



**Subject:** Status Update for the Official Plan Review

**Department:** Infrastructure Services

**Division:** Planning

**Report #:** IS-PL-2019-003

**Meeting Date:** January 14, 2019

---

**Orangeville Forward – Strategic Plan**

**Priority Area:** Sustainable Infrastructure

**Objective:** Plan for Growth

---

## Recommendations

For the information of Council.

## Background

The Town commenced a review of its Official Plan (OP) in the spring of 2015 in order to bring the Plan into alignment with provincial policies and plans, and to reflect local planning priorities. After initiating this review and commissioning the completion of supporting land needs studies, the process was put on hold. As the Town's updated OP must be in conformity with provincial plans that were in the midst of substantial changes, it was deemed appropriate to halt to process pending the completion of the provincial plan updates. The purpose of this report is to recap the OP review background work completed to-date, to assess the pertinent provincial planning policy and legislative changes that have occurred since the project commenced and to summarize the intended next steps to move forward with resuming this review exercise.

Section 26(1) of the Planning Act (the "Act") requires municipalities to periodically review their OP to ensure that it conforms to (or does not conflict with) current provincial planning policy and legislation. The frequency in which a municipality is to review their OP is prescribed by the Act. This conformity review requirement follows the policy-driven planning system of Ontario, whereby provincial policy direction is to be consistently implemented and refined through upper (or single)-tier and lower-tier municipal planning documents and decision-making.

The last review of the Town's OP was completed and approved in 2010. This review addressed a number of pertinent planning matters and policy changes at that time, including consistency with the 2005 Provincial Policy Statement (PPS), legislative changes to the Planning Act and the newly enacted Places to Grow Growth Plan for the Greater Golden Horseshoe in 2006. In addition, the 2010 review considered general policy issues specific to the Town, including housing, employment land needs and sustainability matters.

Most recently, in 2015, the Town initiated the current review of the OP. This was to adhere to the OP review requirements of the Planning Act and to align the OP with more recent changes to Provincial and County planning policy (i.e. a new 2014 Provincial Policy Statement and new Dufferin County OP) as well as other legislative changes that had occurred since the previous OP review. The criteria and intended procedure for conducting this review are outlined in a staff report (Report No.: PL-2015-12) received by Council on June 15, 2015. This report identified a number of specific policy matters to be addressed through the review exercise, including:

- Introduction of complete application submission criteria
- Sustainability matters (i.e. energy efficiency, climate change, water conservation)
- Natural heritage
- Source Water Protection
- Active transportation
- Housing (i.e. affordable, supply and community needs)
- Secondary dwelling units
- Aging population
- Parks and recreation master plan
- Urban design
- Growth Plan conformity
- Employment land needs and current supply
- Conformity with the 2014 Provincial Policy Statement (PPS)
- Conformity with the Dufferin County OP

That report also recommended the creation of an OP review steering committee and a communication strategy to govern a comprehensive consultation process as key elements of the overall review exercise. In addition, the report identified the need to retain a consultant to conduct a land needs assessment as part of a municipal comprehensive review exercise that would form a basis of the OP review. The tasks completed thus far as part of the OP review exercise are summarized as follows:

- August 2015: MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) was retained with urbanMetrics to undertake a land needs assessment and commercial market analysis to determine the projected employment, commercial, institutional and residential land demand and associated availability within the Town.
- August, 2015 to June, 2016: Consultation sessions held with an OP Update Steering Committee comprised of stakeholder representatives from internal town departments, external public agencies and Town committees.

- September, 2015: Public Open House held to present the OP review exercise to members of the public and to obtain feedback on issues related to employment, housing, sustainability and intensification. An online community survey was also launched for additional public engagement.
- November, 2015: Stakeholder's breakfast held to obtain input from representatives of the development community regarding preliminary findings of the land needs assessment.
- January to February 2016: Public workshop and open house sessions held to obtain feedback from the community, which identified key areas of interest for the Town to consider as part of the OP review.
- March 14, 2016: Town of Orangeville Land Needs Assessment and Commercial Market Analysis and Economic Recommendation studies were completed. The conclusions and recommendations contained within these studies are summarized as follows:

#### Residential Lands:

- It will be difficult to achieve the provincially-prescribed intensification target of 50% of all new residential units to be built within the built boundary, based on the total projected build-out of 3,600 additional residential units by the year 2036 and the limited amount of vacant residential land presently available within the built boundary (2.5 ha).
- Additional measures to support intensification will need to be considered in order to meet intensification targets. This may include redevelopment of commercial sites for mixed uses as well as additional policies giving greater support for intensification.
- There is sufficient residential land available (59.6 ha) within designated greenfield areas to meet the projected residential growth requirements of the Town (55 ha), even if intensification targets cannot be met.

