



**Planning &
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TOWN OF AJAX

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January 18, 2019

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Submitted via email to:
michael.helfinger@ontario.ca

Submitted via email to:
ken.petersen@ontario.ca

To whom this may concern,

Re: EBR Registry Number: 013-4293 Bill 66: Restoring Ontario's Competitiveness Act, 2018, EBR Registry Number 013-4125 Proposed Open for Business Planning Tool, and EBR Registry Number 013-4239 New Regulation under the Planning Act for an Open for Business Planning Tool

EBR Registry Postings 013-4293, 013-4125 and 013-4239 were posted on December 6, 2018 requesting comments by January 20, 2019.

Please be advised that the following resolution was passed by the Town of Ajax Council at its special meeting held on January 14, 2019:


1. That Council supports, in principle, the use of Bill 66, *Restoring Ontario's Competitiveness Act, 2018* to attract new major employment uses and investment in Ajax with the provision that the Town passes Open for Business Planning By-laws that respect its commitment to the Greenbelt, water quality, and Town land use and environmental policies and plans.
2. That the following staff comments be submitted to the Ministry of Economic Development, Job Creation and Trade regarding Schedule 10 (amendments to the *Planning Act*) in Bill 66, *Restoring Ontario's Competitiveness Act, 2018* (EBR Registry No. 013-4293):
 - a) Town staff recommend that development approved under an Open for Business Planning By-law should conform to:
 - i. Provincial plans, policies and legislation; and
 - ii. Municipal Official Plans.
 - b) Town staff recommend that municipalities continue to have the ability to impose the site plan and architectural control conditions under Section 41 of the *Planning Act* they deem appropriate for new employment uses approved under an Open for Business Planning By-law.
 - c) Town staff recommend that public consultation be required prior to Council passing an Open for Business Planning By-law to ensure the public is given the opportunity to help identify opportunities and constraints on major developments within their community.
 - d) Town staff recommend that the proposed Section 34.1(18) in Schedule 10 of Bill 66 be

amended to clarify that all sections of the *Planning Act* apply when amendments or future business expansions to a development approval made under an Open for Business Planning By-law are requested.

3. That the following staff comments be submitted to the Ministry of Municipal Affairs and Housing regarding the proposed Open for Business Planning Tool (EBR Registry Nos. 013-4125 and 013-4239):
 - a) Town staff do not support using an Open for Business Planning By-law to convert employment lands within urban areas or introduce sensitive land-uses into employment areas that may be incompatible. Town staff recommend that the Province clarify, in the *Planning Act*, what secondary or ancillary uses may be permitted in an Open for Business Planning By-law, based on the underlying Official Plan land use designation; the scale of those secondary or ancillary uses; and the criteria to be satisfied for permitting those secondary or ancillary uses.
 - b) Town staff recommend that the Regulation under the *Planning Act* for the Open for Business Planning Tool require new major employment uses to provide a minimum job density target of 50 jobs per net hectare.
 - c) Town staff recommend that the proposed Section 34.1(18) in Schedule 10 of Bill 66 be amended to clarify that all sections of the *Planning Act* apply when amendments or future business expansions to a development approval made under an Open for Business Planning By-law are requested.
4. That this Report and a copy of Council's resolution be forwarded to the Ministry of Economic Development, Job Creation and Trade and the Ministry of Municipal Affairs and Housing in advance of the January 20, 2019 comment deadline.
5. That a copy of this report be distributed to the Region of Durham, Toronto and Region Conservation Authority, Central Lake Ontario Conservation Authority, CTC Source Protection Region, Ontario Greenbelt Alliance, Environmental Defense, and Canadian Environmental Law Association.

A copy of the staff report that prompted this action and an extract from the January 14, 2019 Town of Ajax Council meeting containing the motion as amended have been enclosed. If you require any additional information please contact Sean McCullough, Senior Planner, at 905.619.2529 (3234) or sean.mccullough@ajax.ca. Thank you for your consideration of the enclosed comments.

