

October 07, 2022

MGP File: 12-2086

Municipal Services Office - Central Ontario  
777 Bay Street, 16th floor  
Toronto, ON M7A 2J3

via email: [Julianna.Zhuo@ontario.ca](mailto:Julianna.Zhuo@ontario.ca)

**Attention: Julianna Zhuo**

Dear Ms. Zhuo:

**RE: City of Barrie Official Plan  
ERO No. 019-5530  
Comments on behalf of DIV Development (Barrie) Ltd.**

## **1.0 Overview**

Malone Given Parsons Ltd. (“MGP”) are the planners for DIV Development (Barrie) Ltd. (“DIV”), who own approximately 80 hectares of land located north of Lockhart Road and west of Sideroad 20 (the “Subject Lands”), within the area known previously as the Hewitt’s Secondary Plan in the City of Barrie. MGP has participated in the Hewitt’s Secondary Plan process since 2012 and has been monitoring and providing input into the City’s Municipal Comprehensive Review and Official Plan review process, including prior letters and deputations to Council and by participating in the City’s public engagement sessions.

On behalf of our client, this letter provides a summary of the outstanding concerns and comments on the new City of Barrie Official Plan (“Barrie OP”) that was adopted by Council on March 7, 2022 through By-law 2022-16.

## **2.0 Hewitt’s Secondary Plan and Phasing Policies**

### **2.1 Overall DGA Density on Individual Sites**

The Barrie OP disposes entirely of the Hewitt’s Secondary Plan, which was included as Section 9 in the previous Official Plan to guide development on lands annexed from the Town of Innisfil in 2010, and represented an extensive planning study and process that was ultimately approved in 2016, just six years before the adoption of the Barrie OP.

It continues to remain a major concern for DIV that many of the policies specifically approved for this area just six years ago have been omitted and no longer apply. While policies throughout the Barrie OP speak to the potential need to create a secondary plan, there is no specific direction as to how existing or new secondary plans interact with the policies of the Barrie OP. It is also unclear whether a new secondary plan will be required under the Barrie OP for lands with the Hewitt’s Secondary Plan, including the Subject Lands.

We request that the Province exclude the Hewitt's Secondary Plan area from the requirement for a new Secondary Plan prior to, as a requirement of, or condition of development approvals (e.g. draft plan of subdivision and zoning bylaw amendment) for lands in this area.

As per policy 2.4.2.3 (e), development within the DGA is expected to achieve an overall density of 79 people and jobs per hectare.

We understand that the City will consider development proposals and areas adjacent to City limits to achieve lower than planned densities, depending on the densities of other developments. However, this does not ease our concerns as the policies remain too broad and do not guarantee the development density we believe is appropriate for the Subject Lands. The policies for land adjacent to the City limits are unclear with how the City aims to maintain the desired densities and does not recognize that phasing of development will greatly affect it on a yearly basis.

We note that Map 2 and Section 2.8 of the Barrie OP delineate Defined Policy Areas which provide site-specific guidance for development. We believe that the Subject Lands should be included in this section with their own policy to reflect the historic Ontario Municipal Board decision on these lands.

Accordingly, we believe it is appropriate to include a site-specific policy for our lands to maintain the intent of the Hewitt's Secondary Plan.

**Accordingly, we request that the Subject Lands be identified with a site-specific policy on Map 2 and a new subsection be added to Policy 2.8 that reads as follows:**

***Proposed Policy 2.8.8***

***"2.8.8 Notwithstanding the policies of this plan, the lands noted on Map 2, municipally known as 1080 Lockhart Road (Part Lot 20, Concession 11), are permitted to develop for single and semi-detached uses, all forms of townhome dwellings, and one park. The lands shall be planned to achieve an overall minimum density of 55 residents and jobs per hectare. Development approvals on these lands shall not require the preparation of a secondary plan."***

**2.2 Phasing Policies**

In light of Council's direction to proceed with its "One City, One Vision, One Plan" approach and the removal of the Hewitt's Secondary Plan, we believe that the phasing policies as originally created in the context of the Hewitt's Secondary Plan should be removed from the Barrie OP, where they have been applied generally across the DGA within the annexed lands.

The consequences of halting progression between phases can greatly affect development. In regard to the phases on the Subject Lands, we have made numerous submissions reminding the City that key infrastructure is required on the DIV lands to allow for development and the creation of complete neighbourhoods on adjacent lands to the west. This includes a pumping station for servicing, the completion of collector roads for transportation connections, and the planned re-channelization of the current drainage channel.

To ensure this infrastructure can be delivered in a timely and cost-effective way, and to minimize the disruption that future residents will endure from construction, we request that the City removing any phasing from the lands within the annexed lands, which include the Subject Lands (through the removal of policy 9.5.2 and Appendix 2, Phasing Plan). We believe that development should not have to follow a strictly contiguous pattern, and the potential for hold out landowners outside of the control of developers or the City to delay development and the provision of much needed housing.