#### Employment Lands:

- There is sufficient industrial, commercial and institutional land available (95.7 hectares combined) to meet the anticipated growth requirements of the Town (75.5 hectares) through the projected build-out period to 2036.
- To guide the town towards being a complete community where residents can live and work, and to reinforce the Town's role as the major employment centre in the County, a policy framework should be established to ensure that sufficient land is maintained available to meet a recommended employment target of one job for each two persons.
- For industrial lands, to enable the Town to achieve an employment target of one job for every two persons, it is necessary to protect a minimum of 46 hectares for industrial employment purposes. The protection of the existing 66.9 hectares of available industrial employment land within the Town will

- provide additional flexibility to accommodate a greater number of options for prospective employment land uses.
- There are some limited opportunities within the built boundary to consider minor changes to employment designations that may assist in meeting residential intensification targets. Apart from these small areas, conversion of employment land to residential purposes should not be considered and the presently designated lands are required to meet the needs for employment uses of the Town over the long-term.

Commercial:

- The anticipated commercial land demand can be accommodated by existing designated commercial lands, currently proposed commercial developments and existing vacant commercial unit spaces in the Town. There is no identified need to re-designate additional lands for commercial uses within the Town.
- Commercial retail represents a key opportunity to provide significant employment to meet the needs of the Town's growing population base. The Town should consider the benefits of supporting commercial/retail development uses as legitimate employment generators.

Intensification:

- A total of 22 sites were identified within the built boundary as potential candidate intensification sites, based on proximity to community services, transportation connections and full municipal services. Of these sites, there is an estimated potential for approximately 1,038 new residential units, which represents roughly 50% of the intensification target established by the County OP and Growth Plan.
- The Town should consider enhancing policies for "Intensification Areas" and identify specific prioritized sites. A new "Priority Intensification Area" designation should be established which would promote infill development and clearly identify such areas where change is anticipated to occur in order to achieve the intensification targets stipulated for the Town.
- A new "Stable Neighbourhood" designation may also be established for areas of the Town not suitable for intensification, being locations where there is a concentration of buildings with a significant architectural or cultural significance that would require demolition and reconstruction.
- March 21, 2016: Special Meeting of Council held to present the Land Needs Assessment study and obtain feedback from Council and members of the public. A staff report (Report No. PL-2016-02) recommended that Council direct staff to prepare the land needs policies for the OP review based on the recommendations contained in the consultant reports noted above.

## Analysis

Since the completion of the land needs assessment and commercial market analysis in 2016 (described above), there have been new substantial changes to the provincial planning framework which need to be accounted-for in the review and update of the Town's OP. These changes are discussed as follows:

### 1. Planning Act Changes

#### a. Building Better Communities and Conserving Watersheds Act (Bill 139)

Bill 139 came into effect on April 3, 2018, which introduced amendments to the Planning Act and related legislation centered around giving greater emphasis on municipal planning decisions, streamlining the appeal process and focusing on decision adherence to provincial planning framework. The legislative changes introduced through Bill 139 which are most pertinent to the Town of Orangeville OP review include:

- Requirements for all municipal OPs to include climate change policies, including goals, objectives and actions to mitigate greenhouse gas emissions, adapt to a changing climate and increase resiliency.
- Requirements for all municipal Official Plans to include policies dealing with adequate provision of housing, including affordable housing.
- Changes to the planning appeal process, through replacing the former Ontario Municipal Board (“OMB”) with the new Local Planning Appeal Tribunal (“LPAT”) which still operates as a provincial body for hearing appeals regarding planning matters:
  - Limiting the grounds upon which certain planning approvals (i.e. an OP, OP amendment, Zoning By-law or Zoning By-law amendment) can be appealed to issues of conformity/consistency with provincial plans, provincial policy and applicable upper (single) and lower-tier OPs;
  - Extension of timelines for decisions to be made on various planning applications before they can be appealed on a non-decision basis;
  - Removing the ability to appeal certain planning approvals, such as Ministerial Zoning Orders, Interim Control By-laws (for a one-year period) and provincial approval of OPs and OP updates, including provincially-approved OP update exercises to conform to provincial plans;
  - Restrictions on amendments to Secondary Plans, whereby for two years following the adoption of a Secondary Plan, a request to amend the Secondary Plan can only be made with council approval.
  - New procedures for appeals, primarily being the introduction of a two-step appeal adjudication process for certain planning applications, whereby:

- Appeals are initially referred to mandatory case management to provide an opportunity for resolution/mediation outside of a hearing process;
- An initial hearing being primarily undertaken on the basis of written submissions (oral hearings are held only by exception), with the Tribunal making a decision based only on the information that informed Council's decision under appeal;
- If the Tribunal determines that the municipal decision did not conform to an upper-tier/provincial plan or was not consistent with provincial policy, the matter is referred back to the municipality for reconsideration in light of the Tribunal's ruling, with a 90-day deadline for a decision. Once the municipality makes the second decision, the Tribunal has the ability to approve, modify or refuse all or part of the second decision based on consistency/conformity with provincial policy and provincial plans.