Regards,



Geoff Romanowski, MCIP, RPP, CPT
Manager of Planning, Town of Ajax

Copies:

Dave Meredith, Acting Director of Planning and Development Services, Town of Ajax
Alexander Harras, Manager of Legislative Services, Town of Ajax
Stev Andis, Supervisor of Policy Planning and Research
Sean McCullough, Senior Policy Planner, Town of Ajax
Clerk, Region of Durham
Toronto and Region Conservation Authority
Central Lake Ontario Conservation Authority
Ontario Greenbelt Alliance
Environmental Defense
Canadian Environmental Law Association

Town of Ajax Report



Report To: Council

Prepared By: Stev Andis, MCIP, RPP
Supervisor of Planning Policy and Research

Sean McCullough, MCIP, RPP
Senior Planner

Subject: **Bill 66, Restoring Ontario's Competitiveness Act, 2018 and Proposed Open for Business Planning Tool**

Ward(s): All

Date of Meeting: January 14, 2018

Recommendations:

1. That Council supports, in principle, the use of Bill 66, *Restoring Ontario's Competitiveness Act, 2018* to attract new major employment uses and investment in Ajax with the provision that the Town passes Open for Business Planning By-laws that respect its commitment to the Greenbelt, water quality, and Town land use and environmental policies and plans.
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 - i. Provincial plans, policies and legislation; and
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 - c) Town staff recommend that public consultation be required prior to Council passing an Open for Business Planning By-law to ensure the public is given the opportunity to help identify opportunities and constraints on major developments within their community.
 - d) Town staff recommend that the proposed Section 34.1(18) in Schedule 10 of Bill 66 be amended to clarify that all sections of the *Planning Act* apply when amendments or future business expansions to a development approval made under an Open for Business Planning By-law are requested.

3. **That the following staff comments be submitted to the Ministry of Municipal Affairs and Housing regarding the proposed Open for Business Planning Tool (EBR Registry Nos. 013-4125 and 013-4239):**
 - a) **Town staff do not support using an Open for Business Planning By-law to convert employment lands within urban areas or introduce sensitive land-uses into employment areas that may be incompatible. Town staff recommend that the Province clarify, in the *Planning Act*, what secondary or ancillary uses may be permitted in an Open for Business Planning By-law, based on the underlying Official Plan land use designation; the scale of those secondary or ancillary uses; and the criteria to be satisfied for permitting those secondary or ancillary uses.**
 - b) **Town staff recommend that the Regulation under the *Planning Act* for the Open for Business Planning Tool require new major employment uses to provide a minimum job density target of 50 jobs per net hectare.**
 - c) **Town staff recommend that the proposed Section 34.1(18) in Schedule 10 of Bill 66 be amended to clarify that all sections of the *Planning Act* apply when amendments or future business expansions to a development approval made under an Open for Business Planning By-law are requested.**
4. **That this Report and a copy of Council's resolution be forwarded to the Ministry of Economic Development, Job Creation and Trade and the Ministry of Municipal Affairs and Housing in advance of the January 20, 2019 comment deadline.**
5. **That a copy of this report be distributed to the Region of Durham, Toronto and Region Conservation Authority, Central Lake Ontario Conservation Authority, CTC Source Protection Region, Ontario Greenbelt Alliance, Environmental Defense, and Canadian Environmental Law Association.**

1.0 Background:

As part of Ontario's Open for Business Action Plan, on December 6, 2018, the Province released Bill 66, *Restoring Ontario's Competitiveness Act, 2018* and two associated proposals for an Open for Business Planning Tool on the Environmental Bill of Rights (EBR) Registry. The Province has requested comments on all three proposals by January 20, 2018:

EBR Registry No. 013-4293 ¹	Bill 66, <i>Restoring Ontario's Competitiveness Act, 2018</i>
EBR Registry No. 013-4125 ²	Proposed Open for Business Planning Tool
EBR Registry No. 013-4239 ³	New Regulation under the <i>Planning Act</i> for an Open for Business Planning Tool

¹ Link to EBR Posting No. 013-4293: <http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM2NzI0&statusId=MjA4MzU1&language=en>

² Link to EBR Posting No. 013-4125: <http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM2NTE2&statusId=MjA4MDQ5&language=en>

³ Link to EBR Posting No. 013-4239: <http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTM2Njcx&statusId=MjA4MjY4&language=en>

1.1 Bill 66, *Restoring Ontario's Competitiveness Act, 2018* (Bill 66)

The Province's stated goals on the EBR Registry for Bill 66 are to stimulate business development, create good jobs and make Ontario more competitive. Bill 66 is an omnibus bill which proposes to make amendments to 16 different Acts administered by 12 different Provincial ministries. This Report will focus on proposed changes to the *Planning Act* through Bill 66.

