

The Town does not support Bill 66

Written by **Allan Thompson**

There has been a lot of engagement and questions regarding proposed Bill 66 and so I wanted to share the Town's official comments that were sent to the Ministries of Municipal Affairs and Economic Development, Job Creation and Trade. As Mayor, I will advocate this position at every opportunity with our Provincial partners.

RE: Bill 66, Restoring Ontario's Competitiveness Act, 2018 and the proposed open-for-business planning tool & related Planning Act Regulation

Please accept this letter in response to the Environmental Registry of Ontario ? ERO 013-4293 Bill 66, Restoring Ontario's Competitiveness Act, 2018, ERO ? 013-4125 Proposed open-for-business planning tool, ERO-013-4239 New Regulation under the Planning Act for open-for-business planning tool. The Town of Caledon is appreciative of the opportunity to provide initial comments on the above ERO postings.

The Town of Caledon is appreciative of the opportunity to provide initial comments on the above ERO postings. Although we support the Province's aims to stimulate business investment, create opportunities for employment, and make Ontario more competitive through the development of new Planning regulations and tools, we have serious concerns with Schedule 10 of the proposed Bill and the associated open-for-business planning tool. The Town does not support the use of this tool where it would jeopardize the protection of the Greenbelt, Oak Ridges Moraine, agricultural or environmentally significant areas or impact our vulnerable drinking water. This proposed new economic development tool would remove planning barriers to expedite major business investment and potentially speed up approvals, but this cannot be done at the expense of our environment.

The Town of Caledon is a lower-tier municipality situated within the Regional Municipality of Peel in the Greater Golden Horseshoe. The Town of 69,000 residents is uniquely located at the northern end of the Region where 80% of its lands fall within the Greenbelt, Oak Ridges Moraine and Niagara Escarpment Plan areas. Few GTA municipalities, lower-tier or otherwise, find themselves situated with such geographic and resource-based opportunities and challenges influencing their potential for growth as a complete and sustainable community. Under current provincial policy, this prevents significant development from occurring in these provincially significant areas. However, under Bill 66, development could be proposed in protected areas of the Greenbelt and the Oak Ridges Moraine.

The proposed Open-for-Business Planning By-law is proposed to be exempt from complying with a multitude of plans, policies and pieces of legislation. Specifically, by-laws need not comply with the Provincial Policy Statement, Growth Plan, Official Plans and are exempt from certain provisions of the Clean Water Act, 2006, Great Lakes Protection Act, 2015, Greenbelt Act, 2005, Lake Simcoe Protection Act, 2008, Metrolinx Act, 2006, Oak Ridges Moraine Conservation Act, 2001, Ontario Planning and Development Act, 1994, Places to Grow Act, 2005, and the Resource Recovery and Circular Economy Act, 2016.

This is of main concern for the Town and of our community and residents.

The Town of Caledon is widely recognized as having a regionally valuable land base that sustains significant and rich natural systems, including: rural and agricultural landscapes, naturally forested areas, meadows and wetlands (Natural Systems in Peel Region: Vulnerability Assessment, 2017). A large swath of the Town's geography includes: the Oak Ridges Moraine and the Niagara Escarpment geological features, while encompassing the headwaters of regionally significant watersheds including the Humber River, Etobicoke Creek and Credit River. Groundwater infiltration occurs throughout the Town's natural areas, providing a significant and unique natural resource for recharging aquifers and sustaining clean drinking water in the Region. These currently protected natural assets offer key ecosystem services and integral natural systemic functions throughout the Region of Peel and more broadly throughout the Greater Golden Horseshoe area.

The Greenbelt protects against the loss and fragmentation of the agricultural land base, gives permanent protection to the natural heritage and water resource systems, provides for a range of economic and social activities including agriculture, tourism and recreation uses, and builds resilience to and mitigates climate change.

With respect to climate change, Caledon's naturally forested areas, agricultural areas, and greenspaces act as a major carbon sinks to absorb and mitigate climate changing greenhouse gas (GHG) emissions; while also moderating and buffering against the impacts of extreme rainfall (e.g. overland and riverine flooding) and extreme temperatures (e.g. urban heat island effect). In the context of the Town's ability to plan for climate change mitigation and adaptation, decisions made today at the municipal level related to land use change, urban growth and infrastructure development, will have significant regional implications for GHG emissions growth (i.e. inefficiencies in land use planning, infrastructure design, urban growth and development that may result in increased GHG emissions) and ecological buffering capacities to cope with climate change impacts (i.e. transition of natural permeable areas to impermeable paved surfaces that may increase flood risk), now and into the future. It is therefore important from a climate change perspective to continue to protect lands currently regulated by the Greenbelt and Oak Ridges Moraine.

Notwithstanding the above concerns, we also offer the following comments and concerns with the proposed open-for-business tool:

Require confirmation that the proposal is for a new major employment use;

? What constitutes a new major employment use? This needs to be more descriptive so there is no ambiguity of the intention. Consideration could also be given to also include a definition/description of major employment expansions.

Identify the uses of land, buildings or structures that may be authorized by the tool, such as manufacturing and research and development, but not residential, commercial or retail as the primary use;

? Concern with description of the regulation ? does this permit mixed use developments so long as the primary use is not residential/commercial or retail? Further provisions and details are required.

50 jobs for municipalities with a population of less than 250,000 people, or 100 jobs for municipalities with a population of more than 250,000 people;

? The number of jobs is too low; also, how do we ensure a business will provide for these jobs after it's in place or into the future.

Allow public consultation at the discretion of the municipality, while requiring public notice after the by-law is passed (at a minimum).

? Concern with the lack of prescribed mandatory public and agency notice and transparency.

Provide that decisions are final and cannot be appealed to the Local Planning Appeal Tribunal (but allow the Minister of Municipal Affairs and Housing to intervene before the by-law comes into effect, 20 days after its passing).

? Concern with the lack of appeal.

Remove the requirement for decisions to strictly adhere to provincial policies and provincial plans (but allow the Minister of Municipal Affairs and Housing to impose conditions to protect matters like public health and safety when endorsing the use of the tool).

? Serious concerns with this provision as noted above. Matters of Provincial Interest must be maintained.

We do recognize, however, the Province's efforts at aiming to make the planning approvals process more efficient and flexible for municipalities to secure and expedite major business investment and potentially speed up approvals for major employment

opportunities. And, we also recognize that this proposed enabling regulation would be similar to 'inclusionary zoning' in that the municipality could opt to not utilize this tool or ensure that it is not used in areas of significant environmental concern.

The lack of uncertainty and fear that a municipality could utilize this provision with little to no controls, lack of transparency, no public or other public agency involvement that would potentially put the community and environment at risk.

In summary, the Town does not support the use of this tool where it would jeopardize the protection of the Greenbelt, Oak Ridges Moraine, agricultural or environmentally significant areas or impact our vulnerable drinking water. This proposed new economic development tool would remove planning barriers to expedite major business investment and potentially speed up approvals, but this cannot be done at the expense of our environment.

It is our intention that the Province will take into consideration our concerns and make the appropriate changes to the proposed Regulation and Planning Tool. We will continue to provide the Province with comments on this proposed Bill, as necessary, and would also be available to speak to you further if that would be of assistance to the Province.