**In order to expedite the delivery of housing in the Barrie, we request the Province modify the policies of the Official Plan to make phasing for new development to commence contingent only on the availability of required infrastructure. Phasing policies should not be delayed for apparently arbitrary milestones on other lands (e.g. 60% of development in the previous phase registered), as currently contemplated in policy 9.5.2.**

**Should the Phasing outlined in Appendix 2 of the Official Plan persist, we request that the schedule be modified to include our client's lands within Phase 1. This can be achieved by extending the Phase 1 boundary east to include all lands south of Mapleview Drive East and west of 20<sup>th</sup> sideroad on this schedule.**

### **2.3 Minimum Density on Collector and Arterial Streets and Intensification Corridors**

Proposed policy 2.6.1.3 (h) notes that new development occurring on lands fronting onto streets classified as collector streets, arterial streets, or Intensification Corridors should be planned to a minimum residential density of 50 units per hectare, which equates to approximately 110 people and jobs per hectare. This is a density that approximates the minimum density of a Major Transit Station Area and would generally necessitate the provision of higher order transit to provide sufficient transportation capacity. We do not feel this requirement is appropriate on a City-wide basis if there is no corresponding plan to provide such transit service. As such we request the policy be amended to focus the intent of providing higher densities with supporting transit service in the following manner:

#### ***Proposed Policy 2.6.1.3 (h)***

*“e) To promote transit supportive development, new development occurring on lands fronting on streets **that are served by frequent or higher order transit**, and classified on Map 4b as collector or arterial streets, or fronting onto Intensification Corridors as per Map 1, should be planned to a minimum residential density of 50.0 units per hectare.*

### **2.4 Lower Density and Height Requirements Adjacent to Municipal Boundaries**

Policy 2.6.1.3 (m) speaks to accommodating servicing capacity for lands adjacent to municipal boundaries which “...may develop at a lower density and height requirements than what is provided for in this Plan to allow for more appropriate transitions” and is too vague to provide development certainty.

The reference to servicing capacity appears out of place. Further, we believe the “transition” being referred to in the policy relates to a transition from urban development to agricultural and rural areas. A transition policy is an appropriate planning policy where we believe the intent and certainty of the policy can be improved with the following wording:

***Proposed Policy 2.6.1.3 (m)***

*“(j) ~~To accommodate servicing capacity,~~ Neighbourhood Areas that are adjacent to municipal boundaries may develop for low and medium-density residential uses ~~at lower density and height requirements than what is provided for in this Plan~~ at a minimum density of 50 residents and jobs per hectare to allow for an appropriate transition ~~to agricultural and rural areas.~~”*

### **3.0 Affordable Housing**

Affordable housing is mentioned in several sections of the Barrie OP. Housing affordability is both a pertinent and tremendously important initiative that must be included in good planning. We commend the City in their undertaking of this task, however more work must be done.

The Barrie OP has not considered the many supportive structures and background work which contribute to the successful implementation of such an initiative. There have been several municipalities which have undertaken legislative processes which allow for the planning and structure of affordability models to ensure successful execution.

Affordability, though it has been formally defined in the Barrie OP, requires support through policy for both the developer and consumer. Affordability has simply been prescribed in this draft as a percentage of new builds. Key considerations to how affordable housing can effectively be delivered must be assessed before incorporating a blanket percentage and policy requirement. These considerations include how the delivery of this percentage of affordable housing can be supported through an appropriate housing mix, incentives, strategic location of housing, maintenance, length and terms of affordability, affordable ownership versus rental structures and supports, and building management. Without substantive provisions, affordable housing cannot be included in an Official Plan prescriptively.

Policy 2.5 (l) requires to the provision of 15% of all new housing units each year be affordable for all housing produced. We suggest the policy be revised to remove the annual achievement component which will be difficult to track and can be skewed from one year to the next by the delivery of dedicated affordable housing projects. Moreover, language should be added to identify them being required only where appropriate. This distinction allows for instances of small developments or phases within larger developments that may not have housing types that would be considered affordable. We suggest the following revision to the policy:

***Proposed Policy 2.5 (l)***

l) **Where appropriate, the City will require the provision of a minimum of 15% of all new housing units each year to be affordable housing, as per the policies in Section 6.4.2 of this Plan. The City will be guided by provincial direction and the City's Affordable Housing Strategy to implement this affordable housing target.**

#### **4.0 Conclusion**

We thank you for the opportunity to provide comments on the Barrie OP. We are pleased to see the changes implemented by the City through the public consultation process, however we have outstanding concerns regarding a number of policies that have yet to be addressed. We have limited our suggested policy solutions in this letter to address our most notable concerns with regard to the Subject Lands.

Please contact me at any time to discuss our comments or arrange a meeting if you would like to discuss the comments in this letter.

Yours very truly,  
Malone Given Parsons Ltd.



**Matthew Cory, MCIP, RPP, PLE, PMP, Principal**

cc. Amanda Santo, Dorsay Development Corp.  
Susan Rosenthal, Davies Howe LLP

*Attachment 1: DIV (Barrie) October 19, 2021 Comment Letter on Draft Official Plan 2051*

*Attachment 2: DIV (Barrie) June 06, 2021 Comment Letter on Draft Official Plan 2051*

*Attachment 3: DIV(Barrie) December 22, 2020 Comment Letter on Draft Official Plan 2041*

October 19, 2021

MGP File: 12-2086

City of Barrie  
City Hall, 70 Collier Street  
P.O. Box 400, Barrie, ON, L4M 4T5

via email: [newbarrieop@barrie.ca](mailto:newbarrieop@barrie.ca) and [cityclerks@barrie.ca](mailto:cityclerks@barrie.ca)

**Attention: Mr. Tomasz Wierzba, RPP  
Policy Planner**

Dear Mr. Wierzba:

**RE: Official Plan “Town Hall” Meeting – October 19, 2021  
Comments on New Draft Barrie Official Plan Working Version  
DIV Development (Barrie) Ltd.  
1080 Lockhart Road (Part Lot 20, Concession 11)**

## **1.0 Overview**

Malone Given Parsons Ltd. (“MGP”) are the planners for DIV Development (Barrie) Ltd. (“DIV”), who own approximately 80 hectares of land located north of Lockhart Road and west of Sideroad 20 (the “Subject Lands”), within the Hewitt’s Secondary Plan in the City of Barrie. MGP has participated in the Hewitt’s Secondary Plan process since 2012 and has been monitoring and providing input into the City’s New Official Plan Municipal Comprehensive Review process, including prior letters and deputations to Council and by participating in the City’s public engagement sessions. Our client is generally supportive of comments provided to date on behalf of the Hewitt’s Landowner Group but believe that it is important to provide the City with their own perspective.