Proposed changes to the *Planning Act* through Bill 66 will enable municipalities to use a new planning tool called the Open for Business Planning Tool. This new tool will enable municipalities to create an Open for Business Planning By-law that supersedes existing provincial and local planning policies and legislation in order to accommodate new large businesses that meet criteria specified in a Regulation under the *Planning Act*.

1.2 What is an Open for Business Planning By-law (OFB By-law)?

An OFB By-law is a site specific development permission that would supersede existing local zoning and site plan requirements, as well as many provincial plans, legislation and policies.

Based on discussions with Ministry staff, it is staff's understanding that an OFB By-law is only a one-time tool. Once a development has been approved through an OFB By-law, any subsequent requests for changes to the development approval would be subject to existing *Planning Act* processes and public consultation (e.g. Official Plan and Zoning By-law Amendments, and Site Plan Control).

If a local municipality chooses to pass an OFB By-law, the specific development being approved under the By-law would not be subject to:

- Provincial Policy Statement (PPS), 2014;
- Greenbelt Plan, 2017;
- Growth Plan for the Greater Golden Horseshoe, 2017;
- Oak Ridges Moraine Plan, 2017;
- Municipal Official Plans;
- Municipal Zoning By-laws, including Holding (H) Provisions;
- Municipal Site Plan Control; however, a municipality may still impose some site plan related conditions within the OFB By-law;
- Height and Density Bonusing (Section 37 of the *Planning Act*);
- Source Water Protection Plans, which includes policies that protect municipal drinking water systems from significant threats;
- Initiatives created under Ontario's Great Lakes Strategy for the purposes of protecting Great Lakes water quality, beaches and coastal areas (Section 20 of the *Great Lakes Protection Act, 2015*);
- Lake Simcoe Protection Plan;
- Any Transportation Planning Policy Statement made under the *Metrolinx Act, 2006*;
- Any development plan made under the *Ontario Planning and Development Act, 1994*;
- *Resource Recovery and Circular Economy Act, 2016*, which addresses waste reduction and recycling; and
- Any other provision prescribed in a Regulation.

1.2.1 What Criteria Does Development Need to Meet to Qualify for an OFB By-law?

In order to be considered for an OFB By-law, proposals would be required to:

- confirm that the use is a new major employment use;
- meet a minimum job creation threshold (e.g. 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); and,
- identify the use of land, buildings or structures that may be authorized through the By-law, such as manufacturing or research and development, but not residential, commercial or retail as the primary use.

1.2.2 What is the Process to Implement an OFB By-law?

Should a municipality want to implement an OFB By-law, they would be required to submit a Council Resolution and any prescribed information to the Minister of Municipal Affairs and Housing requesting permission to pass an OFB By-law. Following written approval from the Minister, which may include conditions, a municipal Council could pass an OFB By-law.

Municipalities are not required to give notice or hold a public meeting prior to passing an OFB By-law. The OFB By-law would come into effect 20 days after it has been passed by Council, or a later date, if specified by the Minister. The Minister may modify or revoke an OFB By-law at any time before it comes into effect.

Although public notice of passing an OFB By-law is not required, a municipality must notify the Minister within 3 days and any persons or public bodies the municipality considers appropriate within 30 days of the passing of an OFB By-law.

The passing of an OFB By-law cannot be appealed to the Local Planning Appeal Tribunal (LPAT).

Once an OFB By-law is in effect, a municipality or proponent can apply to amend the By-law. Since the OFB By-law is a tool that can only be used once per development, an application to amend an OFB By-law would have to follow the same process and requirement for public consultation as any other application to amend the Zoning By-law. Additionally, any further development on the site would be subject to all the standard *Planning Act* processes, such as full Site Plan Control.

2.0 Discussion:

2.1 Exclusion of Provincial Plans, Policies and Legislation

The purpose of overarching Provincial plans, policies and legislation is to provide a foundation for local decision making that protects the environment, supports the principles of strong communities, provides opportunities for economic growth and protects the health and safety of all Ontarians.

The proposed legislation would exempt new major employment uses from complying with key environmental protections and strategic growth policies and legislation:

- Exemption from the Greenbelt Plan and Oak Ridges Moraine Plan means that new major employment uses would not need to comply with protections provided to agricultural lands, and ecological and hydrological features within these landscapes.