The Bill 139 amendments to the Planning Act and resulting LPAT planning appeal framework has significant implications for the municipal planning decision process. This places greater emphasis on the adequacy of the submission information, review process and recommendations that collectively inform Council's decision on planning applications. This compels municipal staff reports, supporting application information and the review process leading to the municipal decision to be more comprehensive, given that the Tribunal will only evaluate appeals based on the information record that led to Council's decision. This has implications for the OP review as updated policies will need to be cognisant of this new planning decision and appeal regime. Emphasis on comprehensive policies for pre-submission consultation, municipal review and implementation tools, particularly secondary plans and interim control by-laws will need to be considered.

b. Smart Growth for our Communities Act (Bill 73)

Bill 73 was passed on December 3<sup>rd</sup>, 2015, bringing amendments to the Planning Act and associated regulations into effect as of July 1, 2016. Bill 73 gives greater emphasis on community engagement in the planning process as well as greater stability and accountability for municipal planning decisions. Key changes made to the Planning Act through Bill 73 that are pertinent to the Town are summarized as follows:

- Specific requirement for a planning authority, particularly the LPAT (formerly OMB) to have regard for public submissions when making a decision on a planning matter, giving greater weight to public consultation in the decision-making process. Based on the subsequent amendments through Bill 139, which place greater emphasis on the information presented to Council when considering an appeal, public consultation should be more thoroughly documented in the planning review and approval process.

- Requirement for municipalities and approval authorities to explain the effect that the public input had on their decision when issuing a notice of decision with respect to certain planning applications.
- Municipal OPs are to include policies describing the measures and procedures for informing and obtaining the views of the public in respect of proposed OPs (and amendments), Zoning By-laws (and amendments), plans of subdivision and consents to sever.
- Where a new OP is adopted by Council, or where a new comprehensive Zoning By-law is passed to implement an updated OP, no proponent-initiated OP Amendment or Zoning By-law Amendment applications can be submitted within two years from when these new OP/Zoning By-law documents come into effect, unless the municipality passes a resolution to allow any such application to proceed.
- A new “provincial interest” added under Section 2 of the Planning Act which now includes built form that is well designed, encourages a sense of place and provides for public places that are of high quality, safe, accessible, attractive and vibrant. This is to ensure that “built form” is appropriately considered in municipal planning decisions.
- Requirement for OPs to include policies for managing and directing change related to the built environment.
- Prohibitions of appeals of OPs or OP Amendments that implement provincially-approved matters, particularly boundaries of vulnerable areas defined by the Clean Water Act, 2006, forecasted population and employment growth in accordance with upper-tier OP allocation.
- Prohibition of appeals of second dwelling unit policies at the time of an OP review.
- New authority for municipalities to establish additional criteria by By-law for considering minor variance applications.
- Requirements for municipal treasurers to provide an annual financial statement to Council and the public related to money collected through density bonusing and parkland dedication in an effort to increase transparency and accountability regarding the use and application of these funds.
- New reduced alternative calculation rates for collecting cash-in-lieu of parkland conveyance have been applied, from the previous rate of 1 hectare of land per 300 units to 1 hectare for every 500 units. This is to encourage acquisition of land for parks rather than collecting money in lieu thereof.

Generally, the above amendments to the Planning Act with respect to planning decisions and procedures will have a negligible impact on the OP review exercise. There are however, specific requirements for additional matters to be recognized in the OP, particularly with respect to public consultation, built form, and parkland conveyance that will need to be accommodated in this review exercise.

## **Changes to the Places to Grow Growth Plan for the Greater Golden Horseshoe**

On July 1, 2017 an updated 2017 Growth Plan for the Greater Golden Horseshoe area was brought into effect amidst a series of updated provincial plan documents that resulted from a provincially-led coordinated plan review initiated in early 2015. The 2017 Growth Plan introduced many new policies from the previous 2006 Growth Plan, including:

- i) Increased targets for density in greenfield areas and intensification within the built-up area;
- ii) New population and employment growth forecasts to 2041 as a basis for determining land allocation at the single or upper-tier level, with a requirement for an implementing land needs assessment to be conducted according to provincial methodology;
- iii) Increasing the role of upper and single-tier municipalities in preparing an employment lands strategy which includes establishing new minimum employment area density targets;
- iv) Providing sole authority to single or upper-tier municipalities to initiate all municipal comprehensive reviews in support of either settlement area expansions or employment land conversions and requiring that such municipal comprehensive reviews be provincially-approved; and
- v) Requiring that single or upper-tier municipalities designate and delineate new provincially-defined major transit station areas.

