Growth Plan, 2017.

Recent changes to the *Planning Act* under Bill 139 mean that our members will only be able to make an appeal to the LPAT when they can demonstrate that the existing OP policies relating to the subject site do not conform with the Growth Plan and the Provincial Policy Statement. If an OP is deemed to be "entirely in conformity with the Growth Plan", OHBA questions whether will there be any grounds for an appeal of a privately initiated OPA.

The draft guidance document does not appear to envisage a comprehensive review of all of the policies in an OP in the context of all of the policies in the Growth Plan, 2017. The draft guidance document focuses on Growth Plan policies that specify implementation through a MCR:

-) Establish an urban structure;
-) Undertake integrated planning for infrastructure and public service facilities;
-) Delineate areas to which targets apply:
 - o The Delineated Built-Up Area;

- Urban Growth Centres
- Major Transit Station Areas
- Other Strategic Growth Areas
- Portions of the Designated Greenfield Area
-) Establish Targets
-) Intensification Target
-) Density Targets for Strategic Growth Areas and Designated Greenfield Areas
-) Assess Land Needs:
 - Employment Area Conversions
 - Settlement Area Boundary Expansions
 - Excess Lands
-) Allocate Forecasts and Establish Targets for Lower-Tier Municipalities
-) Natural Heritage and Agricultural System Mapping.

Section 4.3 (page 33) states that upper- and single-tier municipalities would submit an OPA implementing the MCR that has been adopted by council for approval by the Minister. There is nothing in the draft guidance document to suggest that the OPA would deal with any other Growth Plan policies, other than the matters identified in the bullet point list above.

For example, the draft guidance document does not provide direction regarding municipal council adoption of the land use designations and related policies will be required to permit the type and density of development required to actually achieve the targets and forecasts established through the MCR.

Policy 5.2.5.8 of the Growth Plan states:

The identification of strategic growth areas, delineated built-up areas, and designated greenfield areas are not land use designations and their delineation does not confer any new land use designations, nor alter existing land use designations. Any development on lands within the boundary of these identified areas is still subject to the relevant provincial and municipal land use planning policies and approval processes.

OHBA is concerned that while a municipality might adopt an OPA delineating strategic growth areas and other areas identified above and establish the density targets required under the Growth Plan, however the actual land use designations and other policies in the Official Plan may not support or possibly not even permit the scale and density of development required to achieve the density targets. There may be existing policies in the Official Plan that impede the implementation of Growth Plan principles and/or Growth Plan policies that are not specifically identified as policies to be implemented through a MCR (e.g. land adjacent or near to frequent transit should be planned to be transit-supportive and supportive of active transportation and mix of uses and activities, new development in designated greenfield areas will be planned, designated, zoned and designed in a manner that support the achievement of complete communities, etc.). OHBA notes that some of the policies in the Official Plan would conform with the Growth Plan, while other policies in the Official Plan would not conform with the Growth Plan. The Draft Guidance suggests that under these circumstances, the Official Plan (once approved and in effect) would be deemed to “be entirely in conformity with the Growth Plan, 2017.”

In order for an Official Plan to be deemed to be “entirely in conformity with the Growth Plan, 2017”, every policy in the Official Plan should be assessed and amended as necessary to ensure that every policy in the Official Plan conforms with all of the relevant policies in the Growth Plan, 2017. Failure to do so will result in a situation where the geographic area available for greenfield development is severely constrained by the

Growth Plan policies for settlement area boundary expansion, and opportunities for intensification in built-up areas and increased densities in greenfield areas are severely constrained by the land use designations, OP policies and zoning by-law provisions applicable to lands within settlement area boundaries.

Draft Guidance for Application of Intensification and Density Targets

The draft guidance document doesn't provide any guidance regarding how a municipality would actually go about planning to achieve the DGA density target. There is no guidance in the documents about how official plan policies and zoning by-laws may be structured to permit, promote and facilitate the type and density of development required to achieve the DGA density target by 2041. OHBA is concerned by the lack of direction from the Ministry as dramatic changes in OP policies, zoning by-laws and development standards will be required to achieve the density targets. The Ministry needs to be more assertive in providing direction and recognizing the real-world impact of the Growth Plan density targets.

Section 4.4 (Efforts to Support Achievement of the Intensification Target) replicates the Growth Plan policy for intensification strategies (2.2.2.4). The intensification strategy will "be implemented through official plan policies and designations, updated zoning and other supporting documents." However, the guidance document provides no guidance regarding how the intensification strategy will be implemented. There is no mention of designating more land for apartments, of increasing the height or density (FSI or units per hectare) permitted in intensification areas, or OP policies to promote the redevelopment of underutilized sites.

In a similar vein, the guidance for achieving the density targets for Major Transit Station Areas (MTSAs), Urban Growth Centres (UGCs) and other strategic growth areas does not include any practical guidance about the types of changes to OP designations and policies, development standards and zoning that will be necessary to achieve the density targets for these areas. OHBA is concerned that the Ministry of Municipal Affairs is not being more direct about the on the ground changes that will be required and the real world implications of the Growth Plan density targets.

On behalf of our 4,000 member companies and 11 local associations within the Growth Plan area, we look forward to ongoing dialogue and consultation with respect to growth, environmental and infrastructure planning across the Greater Golden Horseshoe and the Province

Sincerely,



Michael Collins-Williams, MCIP, RPP
Director, Policy
Ontario Home Builders' Association