These landscapes contain the headwaters of major watercourses within Durham Region that originate and flow through Ajax, providing habitat for plant and animal species including species at risk, and providing recreational opportunities. The Town has been a strong supporter of protecting and growing the Greenbelt.

- Exemption from the Provincial Policy Statement (PPS) means that new major employment uses would not need to comply with land-use policies intended to create efficient patterns of development that protect public health and safety, and the quality of the built and natural environments.
- Exemption from the Growth Plan means that major employment development could be located in areas that would undermine the Growth Plan's intent of focusing growth in strategic areas with existing and planned infrastructure and services, and have financial impacts required to extend services and infrastructure into new areas.
- Exemption from Source Water Protection Plans, the *Great Lakes Protection Act* and the Lake Simcoe Protection Plan means that new major employment uses would not have to comply with the prohibition or mitigation measures required for identified threats to drinking water and initiatives aimed at protecting water quality. The Town has become a leading advocate for the protection of water quality and improvement of the Lake Ontario's nearshore.

Opportunities for economic growth should be balanced with other provincial goals and objectives for protecting the environment and creating healthy, complete communities.

Comments: In principle, the Town supports the use of an Open for Business Planning By-law to attract new major employment uses and investment in Ajax while respecting the Town's commitment to the Greenbelt and water quality.

Town staff do not support the ability for development approved under an Open for Business Planning By-law to be exempt from Provincial policies, plans and legislation.

2.2 Exclusion of Municipal Official Plans and Zoning

Official Plans and Zoning By-laws are the framework for a municipality's long-term growth. The Town of Ajax Official Plan policies set the Town's goals and priorities while implementing earlier versions of the Provincial Policy Statement, Greenbelt Plan and Growth Plan. The Town's Zoning By-law is currently under review to implement those new policies.

Exemption from Official Plans means that new major employment uses could locate in areas not planned for employment. This exemption would create an ad hoc approach that could undermine the significant resources municipalities invest in long-range land use planning exercises that establish appropriate land use structures to make efficient use of existing and planned infrastructure and services.

Comments: Town staff do not support the ability for development approved under an Open for Business Planning By-law to be exempt from municipal Official Plans.

Being exempt from Zoning By-laws may be beneficial in circumstances where lands are identified in an Official Plan as employment, but are zoned agricultural or other non-employment zone category. In such a circumstance where the principle of employment development is established in an Official Plan, being able to compress the time required to undergo the zoning

by-law amendment and site plan processes can be beneficial for new employment uses wanting to realize development sooner. Town staff support the use of an Open for Business Planning By-law to attract new major employment uses within urban areas on lands that have been identified in municipal Official Plans for employment uses but that have yet to be zoned for employment.

Lands in the Town's Official Plan identified for employment are pre-zoned to permit a variety of employment uses. Development on these lands would only require site plan approval and possibly a minor variance. The Town has approximately 195 hectares (482 acres) of serviced and pre-zoned land available to accommodate new major employment uses. As discussed further in Sections 2.6 and 2.7 of this Report, the use of an OFB By-law for development on lands zoned employment in Ajax would not provide new major employment uses with any time saving benefits.

2.3 Limited Site Plan Control

As noted on Section 1.2, development approved under an OFB By-law would not be subject to full site plan control. However, municipalities could ask for development plans showing the location and massing of buildings. Both the local and upper tier municipalities may also impose conditions related to road widening(s), off-street parking, loading facilities, pedestrian walkways, easements for servicing, grading plans and stormwater management facilities. Municipalities may also include any requirement that it deems necessary for the protection of public health and safety. Development would still be required to be designed to have regard for persons with disabilities.

Under the proposed legislation, municipalities would not be permitted to impose conditions related to architectural details, such as the colour, texture and type of building materials, or construction details. The Town of Ajax has Employment Area Urban Design Guidelines and a control architect to ensure employment uses have a superior level of building and streetscape design to create buildings and areas that are attractive, comfortable and functional for all users.

Opportunities for economic growth should be balanced with other municipal goals and objectives for creating healthy, complete communities; as such municipalities should continue to have the discretion to apply an appropriate level of site plan and architectural control deemed to be appropriate for their respective municipality, while balancing objectives and remaining competitive in their ability to attract new major employment uses.