Accordingly, this letter provides comments on our client’s behalf on the City of Barrie Official Plan Working Version 2051 (“Draft Official Plan”) and continues the direction of comments over this history of input to the City, including our most recent submission in June 2021 on the Draft Official Plan 2051 (attached to this letter for convenience).

## **2.0 City Response to Comments Made in June 2021**

In review of the new Draft Official Plan, we note that staff have undertaken significant effort to constructively respond to many of our comments. We would like to thank you for the inclusion of our clients’ land within the settlement boundary as this is an important step to meeting the City’s growth forecasts for residential development.

We would also like to thank you for providing a comprehensive comment matrix, which we found useful as we review your responses to our previous submission. In addition, the removal of the additional tests for minor variances, as well as the change in Cash-in-Lieu of Parkland to mean 'gross land area' provides more clarity and reflects current practices in other municipalities.

Some of our major comments made in June 2021 on the second draft of the Official Plan remain unaddressed, and with the new Official Plan text and schedules there are some other issues we are requesting that you resolve prior to finalizing the Official Plan. This letter provides a summary of the issues we believe must be addressed prior to issuance of a final Official Plan document to the Province for approval.

### **3.0 Density Requirements**

The inclusion of our Client's lands into the Designated Greenfield Area (DGA) represents a logical transitional area from the Urban Area to surrounding Rural Areas. We appreciate the City expanding the settlement boundary area out to the City limits; however policies of the Draft Official Plan hinder the opportunity for an appropriate transition to occur.

We are concerned with the ambiguity of certain policies with respect to requested densities of the Designated Greenfield Areas, and request for more discrete and specific policies, which we provide below.

#### **3.1 Overall DGA Density on Individual Sites**

As per policy 2.4.2.3 (e), Development within the DGA is expected to achieve an overall density of 79 people and jobs per hectare.

We understand that the City will consider development proposals and areas adjacent to City limits to achieve lower than planned densities, depending on the densities of other developments. However, this does not ease our concerns as the policies remain too broad and do not guarantee the development density we believe is appropriate for the Subject Lands. The policies for land adjacent to the City limits are unclear with how the City aims to maintain the desired densities and does not recognize that phasing of development will greatly affect it on a yearly basis.

Accordingly, we believe it is appropriate to include a site-specific policy for our lands to maintain the intent of the Hewitt's Secondary Plan. This policy is provided in Section 4 of this letter.

#### **3.2 Minimum Density on Collector and Arterial Streets and Intensification Corridors**

Proposed policy 2.6.1.3 (e) notes that new development occurring on lands fronting onto streets classified as Collector, Arterial Streets or Intensification Corridors should be planned to a minimum residential density of 50 units per hectare, which equates to approximately 110 people and jobs per hectare. This is a density that approximates the minimum density of a Major Transit Station Area and would generally necessitate the provision of higher order transit to provide sufficient transportation capacity. We do not feel this requirement is

appropriate on a City-wide basis if there is no corresponding plan to provide such transit service. As such we request the policy be amended to focus the intent of providing higher densities with supporting transit service in the following manner:

**Proposed Policy 2.6.1.3 (e)**

*“e) To promote transit supportive development, new development occurring on lands fronting on streets classified as Collector, Arterial Streets or Intensification Corridors that are served by frequent or higher order transit should be planned to a minimum residential density of 50.0 units per hectare”*

**3.3 Lower Density and Height Requirements Adjacent to Municipal Boundaries**

Policy 2.6.1.3 (j) speaks to accommodating servicing capacity for lands adjacent to municipal boundaries which “...may develop at a lower density and height requirement than what is provided for in this Plan...” and is too vague to provide development certainty.

The reference to servicing capacity appears out of place. Further, we believe the “transition” being referred to in the policy relates to a transition from urban development to agricultural and rural areas. A transition policy is an appropriate planning policy where we believe the intent and certainty of the policy can be improved with the following wording:

**Proposed Policy 2.6.1.3 (j)**

*“j) To accommodate servicing capacity, Neighbourhood Areas that are adjacent to municipal boundaries may develop for low and medium-density residential uses at a lower density and height requirements than what is provided for in this Plan at a minimum density of 50 residents and jobs per hectare to allow for an appropriate transition to agricultural and rural areas.*

**4.0 Maintaining the Approved Planning of the Hewitt’s Secondary Plan**

It continues to remain a major concern that the Hewitt’s Secondary Plan, added as a new Section 9 in the current Official Plan, has been omitted completely in the Draft Official Plan 2051. With that omission, many of the policies specifically approved for this area just five years ago have been omitted and no longer apply. While policies throughout the Draft Official Plan speak to the potential need to create a secondary plan, there is no specific direction as to how existing or new secondary plans interact with the policies of the Draft Official Plan.

