



Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Jennifer Boyer, Manager of Policy Planning
Pam Duesling, General Manager of Development Services
Darryl Lee, Interim Chief Administrative Officer
Date: January 10, 2023
Report #: RPT-0036-23
Subject: Draft New Official Plan Status and Update
Purpose: For Information and Direction

Recommendation

That report RPT-0036-23 – Draft New Official Plan Status and Update be received; and

That the attached correspondence from the Ministry of Municipal Affairs and Housing dated December 29, 2022, indicating that the Province will not be providing formal One-Window review comments on the County's draft New Official Plan be received; and

That staff implement the changes made through Bill 109: More Homes for Everyone Act, and Bill 23: More Homes Built Faster Act and the outcome of the upcoming changes of the Growth Plan and PPS which have no clear timeframe; and

That staff are directed to include revisions as previously directed at the Special Meetings of Council on December 2nd and 9th 2021, (RPT-21-317) regarding employment land needs, affordable housing, active transportation, rural and hamlet settlement boundary review, and update to the housing targets and growth forecasting analysis; and

That staff undertake further public consultation, stakeholder and indigenous engagement prior to the adoption of the final New Official Plan regarding appropriate updates and changes;

And that staff re-commence the New Official Plan project and bring forward a final document for Council's adoption for submission to the Province for the Minister's approval.

Executive Summary

The County of Brant received notice from the Ministry of Municipal Affairs and Housing on December 29, 2022 that they have no intention on providing formal comments on the draft version of the New Official Plan, and that the County of Brant should move forward to adopt a final version of a new Official Plan for the Minister's approval at some point in the future.

In the meantime, the Province has initiated a policy review of the Growth Plan and PPS under Bill 23: More Homes Built Faster Act; two of the key documents informing the direction of an Official Plan. Our new Official Plan requires conformity with the Growth Plan and consistency with the PPS, and changes to these key provincial documents will significantly impact the application of the policy framework in the County of Brant. A new Official Plan will need to consider how changes to these documents can be integrated into the new Official Plan in a timely manner and with the most efficient use of resources.

This report provides an update on the status of the draft version of the new Official Plan and is seeking direction on the re-commencement, finalization and adoption of the new Official Plan. It is proposed that a final plan be adopted after a number of key reports are presented to provide an update on specific items such as growth forecasting, rural settlement areas, employment lands, and housing targets, based on legislative changes, newly available data such as the 2022 Census, and municipal strategic objectives.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Strategic Priority 2 – Effective Communications

Strategic Priority 5 – Healthy, Safe and Engaged Citizens

Impacts and Mitigation

Social Impacts

Land use development in the County of Brant has significant social impacts on current and future residents of the County of Brant. The Official Plan directs and manages growth and development for long term community resilience. Many residents do not understand the implications of land use designations and growth management at the level of Official Plan policies, which can have negative impacts on society when policy and objective changes are not paired with appropriate education and engagement. To have a positive impact, an Official Plan, including the process of its development and implementation, must be transparent and engaging.

Environmental Impacts

Directing land use development to appropriate areas of the County and in forms compatible with the natural environment serves to mitigate any negative environmental impacts that could be experienced by development. The Official Plan directs all responsible environment management of the County. Staff are expecting further changes to provincial environmental policies through Bill 23 and there are significant changes to Ontario Wetland Evaluation, Natural Heritage Systems and Natural Hazards review through the Conservation Authorities Act.

Economic Impacts

The New Official Plan project has been largely completed in-house by Policy Planning Unit staff, which has resulted in less funds required for consulting services. The Municipal Comprehensive Review and Land Needs Assessment, along with consultation and engagement pieces require external services. The project has been funded under the Development Services Capital Budget since 2020. The 2022 Capital budget has \$40,000 in

funds remaining, and \$60,000 in additional funds are required to complete the project under the 2023-2032 Proposed Forecast and 2023 Proposed Capital Budget with Funding Sources.

With the changes caused by Bill 23 under the Development Charges Act, this reduces certain types of eligible capital costs that a municipality can recover through DCs. Costs for housing services and the costs for “certain studies” no longer qualify for recovery through their DC By-laws.

This has mainly impacted Development Services since this is where most of the DC-funded strategies/plans were budgeted, and it means that they are now all to be covered by the capital levy, or where appropriate by user rates such as water and wastewater or the municipal tax levy.

Additionally, staff resources and expertise continue to be used for the updating of an Official Plan, including its policies, mapping, and implementation tools, which continue to be impacted by the Provincial changes to the land use planning regime. As the policy framework continues to change, staff will continue to undertake updates to policy and implementation.

Report

Background

The County of Brant’s draft version of a new Official Plan and Municipal Comprehensive Review were submitted as a package to the Province of Ontario for preliminary review and comment on August 17, 2021. Under Section 17.1 of the *Planning Act*, the Ministry of Municipal Affairs and Housing (MMAH) is required to receive a copy of the proposed plan at least 90-days before the municipality wishes to move forward with adoption. This process is referred to as the “one-window agency review”, providing a period of collaboration between the municipality and Provincial ministries with interest in commenting on the plan. The one-window agency review period lapsed on November 17, 2021, and comments were expected from the Province to address several questions the County of Brant posed based on how Provincial policies were to be implemented at the local level. No comments have been received to this regard. The following important dates mark further milestones in the New Official Plan Project.

