



INFORMATION REPORT
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REPORT – INFORMATION REPORT # 2016-35

TO: Mayor and Members of Council
SLT/OLT

SUBJECT: Bill 73 Conformity
NP-16-35

ORIGIN: Planning and Building Services
Legislative Services

In accordance with the Procedure By-law, any Member of Council may request through the Clerk's office that this Information Report be placed on an upcoming Committee of the Whole agenda for discussion.

COMMENTS

Background

Bill 73, the Smart Growth for Our Communities Act, 2015 enacted amendments to the Ontario Planning Act (the Act) and the Development Charges Act. A number of new or revised Planning Act regulations are contained in the Bill, the effect of which impact to the day-to-day work of Planning and Building Services, as well as Legislative Services. The more significant of these changes affect notice of planning applications and public participation in the planning process. Some of these changes came into force and effect on December 3, 2015 (the date of Royal Assent) and the remaining majority of the changes came into force and effect on July 1, 2016.

Staff have reviewed Bill 73 and recommend a means to implement each relevant change, as shown on the attached chart ("Attachment 1"). A complete list of Bill 73's changes can be found here: <http://www.mah.gov.on.ca/AssetFactory.aspx?did=15070>

Summary of Changes

Most of the matters addressed in the regulations are needed to implement a number of the changes to the Planning Act. Other changes are being made to update and simplify some of the direction in the existing regulations.

Generally, the new and revised Planning Act regulations will:

- enhance complete application requirements for official plan and zoning by-law amendments, minister's zoning order amendments, and plans of subdivision.

- update and simplify notice requirements to make them easier to access and understand.
- require the record sent to the Ontario Municipal Board following an appeal of a minor variance to include the minutes of a public hearing.
- change the name of the “development permit system” to “community planning permit system”, and put in place a five year “timeout” for requests to amend the system after it is established, unless permitted by the municipality.
- include technical changes to update and modernize the regulations, such as improving consistency of the language used in the regulations and in the legislation.
- set out specific rules for planning matters that are in process when the amendments to the Planning Act changes came into force on July 1, 2016.

In addition to the new and revised Planning Act regulations, a number of Ontario Regulations have been revised and new ones created. These new and revised regulations include:

- Ontario Regulation 173/16 (Community Planning Permits) - new, replacing Ontario Regulation 608/06 (Development Permits).
- Ontario Regulation 174/16 (Transitional Matters Relating to the Smart Growth for Our Communities Act, 2015) – new.
- Ontario Regulation 175/16 (Minor Variance Applications) - amending Ontario Regulation 200/96.
- Ontario Regulation 176/16 (Consent Applications) - amending Ontario Regulation 197/96.
- Ontario Regulation 177/16 (Requests to Amend or Revoke Minister's Zoning Orders) - amending Ontario Regulation 546/06.
- Ontario Regulation 178/16 (Plans of Subdivision) - amending Ontario Regulation 544/06.
- Ontario Regulation 179/16 (Zoning By-Laws, Holding By-Laws and Interim Control By-Laws) - amending Ontario Regulation 545/06.
- Ontario Regulation 180/16 (Official Plans and Plan Amendments) - amending Ontario Regulation 543/06.

The attached chart (“Attachment 1”) outlines the specific areas of change to the Planning Act, as well as the proposed means of implementation for each change. As noted in the chart, in some instances the Town already meets the new requirements of the Bill; in other cases small revisions are needed to current policies; and in other cases new policies must be created.

CONSULTATION

Not applicable to this Information Report.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Ensuring conformity with provincial legislation supports the *Well-respected* branch of the Community Strategic Plan by being an influential contributor to regional and provincial affairs.

HUMAN RESOURCE CONSIDERATIONS

There are no Human Resource impacts associated with this Information Report.

BUDGET IMPACT

There are no Capital or Operating Budget impacts associated with this Information Report.

CONTACT

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Esther Armchuk, Commissioner Corporate Services

Attachment(s):

Attachment 1 – Chart: “Bill 73, Smart Growth for Our Communities Act, 2015 - Changes and Implementation”

**Bill 73, Smart Growth for Our Communities Act, 2015
Changes and Implementation**

The following summarizes the changes that are recommended to be undertaken in order to comply with the requirements of Bill 73.