We understand that the City’s intent of the Official Plan is "One City, One Vision, One Plan" where the purpose is to integrate all areas within the City comprehensively, including that of secondary plans. It is not appropriate, nor is it good planning to completely dispense with Ontario Municipal Board (OMB) approved Hewitt’s Secondary Plan from the Draft Official Plan, a secondary plan that was just approved approximately 5 years ago.



The City continues to recognize that new secondary plans are appropriate. The Draft Official Plan contains policies with respect to same despite the "One City, One Vision, One Plan" approach. It is, therefore puzzling to us why the City has failed to recognize its most recently approved Secondary Plans in its Official Plan.

Furthermore, given the extensive secondary plan planning that has already been undertaken and recently approved, we reiterate that the continuity of the planning from the Hewitt's Secondary Plan must be recognized in the Official Plan for the Subject Lands by including appropriate Hewitt's Secondary Plan policies in Section 2.8 of the Draft Official Plan 2051.

It is also unclear whether a new secondary plan will be required under the new Official Plan for lands with the Hewitt's Secondary Plan, including the Subject Lands. We request that the City exclude the Hewitt's Secondary Plan area from the requirement for a new Secondary Plan prior to, as a requirement of, or condition of development approvals (e.g. draft plan of subdivision and zoning bylaw amendment) for lands in this area.

We note that Map 2 and Section 2.8 of the Draft Official Plan delineate Defined Policy Areas which provide site-specific guidance for development. We believe that the Subject Lands should be included in this section with their own policy to reflect the historic OMB decision on these lands.

Accordingly, we request that the Subject Lands be identified with a site-specific policy on Map 2, identified in Appendix II as Phase 2 East, and a new subsection be added to Policy 2.8 that reads as follows:

***Proposed Policy 2.8.8***

***"2.8.8 Notwithstanding the policies of this plan, the lands noted on Map 2, municipally known as 1080 Lockhart Road (Part Lot 20, Concession 11), are permitted to develop for single and semi-detached uses, all forms of townhome dwellings, and one park. The lands shall be planned to achieve an overall minimum density of 55 residents and jobs per hectare. Development approvals on these lands shall not require the preparation of a secondary plan. Development of the lands may proceed in Phase 2 East in accordance with policy 9.5.2 of this Plan."***

We also repeat our concerns regarding Section 2.7.4 Natural Heritage Protection: The Natural Heritage System limits identified on Map 2 and 3 of the Draft Official Plan do not reflect the detailed information that we currently have verified with respect to the Subject Lands, nor does it reflect the boundaries from OMB decision PL140770, PL140771, and PL140772. While we understand from staff that changes to the Natural Heritage System can be made without amendment to the Plan, in circumstances such as the Subject Lands where the boundary was finalized as part of a formal process about five years ago, it is not appropriate to include mapping in the Official Plan which all parties know is incorrect.

Additionally, the Draft Official Plan does not indicate the methodology used to determine stormwater management ponds, parkland locations, trails, and community hubs on the Subject Lands. As per the 2016 Hewitt's Secondary Master Plan, three SWM ponds are located within the Subject Lands, however we do not believe it is appropriate to designate stormwater

management facilities in the Official Plan as they can be altered or removed pending more detailed engineering analysis. Map 6 of the Draft Official Plan designated additional greenspace and parks on the property, including a new park/greenspace located on the north side of Fagan Boulevard within the Subject Lands. In addition, a new community hub located is proposed within the former school site. These changes have not been explained in the background material for the Official Plan, and we believe are not appropriate additions. The need for, and identification of community benefit lands, parks, and schools was assessed in connection with the development of the Hewitt Secondary Plan five years ago and should not be revisited.

In addition, since the approval of this plan, work has been completed that supports the removal of the former waste disposal assessment areas.

We therefore request the schedules of the Official Plan be amended to reflect the approved environmental limits, the location of one park on the southern portion of the property (removing the community hub as there is no school on the property, and other greenspaces including the stormwater management facilities), and remove the former waste disposal identification. The figures below illustrate the changes on land use on Map 2 of the Official Plan (which should be applied to all maps) and the change to Phasing on Appendix II.

Figure 1 - Revisions to Official Plan Maps, illustrated on Map 2 - Land Use Designations

