

City of Markham Comments on the Province's Proposed Open-For-Business Planning Tool from Bill 66, *Restoring Ontario's Competitiveness Act*, 2018

**Development Services Committee
January 28, 2019**

Provincial Planning/Environmental/Housing Initiatives

Initiative	Release Date for Comments	Comment Period Ending
Increasing Housing Supply in Ontario, Consultation Document	November 28, 2018	January 25, 2019
Proposed Open-For-Business Planning By-Law and New Regulation from Bill 66	December 6, 2018	January 20, 2019
Proposed Changes to the 2017 Growth Plan	January 15, 2019	February 28, 2019
Endangered Species Act, Discussion Paper	January 18, 2019	March 4, 2019
Provincial Policy Statement	Awaiting	
Planning Act	Awaiting	

Provincial Legislation Process

- Only applies to proposed legislation (e.g. Bill 66)
- After First Reading, notice posted on Environmental Registry website seeking public's comments
- Minimum 30 day commenting period is required
- Standing Committee can seek feedback from members of the public
- Committee can amend the proposed Bill
- At Third Reading, Bill can be debated and approved



Bill 66 Restoring Ontario's Competitiveness Act, 2018

- Amends several Provincial Acts including the *Planning Act*, *Child Care and Early Years Act*, *Employment Standards Act*
- Focused comments on changes to *Planning Act* that implements the Open-For-Business Planning Tool – Schedule 10 from Bill 66
- What is the Open-For-Business Planning Tool?
 - To expedite development of employment uses
 - Implemented through a by-law by a local municipality with MMAH Minister as approval authority
 - Several legislation exempted to streamline approvals
- Status of Bill 66
 - First Reading December 6, 2018, Second Reading expected Feb.19, 2019
 - MMAH Minister announced Jan.23, 2019 not proceeding with the tool (Schedule 10)

Open-For-Business Planning Tool

- Key exemptions when passing an open-for-business planning by-law
 - Provincial Policy Statements, *Places to Grow Act*, *Greenbelt Act*, *Oak Ridges Moraine Act*, *Clean Water Act*, *Planning Act* (site plan control, conformity to official plan, increased density, holding provision, zoning)
- Certain site plan conditions may be imposed
- No appeal provision to Local Planning Appeal Tribunal
- No notice or hearing is required prior to the passing of an open-for-business planning by-law
- Required notice provisions once Council passes a by-law:
 - Notice within 3 days to the Minister
 - Notice within 30 days to those determined by the municipality
 - Comes into force on the 20th day after it is passed by Council or a later day as specified by the Minister

Staff Comments Submitted by Jan.20, 2019 Deadline

- Clarity is requested on the nature of the barriers to economic development being addressed by the proposed planning by-law
- The proposed planning by-law should not over-ride the established planning framework in the Greater Golden Horseshoe, and particularly but not limited to the Provincial Policy Statement, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and *Clean Water Act*
- The implications of the proposed planning by-law on Provincial, Regional and local infrastructure investment and urban structure must be fully understood
- The public should have the right to be notified prior to Council approval of the proposed planning by-law
- Additional information is sought on how delivery of the minimum 100 jobs for municipalities with a population of 250,000 or more will be ensured

Staff Comments Submitted by Jan.20, 2019 Deadline

- Non-employment uses should not be permitted and clarification is requested on the extent of a by-law beyond the area of a site-specific use
- Conditions related to natural and cultural heritage should be included in the proposed planning by-law; What are the actions to address the Province's goal for Provincial approvals within 1 year?
- The Province allow sufficient time for meaningful public consultation on the proposed legislation, by extending the commenting deadline for a further 30 days

Next Steps

- Monitor for any changes to *Planning Act* portion of Bill 66
 - Provincial legislature resumes February 19, 2019
 - Any additional details will be conveyed to DSC
- Staff comments and analysis for Feb.25, 2019 DSC meeting
 - Proposed changes to the 2017 Growth Plan