Description of Change:	Required vs. Optional:	Effective Date:	How to Implement:
Citizen Engagement			
The Town may choose to create a Planning Advisory Committee (PAC)	Optional	July 1 2016	Include the consideration of a PAC in next Committee Review process. A PAC would provide advice to council on matters such as heritage, environment, etc, and will include at least 1 citizen member. Alternatively consideration could be given to include responsibilities of a PAC in terms of reference for existing committees.
Municipalities authorized to expand alternative notice procedures for additional planning matters	Optional	July 1 2016	As part of the next Official Plan review, potentially develop OP policies that outline alternative Notice procedures (e.g. who receives notice, how notice is given, and the timing for public meetings).
Municipalities and approval authorities required to explain effect of public input, if any, on planning decisions	Required	July 1 2016	Include an "Analysis of public submissions" section in relevant Planning Reports prepared following a public consultation process. While this is already done to some extent, the practice must be more formal with a detailed analysis.
Municipal OP's must include description of measures and procedures for informing and obtaining views of the public on OPAs, zoning by-laws, plans of	Required	July 1, 2016	As part of the next Official Plan review, develop and include OP policies that explain how the public is to be consulted in a way that meets provincial requirements, but also meets local context/needs.

subdivision and consents			
Certainty, Stability and Costs			
No privately-initiated applications to amend a new official plan or zoning by-law for 2 years, unless supported by municipality	Required	July 1, 2016	Do not process/approve private OPA or ZBA applications that are submitted within 2 years after approval of a new OPA or ZBA. Note: this does not limit municipally-led amendments.
Inclusion of a new provincial interest relating to built form – “built form that is well designed, encourages a sense of place, provides for public places that are of high quality, safe, accessible, attractive and vibrant”	Required	July 1, 2016	Develop OP policies that address built environment policies in official plans and include implementation standard language for provincial interests – “shall have regard to”. The Town’s OP currently has much of this language, but now that “built form” is a Provincial Interest, it needs to be revised to include the specific wording as noted.
Requirement for official plans to contain policies related to the built environment	Required	July 1, 2016	Develop OP policies that are related to the built form environment: “goals, objectives and policies established to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality”. The Town’s OP currently has much of this language, but it needs to be revised to include the specific wording as noted.
Local Decision Making and Accountability			
Approval authority and adopting municipality / applicant can agree to pause of up to 90 days in 180-day decision timeline for approving Official Plan / OPA	Optional		No immediate action. Either the approval authority or applicant/adopting municipality can elect to initiate the “time-out” any time prior to expiry of the 180-day decision timeline for the approval of an official plan / OPA.
Change to clarify transition -applications for OPAs are subject to	Required	In effect on Royal Assent	No immediate action, only applicable to OPA applications submitted prior to December 3,

previous policies / legislation only if the complete application was made prior to transition date		(December 3, 2015)	2015. It is "transitioned" only if the application included all the required supporting material prior to the applicable transition date.
Dispute Resolution			
No appeals of official plans / OPAs that implement specific provincially-approved matters	n/a	July 1, 2016	Do not process/approve appeals of official plans / OPAs that implement the listed provincially-approved matters.
Changes remove ability for an appellant to appeal an entire OP (official plan amendments, including amendments updating existing OPs, remain appealable in their entirety)	Required	July 1, 2016	Do not process/approve appeals where the entirety of a new official plan is appealed.
Appellants need to explain the reasons for an appeal in respect of provincial / regional / local policies - failure to do so means that appellant may not be able to argue issue before OMB	Required	July 1, 2016	Ensure the appellant includes an appeal letter which explains how the by-law is inconsistent with, fails to conform, or conflicts with, the provincial / regional / local planning document. If not, the OMB has the ability to dismiss.
Changes remove ability to apply for a minor variance for 2 years following the passing of an applicant-initiated zoning by-law amendment, unless application is permitted by Council (through resolution)	n/a	July 1, 2016	Do not process/approve MV applications for 2 years following the passing of an applicant-initiated zoning by-law, unless accompanied by a Council resolution.
New authority to establish additional criteria through provincial regulation (timing on this new regulation is TBD) New authority for	Any additional tests that result from the provincial regulation	July 1, 2016	Revise the Minor Variance assessment process to assess: <ul style="list-style-type: none"> • The current 4 tests • Any additional tests that result from the provincial regulation (mandatory);

municipalities to establish additional criteria through municipal by-laws	are mandatory; any additional tests as per a municipal by-law are optional.		and <ul style="list-style-type: none"> Any additional tests as per a municipal by-law (optional).
Transparency			
Municipal Treasurers required to provide council with an annual financial statement, that is available to the public, related to density bonusing and parkland monies	Required	July 1, 2016	Town must prepare an annual financial statement detailing monies collected under section 37 bonusing and parkland dedication, and make them available to the public.
Maximum alternative parkland rate changes from 1 ha for every 300units to 1 ha for every 500 units for cash-in-lieu	Required	July 1, 2016	No action required. The Town has already passed a Parkland Dedication By-law that incorporates the new cash-in-lieu dedication rate (being a rate of 1 ha for every 500 units).
Requirement for municipalities to develop parks plans, in consultation with school boards and, as appropriate, the public, prior to adopting new / updated alternative parkland official plan policies	Required	July 1, 2016	No immediate action. The Town has already prepared a Parks Policy Development Manual that was prepared prior to the adoption of the Urban Centres Secondary Plan and enactment of the Parkland Dedication By-law.