Bill 108: Proposed Changes to the Growth Plan

May 14, 2019

On May 2, 2019, the Government of Ontario released "A Place to Grow: Growth Plan for the Greater Golden Horseshoe" (New Growth Plan). This document replaces the 2017 version of the Growth Plan, entitled "Places to Grow" (2017 Growth Plan). The New Growth Plan was created after broad consultation on proposed policy changes referred to as Growth Plan Amendment No. 1 (Amendment No. 1), which was released on January 15, 2019. For the most part, Amendment No. 1 has been incorporated into the New Growth Plan, with only a few changes to the proposed policies made after the public consultation.

The government's stated intention is to accelerate the planning approvals process to increase the housing supply to address the anticipated population growth in the Greater Golden Horseshoe (GGH) over the next twenty years. The New Growth Plan's goals are to manage growth so communities can develop in ways that expand economic opportunities, increase the housing supply and protect jobs while maintaining protections for the Greenbelt, agricultural lands, the agri-food sector and cultural and natural heritage systems.

The following are some of the highlights of the New Growth Plan.

Provincially Significant Employment Zones and Conversion of Employment Lands

The New Growth Plan introduces the new concept of "provincially significant employment zones" (PSEZ), which are zones identified by the Minister of Municipal Affairs and Housing (Minister) that are to be protected and cannot be converted to permit non-employment uses outside of an Municipal Comprehensive Review (MCR).

Some changes have been made to the locations of the PSEZs that were originally identified in the proposed mapping in Amendment No. 1, including the following:

- Expanded area in central Hamilton
- Expanded area in south Hamilton near the Hamilton airport
- Expanded area near Tremaine Road and Brittania Road south of Milton
- Reduced area near the intersection of the 401 and 407

The New Growth Plan also allows municipalities to convert employment land to a designation that permits non-employment uses, provided the conversion would satisfy specified criteria, including a requirement that a "significant number of jobs" be maintained on the lands and that the conversion not include any part of an employment area identified as a PSEZ. These conversions are only permitted in the period until the municipality's next MCR.

Settlement Area Boundary Expansions

Under the New Growth Plan, municipalities can expand their settlement area boundaries in advance of an MCR, provided that the amount of land being added to the settlement area is not more than 40 hectares. Rural settlements or settlement areas within the Greenbelt may not be expanded through this process.

Additionally, municipalities can now adjust settlement area boundaries outside of an MCR, subject to criteria including that there be no net-increase in land within settlement areas. The affected settlement areas cannot be rural settlements, or be within the Greenbelt. Previously, an MCR was required for a municipality to expand or adjust their delineated settlement areas.

Intensification and Density Targets

Intensification Targets

The 2017 Growth Plan set out the same intensification targets for all delineated built-up areas: 50 per cent until 2031 and 60 per cent thereafter.

The New Growth Plan sets a minimum intensification target of 50 per cent for the following cities and regions: Barrie, Brantford, Guelph, Hamilton, Orillia, Peterborough, Durham Region, Halton Region, Niagara Region, Peel Region, Waterloo Region, and York Region. This means that for these cities and regions, a minimum of 50 per cent of residential development each year must occur within the delineated built-up area. The New Growth Plan reduces the proposed intensification targets for the City of Hamilton and Regions of Peel, Waterloo, and York, which were 60 per cent under Amendment No. 1.

The following cities and counties are directed to maintain or improve on existing intensification targets: City of Kawartha Lakes, counties of Brant, Dufferin, Haldimand, Northumberland, Peterborough, Simcoe, and Wellington.

Density Targets

The New Growth Plan also makes changes to the density targets for designated greenfield areas. These are lands within settlement areas designated in an official plan for future development, but are outside of delineated built-up areas.

While the 2017 Growth Plan required municipalities to achieve a minimum density target of 80 residents and jobs combined per hectare in designated greenfield areas, the New Growth Plan sets the following minimum density targets:

- 50 residents and jobs combined per hectare: cities of Barrie, Brantford, Guelph, Hamilton, Orillia, and Peterborough, regions of Durham, Halton, Niagara, Peel, Waterloo, and York.
- 40 residents and jobs combined per hectare: City of Kawartha Lakes, counties of Brant, Dufferin, Haldimand, Northumberland, Peterborough, Simcoe, and Wellington

The New Growth Plan reduces the proposed density targets for the City of Hamilton and regions of Peel, Waterloo, and York, which were 60 residents and jobs combined per hectare under Amendment No. 1.

Major Transit Station Areas

Major transit station areas are areas surrounding existing or planned major transit stations, which typically include subway stations, light rail transit stations, inter-city rail stations, and bus rapid transit stations. The following changes have been made to policies involving major transit station areas:

- The radius of major transit station areas has been increased from 500m to 500-800m.
- Municipalities can now request that the Minister lower the density target for a specific major transit station area outside of an MCR.
- Upper and single-tier municipalities can identify the boundaries of and set density targets for major transit station areas, provided they are in accordance with the *Planning Act*. This can only be done in advance of a municipality's next MCR.

Modifications to Regulations

Transitional Regulation

The government has released proposed modifications to the Minister's transition regulation under the *Places to Grow Act, 2005*. O. Reg. 311/06 prescribes which policies will apply to ongoing planning applications, proceedings, and requests.

The proposed modifications deem that matters involving certain official plan amendments and regional official plan amendments are subject to earlier versions of the Growth Plan. Parties to the matters listed in the proposed modifications should note which policies will and will not apply to their matters should the modifications be accepted.

Comments on the proposed changes to the transition regulation are being accepted until June 1, 2019.

Official Plan Amendments — Exemption from Approval Regulation

Changes have also been made to O. Reg. 525/97 under the *Planning Act*, which exempt certain municipalities from the need to obtain the Minister's approval for official plan amendments. The changes to the regulation remove the exception from the Minister's approval which exists for official plan amendments that identify or modify the location of prime agricultural areas or natural heritage systems in the GGH. This means that the Minister's approval is now required for any official plan amendment seeking to

implement changes to the agricultural system for the GGH and natural heritage system for the Growth Plan.

The changes to O. Reg. 525/97 come into effect on May 16, 2019.

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