Comments: Town staff recommend that Schedule 10 of Bill 66 be amended to allow municipalities the ability to impose the site plan and architectural control conditions under Section 41 of the *Planning Act* they deem appropriate for new employment uses approved under an Open for Business Planning By-law.

2.4 Lack of Transparency in the Planning Process

The proposed legislation removes requirements under the *Planning Act* for public consultation that the Town would otherwise undertake when processing a zoning by-law amendment application or a minor variance application. While the *Planning Act* does not require public consultation for site plan applications, the Town has often held open house meetings to present proposals and inform the public. Public consultation is fundamental to the planning process to ensure that impacts are adequately identified and mitigated.

Professional planners have a responsibility to the public interest that has been outlined in the Professional Code of Practice to "practice in a manner that respects the diversity, needs, values

and aspirations of the public and encourages discussion on these matters.”⁴ The proposed legislation exempts municipalities from this important public right under the *Planning Act*. Additionally, the proposed legislation also removes the public's appeal rights for any development approved under an OFB By-law.

Comments: Town staff recommend that Schedule 10 of Bill 66 be amended to require public consultation prior to Council passing an Open for Business Planning By-law, to ensure the public is given the opportunity to help identify opportunities and constraints on major developments within their community.

2.5 Requirements for Development to Qualify for an OFB By-law

The Town's Official Plan states that the Town will oppose the conversion of employment lands outside of a Municipal Comprehensive Review. This is to ensure that the Town continues to have an adequate supply of employment lands, while ensuring that sensitive land uses that may be incompatible with certain industrial uses do not encroach into employment areas.

The proposed criteria to qualify for an OFB By-law state that the proposed development must be a new major employment use, “but not residential, commercial or retail as the primary use”. The purpose of the OFB By-law is to attract new major employment uses and therefore, within urban areas, be used for employment uses. The OFB By-law should not be used to convert employment lands within urban areas or introduce sensitive land-uses into employment areas that may be incompatible.

Town staff acknowledge that in rural areas a major employment use may require small scale ancillary residential uses to support the day-to-day function of the employment use. Town staff also acknowledge that in some situations ancillary commercial or retail to a major employment use may be appropriate. However, Town staff do not support the use of an OFB By-law as a tool to allow residential or any other sensitive non-employment land-uses that would otherwise not be permitted on employment lands within an urban area.

Comments: Town staff do not support using an Open for Business Planning By-law to convert employment lands within urban areas or introduce sensitive land-uses into employment areas that may be incompatible. Town staff recommend that the Province clarify, in the *Planning Act*, what secondary or ancillary uses may be permitted in an Open for Business Planning By-law, based on the underlying Official Plan land use designation; the scale of those secondary or ancillary uses; and the criteria to be satisfied for permitting those secondary or ancillary uses.

The proposed criteria to qualify for an OFB By-law also state that proposals would be required to meet a minimum job creation threshold. The example given by the Province in the EBR Registry posting is a minimum of 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. This is a very low threshold.

Using the Province's example could result in new major employment uses that are land extensive with low employment densities. The 2010 Town of Ajax Employment Lands Strategy recommended that the Town encourage higher density employment uses. As a result the Town has an employment density target of 37 jobs per net hectare.

⁴ Planners Professional Code of Practice: <https://ontarioplanners.ca/oppi/about-oppi/professional-code-of-practice-standards>

Recent new employment uses to the Town have achieved employment densities that exceed the Town's target, such as Gordon Food Services (~600 new jobs, employment density of 38.5 jobs per net hectare), Ajax Infinity Dealership (~50 new jobs, employment density of 66.6 jobs per net hectare), Lifetime Fitness (~250 new jobs, employment density of 75.5 jobs per net hectare).

For maximum benefit, the Open for Business Planning Tool should be used to attract uses that have high employment densities and not low density, land extensive employment uses. Therefore, a minimum job density of 50 jobs per net hectare should be required to qualify for an OFB By-law.

Comments: Town staff recommend that the Regulation under the *Planning Act* for the Open for Business Planning Tool require new major employment uses to provide a minimum job density target of 50 jobs per net hectare.

2.6 Process and Timing to Pass an OFB By-law

An OFB By-law would be beneficial in municipalities where employment lands have not been pre-zoned or to permit new uses not contemplated in older by-laws, which would otherwise require a Zoning By-law Amendment. Zoning By-law Amendments have statutory timelines required for review, consultation and approval; and can take 1 year or more to process and approve.