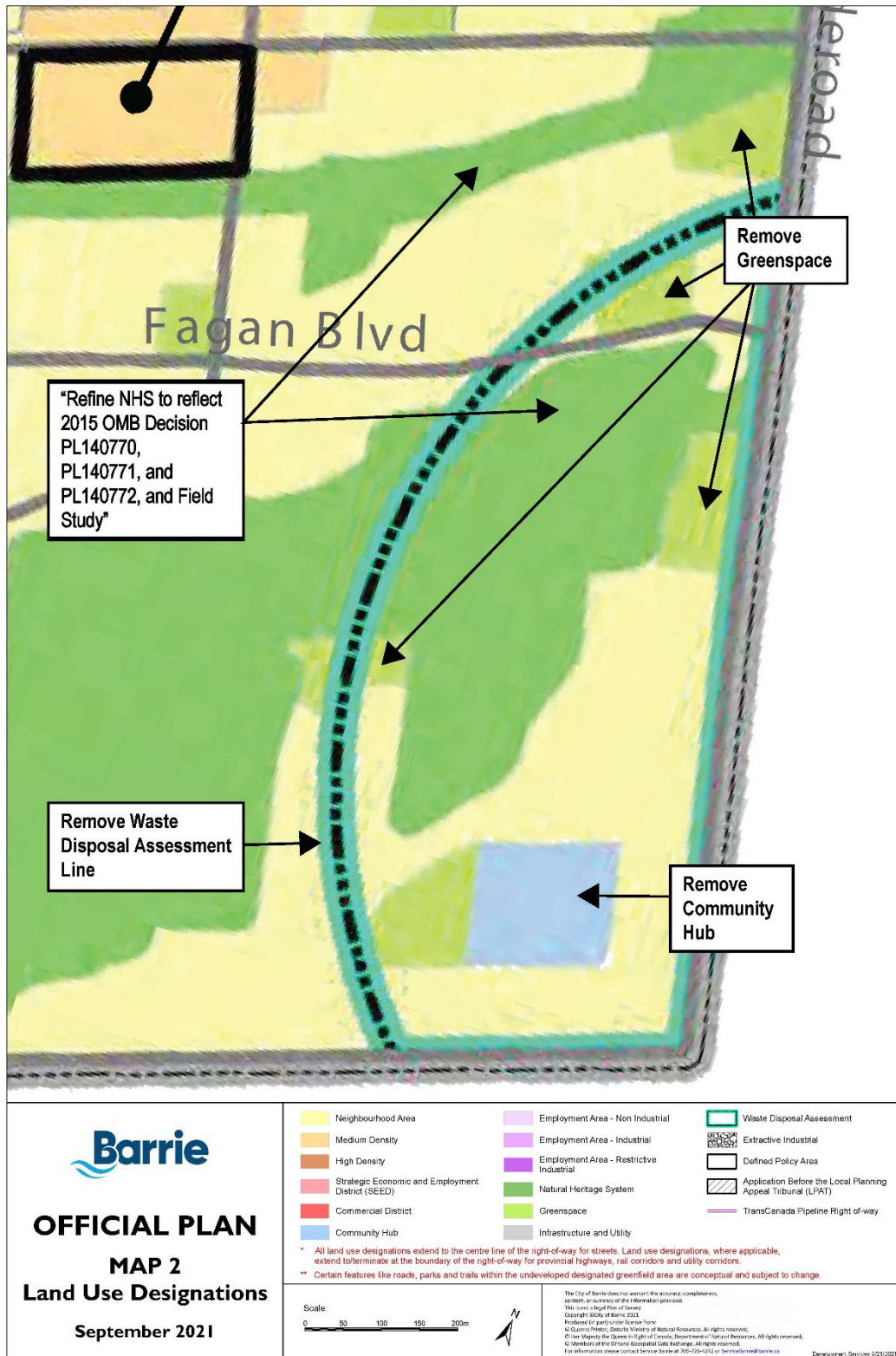


Figure 2 - Implemented Changes on Map 2 - Land Use Designations



## **5.0 Phasing Policies**

The determination and progression of phasing in the Draft Official Plan remains a concern. The consequences of halting progression between phases can greatly affect development.

In regard to the phases on the Subject Lands, we have made numerous submissions and remind the City that key infrastructure is required on the DIV lands to allow for development and the creation of complete neighbourhoods on adjacent lands to the west. This includes a pumping station for servicing, the completion of collector roads for transportation connections, and the planned re-channelization of the current drainage channel.

Now that the entire property is within the settlement boundary, we believe that permission of the entire property to develop in one phase is appropriate for the logical extension of infrastructure, the creation of complete neighbourhoods, and the provision of the park located on the southern portion of the property early in the development process. We do not see the planning nor growth management objective that would support the fragmentation of the subject lands into different phases.

To ensure this infrastructure can be delivered in a timely and cost-effective way, and to minimize the disruption that future residents will endure from construction, we request that the City designate the entire property as Phase 2 East. We believe that development should not have to follow a contiguous pattern, especially when considering the size of phases, and the potential for hold out landowners outside of the control of developers or the City to delay development and the provision of much needed housing. It is our opinion that new phases of development be allowed to commence once the required infrastructure is available a prior phase. The Figures below illustrate the changes requested the Appendix II – Phasing.



