

Appendix 'A'

Bill 108 – More Homes, More Choice proposed changes

The following are comments received from the Planning and Development Committee, County of Bruce and are to be submitted as the County of Bruce's comments on the Environmental Registry of Ontario (ERO) registry postings #019-0016, #019-0017 and #019-0021.

1. Local Planning Appeals Tribunal (LPAT)

The back-log of appeals under the former OMB, is not proof that the LPAT two-hearing process for appeals of Official Plan Amendments and Zoning By-law Amendments is not working, and should have been addressed more appropriately by hiring additional adjudicators. The LPAT has only been in place for a short period of time and there is no reason to change the current rules and process without cause.

The LPAT was considered by local municipalities as a step forward in the Province of Ontario, to recognizing municipal decision making as it relates to land use planning within its jurisdiction. The proposed change also diminishes the role of local Councils in decision-making and places it back into the hands of unelected individual(s) of the Tribunal, by opening the review of all matters presented in a Hearing, rather than relying upon the judgement of a local Council based on their understanding of the local context and the information provided at a Public meeting.

Further, the return to 'de novo' hearings for appeals of Official Plan Amendments and Zoning By-law Amendments does little to streamline the appeal process. As an example, pre-hearings will more than likely be needed to scope the issues for the hearing, as was often done in the past. Additionally, the cases will be heard from the beginning rather than only the matters stated in an appeal, which prolongs the giving of evidence that leads to longer hearings.

Appeals of Section 29 Heritage designations are proposed to be transferred to LPAT for adjudication, rather than the Conservation Review Board, adding additional burden on the Tribunal, that needs to be supported with hiring of additional adjudicators.

2. Infrastructure Funding using Community Benefits Charges

Bill 108 would change Section 37 of the Planning Act to provide for Community Benefits Charges to cover capital costs of facilities, services and prescribed matters that are not eligible for funding by Development Charges. It is proposed that a municipality would need to spend or allocate 60 % of funds held in a special account for this purpose each year, and would be required to provide annual reports on the use of funds.

In small jurisdictions or where growth is slow, there is resulting small amounts of funds that are raised or held in a given year. This would mean the municipality would be challenged to spend the Community Benefits Charges in an impactful way. This may be improved if the 60% spending requirement is only

applied beyond a ceiling amount (cap), were removed, or lowered to allow funds to build to more meaningful levels to provide for larger or less frequent capital purchases.

The County is supportive of unifying development charges into one predictable request to developers.

3. Appeals for No Decision

Changes to the processing times for Council decisions will likely not streamline processing of planning applications because other legislated requirements and notice periods are not changing. What may result instead is greater use of LPAT to make decisions for development rather than allowing local Council adequate time to properly consider proposals and reach a decision. Any additional (hearing) costs incurred by a developer will continue to be transferred to a purchaser of land, homes, commercial buildings, etc. affecting affordability.

4. Exemption of Development Charges for second dwelling units

Generally, municipalities are supportive of any incentive opportunities that they can apply that increase the supply of housing stock and address issues of housing diversity and affordability. As an incentive for the provision of secondary dwelling units (secondary suites) in new residential buildings and ancillary structures, waiving of development charges is supported.

5. Pre-Zoning Land to be ready for Residential Development

The act of Zoning land in advance to permit the type of development desired in a particular area, is often problematic in slow-growth areas or smaller communities where development occurs over many years, and pre-zoning is generally less responsive to changing demands or may be found to be in the wrong area. Frequently, one or another zone provision requires relief or modification to accommodate new forms of development or a dwelling-type that might be under-supplied at a given point in time that wasn't be anticipated.

Zoning lands for a specific use could be done in less than 90 days, with the proposed changes; and, avoids the need for municipalities to chase demands or new development trends.

6. Source Water Protection as a mandated service under the Conservation Authorities Act

Bill 108 proposes an amendment to the Conservation Authorities Act that would make Source Water Protection a mandated service. One effect of becoming a mandated service is that the Authority would have the right to assess additional levies upon participating municipalities. The County is opposed to any additional transfers from the Province that would have the effect of creating new or additional charges to local municipalities.

7. Skilled Workforce, Land to Build Ontario's Homes, More Choices for Renters, Environmental Assessment Act and Cost-Effective Building

The County supports the following:

- reforming apprenticeship programs to “help more people learn these critical skills and get these great jobs”;
- making provincially owned lands that are redundant to the needs of the Province, available for building more homes, long-term care facilities and affordable housing.
- providing more choice to renters by exempting new rental units from rent controls to encourage new rental construction;
- exempting specific categories of undertakings from a Class Environmental Assessment
- increasing the use of timber in the home building industry; training of various disciplines to work with wood and encouraging demonstration projects.

8. Other

The County of Bruce supports the use of employment lands (Business Parks) for mixed-use development without the need for a Comprehensive Review as outlined in Section 1.3.2.2 and Section 6, of the Provincial Policy Statement, 2014.