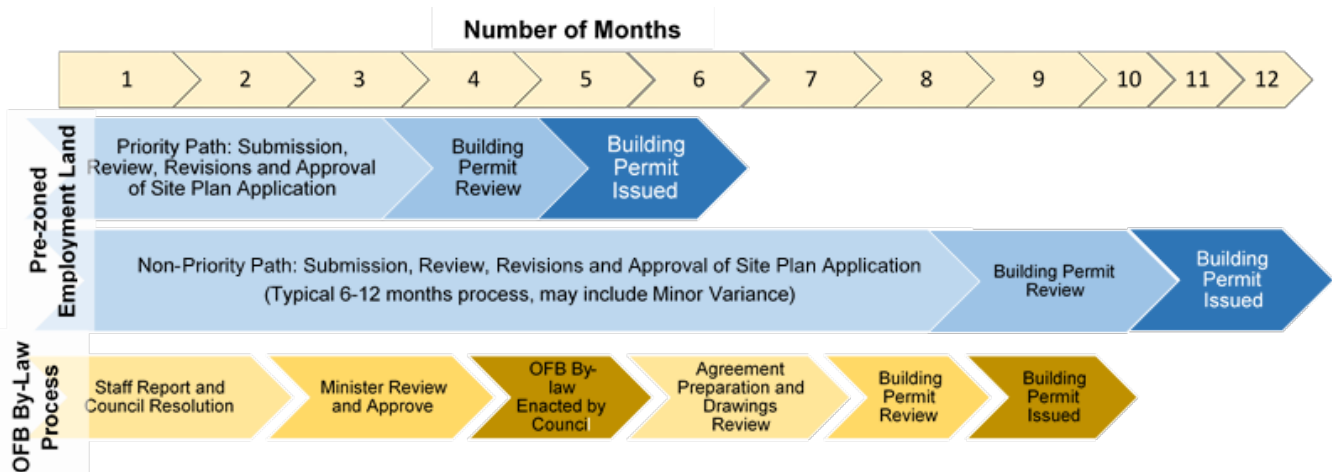
The Town has approximately 195 hectares (482 acres) of serviced vacant employment lands proactively zoned to permit employment uses as of right; requiring new major employment uses to apply only for site plan approval. Site plan approval in the Town has been delegated to staff and the typical timeframe for approval is 6-12 months.

To further encourage development of employment lands the Town has two economic development programs: PriorityPath and PriorityPath Prime. Projects eligible for the PriorityPath program must meet or exceed the Town's employment lands density target of 37 jobs per net hectare and consist of a new building or expansion of at least 25,000 ft². As a result, projects considered through an OFB By-law would likely also be eligible for the PriorityPath programs. The PriorityPath program has a processing timeline of 3-4 months agreed to by both the Town and the applicant.

The processing for an OFB By-law requires additional approval steps by both Council and the Minister that are currently not required for proposals in the Town's employment areas, and could take an additional 3-6 months (dependent on the Minister's committed approval timeline and Council meeting schedule) (See "Figure 1 – Site Plan and OFB By-law Process Timelines" on the following page).

As per discussions with Ministry staff, the OFB By-law is only a one-time tool to attract new major employment uses. This means that development applications for subsequent expansions to businesses would be subject to all *Planning Act* application review and public consultation requirements; however the processing of requests for amendment to an approved OFB By-law is unclear.

Figure 1: Site Plan and OFB By-law Process Timelines



If an OFB By-law is a one-time tool, a new major employment use approved under an OFB By-law may not be in conformity with Provincial and municipal legislation, plans and policies, which may impede its ability to grow and expand in the future. For example, if a future expansion for an employment use approved under an OFB By-law is in an area where major employment is not permitted by provincial plans or an official plan, it may require an official plan amendment, zoning by-law amendment or minor variance. In this situation there is a strong possibility that the requested expansion may not be approved as it would not comply with existing legislation, policies and plans.

Comments: Town staff recommend that proposed Section 34.1(18) in Schedule 10 of Bill 66 be amended to clarify that all sections of the *Planning Act* apply when changes to a development approval made under an Open for Business Planning By-law are requested.