Figure 3 - Revisions to Appendix II - Phasing Plan

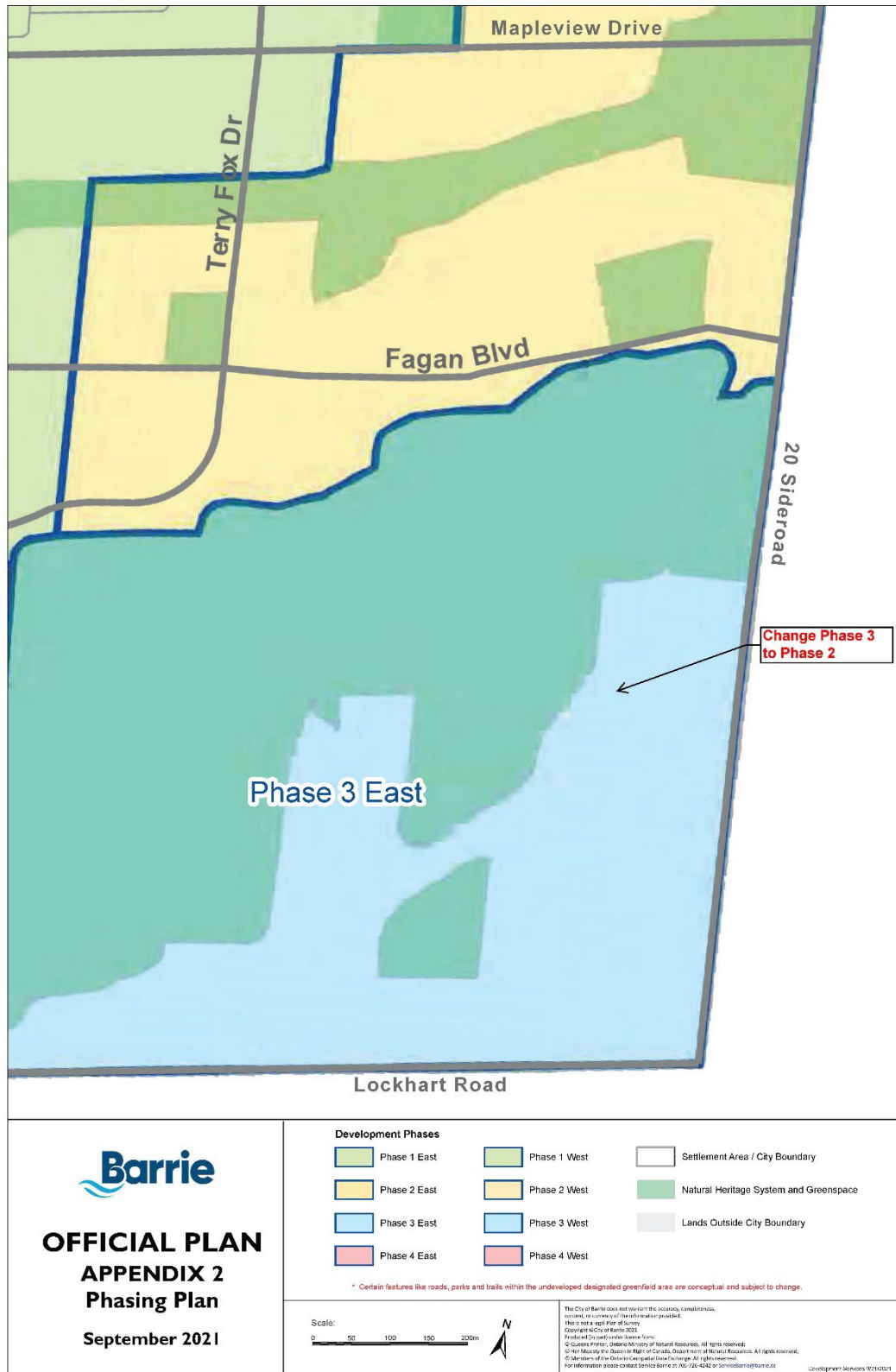


Figure 4 - Revisions Implemented on Appendix II -Phasing



## 6.0 Affordable Housing

Affordable housing is mentioned in several sections of this draft of the Official Plan.

Further to the comments in our previous submission, housing affordability is both a pertinent and tremendously important initiative that must be included in good planning. We commend the City in their undertaking of this task, however more work must be done.

This draft has not considered the many supportive structures and background work which contribute to the successful implementation of such an initiative. There have been several municipalities which have undertaken legislative processes which allow for the planning and structure of affordability models to ensure successful execution.

Affordability, though it has been formally defined in this draft of the Official Plan, requires support through policy for both the developer and consumer. Affordability has simply been prescribed in this draft as a percentage of new builds. Key considerations to how affordable housing can effectively be delivered must be assessed before incorporating a blanket percentage and policy requirement. These considerations include how the delivery of this percentage of affordable housing can be supported through an appropriate housing mix, incentives, strategic location of housing, maintenance, length and terms of affordability, affordable ownership versus rental structures and supports, and building management. Without substantive provisions, affordable housing cannot be included in an Official Plan prescriptively.

Policy 2.5 (l) requires to the provision of 10% of all new housing units each year be affordable for all housing produced. We suggest the policy be revised to remove the annual achievement component which will be difficult to track and can be skewed from one year to the next by the delivery of dedicated affordable housing projects. Moreover, language should be added to identify them being required only where appropriate. This distinction allows for instances of small developments or phases within larger developments that may not have housing types that would be considered affordable. We suggest the following revision to the policy:

### ***Proposed Policy 2.5 (l)***

*l) **Where appropriate,** the City will require the provision of a minimum of 10% of all new housing units **each year** to be affordable housing, as per the policies in Section 6.4.2 of this Plan. The City will be guided by the Provincial approach for municipalities and the City's Affordable Housing Strategy to implement this affordable housing target.*

## 7.0 Conclusion

We thank you for the opportunity to provide comments on the Draft Official Plan and commend the City on the substantial work done to date. We are pleased to see the changes already implemented by the City from the second round of consultation. Nonetheless, concerns remain regarding a number of policies that have yet to be addressed. We have further concerns with other policies as outlined in in our prior submissions (attached to this



letter for convenience). We also agree with, and echo many of the extensive comments provided by the Hewitt Landowner's Group.

We have limited our suggested policy solutions in this letter to address our most notable concerns with regard to the Subject Lands.

We ask for a stakeholder meeting with you to review the issues raised in our comments and work through our policy suggestions with the intent of expediting a revised Official Plan. Please contact me at any time to discuss our comments or arrange a meeting. We look forward to the next draft of the Official Plan, which addresses our comments in this letter.

Yours very truly,  
Malone Given Parsons Ltd.