Provincial planning legislation requires that all planning decisions made by Council must conform to the 2017 Growth Plan. The Growth Plan provides an overarching strategy for where and how population and employment growth is to be managed throughout the golden horseshoe. Contained within this growth management strategy are density and intensification targets for new development as well as specific growth projections (i.e. population and employment growth), prescribed to each of the upper-tier jurisdictions within the greater golden horseshoe area. From there, upper-tier municipalities such as the County of Dufferin are required to update their OPs to conform to the 2017 Growth Plan within five (5) years of the plan coming into effect, or by the year 2022. A focal point of this conformity update process is a municipal comprehensive review exercise which consists of an extensive analysis to determine how this forecasted growth is to be allocated and accommodated throughout the lower-tier municipalities. Once this has been determined through the approval of an amendment to the upper-tier (i.e. County) OP, lower-tier municipalities, such as the Town of Orangeville, will have one (1) year following this to bring their OP into conformity with the updated upper-tier (County) OP.

The County has recently prepared a preliminary work plan for their municipal comprehensive review and update of the County OP in order to bring it into conformity with the 2017 Growth Plan. The County will be initiating the full commencement of this project early in 2019 and expect to have this process completed by the year 2022, pursuant to the provincial Growth Plan implementation requirements.



## **2. Next Steps for the Town's OP Review**

Because of the County and municipal OP conformity updates that must follow the 2017 Growth Plan, the Town's current OP review will proceed with only non Growth Plan-related matters at this time. This is being done to allow the County OP conformity review exercise to move forward which will then provide the growth management and allocation direction to the Town of Orangeville to be consistently implemented and refined through the Town's updated OP.

The Town's current OP review exercise will therefore be split into two phases. Phase One will proceed with a focus on those policy matters not related to growth allocation and land use needs. This will build-off of the previous work that has already been undertaken for this project and will stem from the public consultation efforts undertaken from 2015-2016. More recent community engagement exercises undertaken in conjunction with other planning-related matters (i.e. the Town's Sustainable Neighbourhood Action Plan, the Wellington-Dufferin-Guelph Public Health Unit's healthy communities initiative and the County's consultation exercise with respect to improving access to housing and affordability) will also inform the advancement of the review exercise. A summary report on the feedback obtained from the various community engagement exercises will be prepared and will form a basis for a subsequent background report that will contain an analysis of the various policy modification areas. From there, draft policy amendments and updates will be prepared for the OP, which will serve as the basis for an OP Amendment to be presented to Council for consideration and approval.

Phase Two will consist of a subsequent amendment to the Town's OP that will implement a refined growth management and land use allocation framework in conformity to the updated County OP. Because the Town will be heavily engaged with the County in their comprehensive review and conformity update process, it is anticipated that this second phase of the OP review exercise will be initiated and pursued concurrently while Phase One is substantially advanced. The Town's participation in the County's comprehensive review and growth management exercise will help to inform the Town's preparation of its own implementing growth management framework. As part of this process, it is anticipated that the Town's initial Land Needs Assessment Study completed by MHBC in 2016 will need to be updated to reflect the new growth allocation regime established by the province and County as well as to provide an updated basis for a growth management framework unique to the interests of the Town. A consultant may need to be re-engaged to complete an update to the Town's Land Needs Assessment and to assist in preparing an updated growth management framework for the Town.

Staff anticipate having Phase One of the review process completed by the end of the first quarter of 2020 and the second phase completed within the year 2023, concurrent with and depending on the advancement and completion of the County's conformity update to its OP. An updated work plan for this OP review exercise will be subsequently presented to Council in order to provide more details about the intended process to complete this project.

## Financial Impact

There are no immediate financial implications anticipated at this time. Staff will proceed with completing the Phase One component to the OP review exercise internally, i.e. “in-house” without the need to retain an external consultant. As noted previously, the preparation of an updated Land Needs Assessment and growth management strategy as part of the Phase Two component of this project may necessitate a consultant to be retained. This would be considered and reviewed as part of the 2020-2021 budgeting process and will also depend on the advancement of the County’s comprehensive review/conformity update relative to the Town’s previously-completed land needs analysis.

Respectfully submitted  
Douglas G. Jones, M.E.Sc., P.Eng.  
General Manager, Infrastructure Services

Prepared by  
Brandon Ward, MCIP, RPP  
Manager of Planning, Infrastructure Services

### Attachments:

1. None