

# Halton Area Planning Partnership (HAPP)

## Draft Guidance to Support Implementation of the Growth Plan for the Greater Golden Horseshoe, 2017: Application of the Intensification and Density Targets and The Municipal Comprehensive Review Process Joint Submission

June 19, 2018



## **Introduction**

The Halton Area Planning Partnership (HAPP) is comprised of Halton Region and the following Local Municipalities: the City of Burlington, the Town of Halton Hills, the Town of Milton, and the Town of Oakville.

This submission represents HAPP's response to Ministry of Municipal Affairs' "Draft Guidance to Support Implementation of the Growth Plan for the Greater Golden Horseshoe, 2017: Application of the Intensification and Density Targets & The Municipal Comprehensive Review Process" which was placed on the Environmental Registry as a Policy Proposal Notice (EBR Registry Number: 013-2359) on March 21, 2018.

The Growth Plan, 2017, contains policies that create a framework for managing population and employment growth in the Greater Golden Horseshoe. The Growth Plan, 2017, also states that the Ministry of Municipal Affairs (MMA) would provide guidance to assist in the application of the intensification and density targets set out in the Plan. Concurrently, MMA released guidance on the process to undertake Municipal Comprehensive Reviews by Upper and Single Tier Municipalities.

The Halton Area Planning Partnership (HAPP) wishes to have its collective voice heard by providing comments and recommendations on the draft guidance documents "Application of the Intensification and Density Targets" and "The Municipal Comprehensive Review Process". Overall, HAPP is supportive of the guidance documents and would like to see a commitment from the Province to review and update the guidance documents, as needed.

## **Background**

On March 21, 2018 the Ministry of Municipal Affairs released an EBR listing for a pair of guidance documents under a single EBR Registry Number (#013-2359), "Draft Guidance to Support Implementation of the Growth Plan for the Greater Golden Horseshoe, 2017: Application of the Intensification and Density Targets & The Municipal Comprehensive Review Process". The Guidance Documents included in this listing, the Application of the Intensification and Density Targets, and the Municipal Comprehensive Review Process provide additional interpretation of the respective policies of the Growth Plan (2017). These additional documents provide interpretation that builds on the May 4, 2018, Methodology for Land Needs Assessment for the Greater Golden Horseshoe.

The Halton Area Planning Partnership has reviewed the draft guidance documents in their entirety and offers the following comments on specific sections of the draft guidance documents.

## **Comments from HAPP:**

### **1. General Comments:**

- Clarification is requested on the status of the Guidance Documents on the Municipal Comprehensive Review Process and the Application of the Intensification and Density Targets with regards to the Growth Plan, 2017. For example, the Local Planning Appeal Tribunal (LPAT) requires that appeals to official plans be based on whether official plans are in conformity with the Provincial Plans. This test is clear when considering the Provincial Plans themselves; however it is unclear when considering the implementation and guidance documents. How the status of the implementation and guidance documents will be interpreted as part of the conformity test requires clarification. HAPP requests that the supplementary documents provided by the Province remain as guidelines and not be given status that would require their consideration as part of the conformity test.
- HAPP requests that more flexibility be available to municipalities when implementing the various targets of the Growth Plan (2017). This request includes recognition that each municipality has a specific set of local conditions, and that this local context and the local official plans must be taken into account when implementing the Growth Plan (2017).

### **2. Application of the Intensification and Density Targets**

#### **2.1. Overlapping Land Uses and Density Targets**

Section 2.4.3 of the Intensification and Density Targets document includes guidance on where geographic areas (e.g. MTSA, UGC, etc.) overlap and where more than one target may apply. This includes direction that where overlapping targets apply, implementation should be co-ordinated to achieve each of the targets. Furthermore where employment areas overlap with Strategic Growth Area (SGA), Major Transit Station Area (MTSA) and Urban Growth Centre (UGC), the density targets are to be coordinated to achieve each target within the applicable time horizons.

HAPP requests that the guidance document provide greater clarity about how to apply and achieve the density targets where there are overlapping areas, particularly in employment areas.

#### **Urban Growth Centre Density Target**

Section 6.3 indicates that “when processing development applications within an area to which a UGC density target applies, municipalities must ensure that any approval of an application is in keeping with the objective of the target and will not preclude or hinder achievement of the target overall.” This is an unachievable requirement when assessing a site specific application given that the density target represents an average density to be achieved over the entire UGC area, and it would require a level of accuracy about future market conditions and development applications which is not possible.

HAPP recommends that this requirement be modified to read “when processing development applications within an area to which a UGC density target applies, municipalities must consider local conditions, context, and policies related to compatibility, urban design, shadow analysis, massing, and transit supportive densities.” These modifications acknowledge that targets and the consideration of the full spectrum of issues relevant in a UGC must be assessed as part of a site specific development application.

Additionally, HAPP recommends that within the last paragraph on pg. 44 of the guidance document, that a new sentence be added that reads “Municipalities will monitor development applications within an area to which a UGC density target applies to evaluate how the development contributes to the achievement of the overall UGC density target.”