2.7 Practicality of Using an OFB By-law in Ajax

Based on the comments provided in Sections 2.1 to 2.6, staff support the use of an OFB By-law on lands that are designated in municipal Official Plans for employment, but are not yet zoned for employment. As the Town has approximately 195 hectares (482 acres) of serviced and pre-zoned employment land, and 2 existing economic development tools (PriorityPath and PriorityPath Prime) to facilitate faster planning approvals, staff do not see the benefit of the OFB By-law on the Town's employment lands.

In the Ajax context, an OFB By-law could be used to permit a new major employment use in a non-employment area, such as the Town's Rural Area which is within the Greenbelt. However, the use of such a tool within the Town's Greenbelt lands would be contrary to the many efforts and years spent by previous Town Councils to establish a firm Urban Boundary, protect lands within the Town's Rural Area/Greenbelt and to grow the Greenbelt in municipalities surrounding Ajax.

Prime locations for large employment uses are generally within urban area boundaries close to infrastructure, services, and transportation options. Allowing large employment uses within Ajax's Greenbelt boundary will put a burden on municipalities to provide services. Further, infrastructure and servicing (sanitary and water services) are planned and allocated based on a municipal Official Plan's comprehensive land use structure. The additional time and costs associated with expanding and/or extending services into rural or Greenbelt areas may be an

unintended hindrance. The extension and/or expansion of servicing would also require the approval of the Region.

Financial Implications:

There are no financial implications associated with the endorsement of the recommendations contained within this Report.

Conclusion:

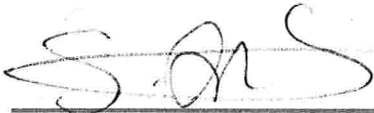
The Province is proposing amendments to the *Planning Act* through Bill 66 and a new Open for Business Planning Tool as an attempt to cut "red tape" and facilitate faster development approvals for new major employment uses, and possibly new residential, commercial and retail uses. The Province is doing this by exempting development approved under an OFB By-law from long-standing provincial and municipal environmental protections and evidence-based growth management policies. Additionally, municipalities are not required to consult with the public on the creation and passing of an OFB By-law which weakens the democratic planning process currently required under the *Planning Act*.

Opportunities for economic growth should be balanced with other provincial and municipal goals and objectives for creating healthy, complete communities; as such, Town staff recommend the Province reconsider aspects of the proposed amendments to the *Planning Act* to establish an Open for Business Planning Tool.

Prepared by:



Sean McCullough – Senior Planner – ext. 3234



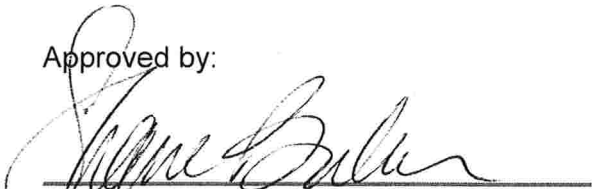
Stev Andis – Supervisor of Planning Policy and Research – ext. 3257

Submitted by:



Dave Meredith – Acting Director of Planning and Development Services

Approved by:



Shane Baker – Chief Administrative Officer



Extract of the Minutes of Council January 14, 2019

The following is a recommendation from the January 14, 2019 Special Meeting of Council of the Town of Ajax.

Bill 66, Restoring Ontario's Competitiveness Act, 2018 and Proposed Open for Business Planning Tool

Moved by:

Seconded by:

1. That Council supports, in principle, the use of Bill 66, *Restoring Ontario's Competitiveness Act, 2018* to attract new major employment uses and investment in Ajax with the provision that the Town passes Open for Business Planning By-laws that respect its commitment to the Greenbelt, water quality, and Town land use and environmental policies and plans.
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 - c) Town staff recommend that the proposed Section 34.1(18) in Schedule 10 of Bill 66 be amended to clarify that all sections of the *Planning Act* apply when amendments or future business expansions to a development approval made under an Open for Business Planning By-law are requested.
- 4. That this Report and a copy of Council's resolution be forwarded to the Ministry of Economic Development, Job Creation and Trade and the Ministry of Municipal Affairs and Housing in advance of the January 20, 2019 comment deadline.
 - 5. That a copy of this report be distributed to the Region of Durham, Toronto and Region Conservation Authority, Central Lake Ontario Conservation Authority, CTC Source Protection Region, Ontario Greenbelt Alliance, Environmental Defense, and Canadian Environmental Law Association.

CARRIED



Alexander Harras, D-Clerk