December 2nd and 9th 2021 – Information Report and Direction (RPT-21-317)

Resolutions are made to request changes to the draft plan and its subsequent finalization for adoption once comments from the province are received.

May 10th 2022 – Information Report (RPT-22-139)

No comments have been received and the County will wait for provincial comments until at least after the June Provincial election.

December 29th, 2022 – Correspondence is received from MMAH indicating that the County’s draft OP was received but MMAH would not be providing formal comments on the draft document (Attachment 1).

Analysis

Draft New Official Plan Status

The County has spent a substantial amount of time and resources with considerable community input during the COVID-19 pandemic to prepare this new and innovative Official Plan. MMAH London staff worked with County Planning staff to ensure the project could meet the Provincial delegated timelines to A Place to Grow conformity by July 1, 2022.

The Province has now indicated that it will not be providing comments on the draft version of the Official Plan. They have highlighted the current policy review to combine the PPS and Growth Plan, and suggest that the County of Brant will need to determine how to apply and implement the provincial policy framework into an adopted plan to be submitted to the Province. This plan will need to consider provincial objectives, such as housing supply, and how to best manage our growth in the County of Brant.

As part of the Minister's review of other municipal Official Plans, it is important to note that many have been amended by the Minister to apply objectives consistently across the Province of Ontario. Policy Planning staff continue to review the recent decisions issued by the Minister on various Official Plans and Official Plan Amendments to consider trends in these amendments and how they can be applied at a local level so that a submission of a final version of the Plan will not lead to Provincial amendments on our behalf.

Provincial Legislation and Policy Changes

Bill 109, More Homes for Everyone Act, 2022 received Royal Assent on April 14, 2022, and Bill 23, More Homes Built Faster Act, 2022, received Royal Assent on November 28, 2022. The new regulations attempt to move forward the More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022-2023 which will see the Ontario population increase to 2 million people by 2032. The Province has declared that Ontario is currently in a housing crisis. The objectives of the province focus heavily on the supply of housing and the Province is requiring municipalities to do their share to build 1.5 million new homes within the next decade, equating to 150,000 new homes a year across the Province.

Awaiting the finalization of the Official Plan has worked to benefit the County of Brant. Given that the Provincial election resulted in legislative changes that further impact the County's Official Plan, this period has provided time to evaluate next steps and await comments from the Province. As we saw with Bill 23 – The More Homes Built Faster Act, the province is making sweeping changes to the land use planning framework with the intention of boosting housing supply.

Bill 23 has proposed a comprehensive review of integrating the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and Provincial Policy Statement (PPS). Comments on this important policy review were submitted on behalf of the County of Brant by the December 30, 2022 deadline.

When first introduced in 2006, the Growth Plan was a regional growth management strategy that intended to provide specific direction for growth and land use in the Greater Golden Horseshoe, the Province's fastest growing and most populated area. The changes may have implications for such things as development on private services, density targets, infrastructure funding, and protection of natural heritage, but the full scope of the proposed changes is yet to be determined. Without a certain policy framework to support an official plan, it will be difficult for municipalities to amend or write new plans while the framework is being changed.

Summary and Recommendations

County staff are ready to move forward preparing a final version of the County's new Official Plan which must include the results of the policy review of the PPS and Growth Plan, Council resolutions, Site Specific reviews and giving staff time to review and formulate these changes. In addition to the above, these revisions are expected to include the following:

- Prepare a final Municipal Comprehensive Review and Land Needs Assessment, including a Growth Management Strategy (GMS) and updated Housing Targets.

- Employment Land Needs revisions and Employment Strategy.
- Affordable and Attainable Housing policies inline with Bill 23 changes.
- Review of all correspondence, Site Specific reviews and submissions received through the draft Official Plan.
- Implementation of the Transportation Master Plan policies and schedules.
- Rural Settlement and Hamlet Boundary review.

The Policy Planning team continues to work on projects to ensure that when a new Official Plan is adopted. This includes:

- Completing the Master Plan Study for St. George Interim Control By-law;
- Updating development submission requirements in line with Bill 109, providing terms of reference for important studies,
- Undertaking research and analysis related to specific challenges within the County of Brant (such as on-street parking), and
- Collaborating with other County of Brant staff on master planning projects like the Burford and Cainsville Water and Wastewater Class EAs, Transportation Master Plan and Parks Master Plan.

Attachments

1. Letter from MMAH dated December 29th, 2022

Reviewed By

Pam Duesling, General Manager of Development Services

Darryl Lee, Interim Chief Administrative Officer

Copied To

1. Alysha Dyjach, Director of Council Services, Clerk
2. Melissa Connor, Director of Corporate Communications
3. Senior Management Team
4. Mat Vaughan, Director of Development Planning

By-law and/or Agreement

By-law Required No

Agreement(s) or other documents to be signed by Mayor and /or Clerk No