## **2.2. Alternative MTSA Density Targets**

Section 7.5.1 outlines examples of the types of information/evidence that an upper tier municipality should consider providing to the Province in order to confirm that an MTSA may be eligible for an alternative target. While the examples focus on implied physical constraints that may hinder the achievement of the density target, consideration should be given to the market and economic conditions that may also hinder the achievement of the targets. This may be evident in larger municipalities which have multiple MTSA’s on priority corridors but where the municipality has modest population growth.

HAPP recommends that the examples of information/evidence outlined in the guidance document also include an assessment of the market realities.

## **2.3. Consistent Application of Vegetation Protection Zones/Buffers Exclusion from DGA Density Calculation**

Section 3.1, under Natural heritage features and areas it is stated that vegetation protection zones (commonly referred to as buffers) associated with features or areas are not to be excluded from the DGA density calculation. However, under Natural heritage systems it is stated that lands within a natural heritage system that are precluded from development, and where their purpose is for conservation or to help to protect natural heritage features and areas, may be excluded from the calculation.

Given that buffers are precluded from development because they form part of the Natural Heritage System and are identified in the Region’s Official Plan as protecting the features and ecological functions of the Regional Natural Heritage System, HAPP assumes that buffers may be excluded from the DGA density calculation.

HAPP recommends that the statement to not exclude VPZs or buffers from the DGA density calculation be removed from the description under Natural heritage features and areas.

### **3. The Municipal Comprehensive Review Process**

#### **3.1. Provincial Natural Heritage System and Agricultural System Mapping Implementation Transition Policies**

Section 3.7 of the Municipal Comprehensive Review Process guidance document provides direction on the implementation of the Natural Heritage System and Agricultural System Mapping. This section indicates that the provincial mapping, which came into effect on Feb 9, 2018, is to be applied immediately by all Greater Toronto and Hamilton Area municipalities.

It is a widely accepted common practice that new Provincial policies and initiatives are transitioned to allow for the policy framework to ‘catch-up’ before being implemented. In typical fashion, policies are normally introduced in the Regional Official Plan, and then implemented through local Official Plans. Planning is policy led, and respectful of the hierarchy that allows the upper tier to develop a policy approach that provides a framework and direction for our local municipal partners to implement through local Official Plans.

The 2017 Growth Plan and related Provincial mapping exercise did not include transition rules and the customary hierarchy of two-tiered municipalities is not being respected. HAPP submitted a Joint Response on the Provincial Natural Heritage System and Agricultural System Mapping (EBR Registry Number: 013-1014) on October 4, 2017. At the time of the submission, the documents under review did not address transition policies, or that there would be direction that differed from the transition policies commonly applied to implementation of the Provincial Plans. As a result, this issue was not raised as part of that submission.

The absence of transition policies is problematic. This is further reinforced through the direction provided in Sections 3.7.1 and 3.7.2 of the Municipal Comprehensive Review Process guidance document. Local municipalities are being directed to implement the unrefined mapping through conformity exercises without the benefit of establishing a clear policy direction or refinement in the Regional Official Plan first.

HAPP is concerned with the further direction on sequential implementation of Provincial mapping from upper-tier official plans through to lower-tier official plans. Conformity of lower-tier mapping should occur only once an upper-tier municipality has completed its MCR process and has refined the Natural Heritage System and Agricultural System Mapping.

If lower tier municipalities insert the unrefined Provincial mapping prior to the completion of the upper tier MCR process, the local Official Plan would need to be further amended without benefit to the overall protection of the natural heritage system or support for the agricultural system in the Region.

HAPP recommends that transition policies pertaining to the provincial mapping be introduced in Section 3.7.

### **3.2. Provincial Review and Participation in MCR Development**

Section 4 of the Municipal Comprehensive Review Process (MCR) guidance document outlines the role of the Province and recommends that Provincial staff be consulted throughout the upper-tier municipal MCR process.

Consultation with Provincial staff as described in Section 4 is intended to create more streamlined review of background studies to assist municipalities in reaching timely MCR completion. This guidance includes:

- Provincial involvement throughout the “iterative” development of the MCR;
- Identification of the large number of background studies and reports to be reviewed and commented on by the Province, during each stage of the MCR; and
- General direction on municipal duty to consult with First Nations and Metis Communities.

The intention of the Province to participate in the MCR process is appreciated, but the degree of proposed participation is significant and is anticipated to slow down the MCR development process. To streamline the upper-tier MCR process and to ensure timely review of all materials by the Province the following additional information would be of value:

- Timelines for Provincial review processes;
- Direction for proper packaging and timing of submissions;
- Provincial staff contacts identified for each upper-tier process; and
- Clarification on requirements for First Nations / Metis consultation.

HAPP would like to request clarification on these points, to provide a clear process to effectively engage the Province in the Municipal Comprehensive Review Process. This will assist municipalities in understanding the time, staff resourcing and budgetary requirements to efficiently complete an MCRP.

## Conclusion

Thank you for providing the Region and its local municipalities the opportunity to comment on this set of guidance documents to support the implementation of the Growth Plan, 2017. We welcome the opportunity to have further discussions with Provincial staff to address our recommendations and issues.

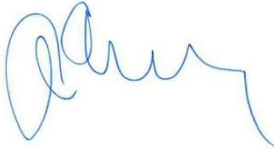
Respectfully submitted,



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