**Matthew Cory, MCIP, RPP, PLE, PMP, Principal**

cc. Amanda Santo, Dorsay Development Corp.  
Susan Rosenthal, Davies Howe LLP  
Councillor Mike McCann, Ward 10 Councillor of Barrie

*Attch 1: DIV (Barrie) June 02, 2021 Comment Letter on Draft Official Plan 2051*

*Attch 2: DIV(Barrie) December 22, 2020 Comment Letter on Draft Official Plan 2041*

June 2, 2021

MGP File: 12-2089

City of Barrie  
City Hall, 70 Collier Street  
P.O. Box 400, Barrie, ON, L4M 4T5

via email: [newbarrieop@barrie.ca](mailto:newbarrieop@barrie.ca) and [cityclerks@barrie.ca](mailto:cityclerks@barrie.ca)

**Attention: Mr. Tomasz Wierzba, RPP  
Policy Planner**

Dear Mr. Wierzba:

**RE: Comments on New Draft Barrie Official Plan Draft Two  
DIV Development (Barrie) Ltd.  
1080 Lockhart Road (Part Lot 20, Concession 11)**

## **1.0 Overview**

Malone Given Parsons Ltd. (“MGP”) are the planners for DIV Development (Barrie) Ltd. (“DIV”), who own approximately 80 hectares of land located north of Lockhart Road and west of Sideroad 20 (the “Subject Lands”), within the Hewitt’s Secondary Plan in the City of Barrie. MGP has participated in the Hewitt’s Secondary Plan process since 2012 and has been monitoring and providing input into the City’s New Official Plan Municipal Comprehensive Review process, including prior letters and deputations to Council and by participating in the City’s 2020 stakeholder consultation sessions. This letter provides our additional comments on the Draft City of Barrie Official Plan Draft 2 2051 (“Draft Official Plan 2051”) and continues the direction of comments over this history of input to the City including our most recent submission in December 2020 on the Draft Official Plan 2041.

### **1.1 City Response to Comments Made in December 2020**

In review of the new Draft Official Plan, we note that staff have undertaken significant effort to constructively respond to many of our comments. We would like to thank you for achieving compliance with the Growth Plan 2051 planning horizon and the inclusion of our clients’ land within the settlement boundary. We have noted an error in which a portion of our client’s lands have been excluded from the Designated Greenfield Area (“DGA”) in Map 1 of the Draft Official Plan and request this be corrected to include these lands as part of the DGA. As per our previous comments, we believe these lands are required to allow the City to meet its growth forecast and support their inclusion in the settlement area boundary and designation for residential development. In addition, the removal of prescriptive urban design policies from

the Official Plan, in favour of the preparation of a separate urban design guideline document is a positive change that enhances the usability of the Official Plan.

However, many of our major comments made in December 2020 on the first draft of the Official Plan remain. This letter provides a summary of the major issues we believe must be addressed prior to issuance of a final Official Plan document to the Province for approval.

## **1.2 Overly Prescriptive Official Plan Policies**

We are concerned that the wording of many of the policies in the Official Plan remains too prescriptive, which will have the negative impact of the Plan being difficult to implement. The tone of an Official Plan should be to provide permissions for land use and general guidance with regard to development. The Official Plan applies across the entire geography of the City, and therefore all policies must be generic enough to apply in all instances, or sufficient work should be undertaken to ensure that specific policies can be universally implemented without the need for an Official Plan Amendment to deal with area or site-specific exceptions. Typically, area specific policies are prepared through secondary or tertiary planning exercises, and site-specific development standards are more appropriately implemented through the City's zoning bylaw.

We request that the City remove overly prescriptive policy and development requirements from the Official Plan, and rather provide general guidance to make the intent of the Official Plan clear. Specifically, policies specifying setback requirements, locations of street trees, sidewalk widths, area or context driven height and density requirements, and similar policies should be simplified or removed in favour of more detailed planning process which will appropriately determine these requirements.

## **1.3 Maintaining the Planned Intent from the Hewitt Secondary Plan on the Subject Lands**

It remains a major concern that the Hewitt Secondary Plan, added as a new Section 9 in the current Official Plan, has been omitted completely in the Draft Official Plan 2051. While policies throughout the Draft Official Plan speak to the potential need to create a secondary plan, there is no specific direction as to how existing or new secondary plans interact with the policies of the Draft Official Plan.

It is not appropriate, nor is it good planning to require the subject lands to undergo re-planning or new secondary or tertiary planning process when the Hewitt Secondary Plan provides land use designations and policies that are good planning for the subject lands. This would also result in a significant and unnecessary delay in the delivery of much needed housing, roads, and community facilities, with corresponding delays to the City in realizing a return on the various infrastructure and capital investments it has made to support growth.

The continuity of the planning from the Hewitt Secondary Plan and its area specific policies must be recognized in the Official Plan for the subject lands, either through the reinsertion of

a separate chapter like the City's current Official Plan or by including all Hewitt Secondary Plan policies in the areas specific policies in appropriate sections of the Draft Official Plan 2051. It is also unclear from growth management work prepared by the City what the overall housing mix will be to 2051, and to what extent the subject lands will be relied upon to provide the limited potential for new growth in single and semi-detached housing to allow the City to meet a market-based demand for housing to 2051.

A suggestion that could resolve these concerns would be to include in the Official Plan an area specific policy identifying that the subject lands should be developed primarily for single-detached housing with other medium density forms in appropriate locations to a minimum density of 16 units per gross developable hectare or 50 residents and jobs per hectare to allow the City to achieve its overall density targets. This would allow development to proceed to a density and scale anticipated under the Hewitt Secondary Plan policies, notwithstanding any new policy approaches the City is contemplating in other areas.

In addition, there are numerous references to Block Plans without any explanation as to what these are, or where the City intends to require them. We suggest this language be removed as these references are unnecessary given that all lands are either within the built-up area (and will be subject to demonstration plans as shown in Appendix 3) or have been comprehensively planned in the Greenfield area through the Salem and Hewitt Secondary Plan processes and therefore no Block Plan should be required prior to development.

To resolve this concern, we request that the City include a site-specific policy that states that the subject lands will not be required to undertake a Secondary or Block Plan prior to, as a requirement of, or condition of development approvals (draft plan of subdivision and zoning bylaw amendment).

#### **1.4 Logical and Flexible Phasing Policies**

The pace of development anticipated in the Salem and Hewitt Secondary Plan areas has not been realized, and the City continues to struggle with the financial implications of slower than expected growth rates. We believe that a solution to aid in expediting the pace of development and aiding the City in realizing a return on its infrastructure and capital investments is to advance the phasing of the subject lands and provide more flexibility in the progression from one phase of development to the next. With regard to the phase delineations on the subject lands, we have made numerous submissions and remind the City that key infrastructure is required on the Dorsay lands to allow for development and the creation of complete neighbourhoods on adjacent lands to the west. This includes a pumping station for servicing, the completion of collector roads for transportation connections, and the planned re-channelization of the current drainage channel. To ensure these infrastructures can be delivered in a timely and cost-effective way, and to minimize the disruption that future residents will endure from construction, we request that the City move the Dorsay Phase 3 lands into Phase 2 and that the Phase 4 lands become Phase 3. There does not appear to be a need for a fourth phase.

In addition, moving from one phase of development to the next should be expedited once appropriate growth management considerations have been met, which primarily should be focused on ensuring that the required infrastructure is available to support growth. It is our opinion that an official plan amendment should NOT be required to commence development in a new phase, once the required infrastructure is in place in a prior phase.

## **1.5 Other Policies**

We are pleased to see the changes already implemented by the City from this first round of consultation. We do, however remain concerned regarding a number of policies that have yet to be addressed. Although it is our belief that the primary concerns we have presented in this letter are imperative to the implementation and practicality of this plan, we have further concerns with other supporting policies.

Thus, we remain firm in our opinion that the Official Plan document must be reassessed holistically with the following revisions considered:

### **1.5.1 NHS Boundaries**

As previously requested, Section 2.7.4 Natural Heritage Protection: The Natural Heritage System limits identified on Map 2 and 3 of the Draft Official Plan do not reflect the detailed ground-truthed information that we currently have with respect to DIV's lands. We implore that the natural heritage mapping on the subject lands be revised to reflect our fieldwork – we will provide a plan for the City's use.

### **1.5.2 Minor Variance**

Although Section 9.5.9 has been trimmed of several extraneous tests included in the first draft of the Official Plan, we remain adamant that the remaining test be removed as well. The conditions included in policy 9.5.9a) cannot reasonably be met as terms such as 'annoyance' are too broad and remain undefined. Tests which are not outlined and prescribed through the *Planning Act* cannot have a reasonable place in this document and so are not in keeping with legislative requirements.

### **1.5.3 Park Land Dedication**

Section 5.9 of the draft Official Plan speaks to Parkland Dedication. Throughout this section, the total "gross" land area is referenced in the calculation of parkland rate. Parkland is not typically calculated with non-developable land (e.g., environmental features) included in the equation. Net calculations are the standard across the board, as natural heritage area and other non-developable features are just that: undevelopable and typically not used to generate parkland. Accordingly, we ask the City to amend this policy to clarify parkland calculations are made on developable land.

#### **1.5.4 Affordable Housing**

Affordable housing is mentioned in several sections of this draft of the Official Plan.

Further to the comments in our previous submission, housing affordability is both a pertinent and tremendously important initiative that must be included in good planning. We commend the City in their undertaking of this task, however more work must be done.

This draft has not considered the many supportive structures and background work which contribute to the successful implementation of such an initiative. There have been several local municipalities which have undertaken legislative processes which allow for the planning and structure of affordability models to ensure successful execution.

Affordability, though it has been formally defined in this draft of the Official Plan, requires support through policy for both the developer and consumer. Affordability has simply been prescribed in this draft as a percentage of new builds, but how this will be supported through appropriate housing mix, incentives, strategic location of housing, maintenance, time and terms of affordability, affordable ownership versus rental structures and supports, and building management has not been included. Without substantive provisions, affordable housing cannot be included in an Official Plan prescriptively.

Given the short timeframe for review of the new Draft of the Official Plan, we will have comments on other policies and request an opportunity to review these with staff and work through them to propose new wording or other solutions to improve the functioning of the plan.

#### **1.6 Conclusion**

We thank you for the ongoing opportunity to provide comments on the Draft Official Plan 2051. We have attempted to suggest policy solutions in the Official Plan with regard to the Subject Lands to address our concerns.

We ask for a stakeholder meeting with you to review the issues raised in our comments and work through our other concerns and policy suggestions with the intent of expediting a revised Official Plan. Please contact me at any time to discuss our comments or arrange a meeting.

Yours very truly,  
Malone Given Parsons Ltd.



**Matthew Cory, MCIP, RPP, PLE, PMP, Principal**

cc. Amanda Santo, Dorsay Development Corp.  
Susan Rosenthal, Davies Howe LLP  
Councillor Mike McCann, Ward 10 Councillor of Barrie

*Attch: DIV(Barrie) December 22, 2020 Comment Letter on Draft Official Plan 2041*

December 22, 2020

MGP File: 12-2089

City of Barrie  
City Hall, 70 Collier Street  
P.O. Box 400, Barrie, ON, L4M 4T5

via email: [newbarrieop@barrie.ca](mailto:newbarrieop@barrie.ca)

**Attention: Ms. Kathy Suggit, RPP**  
**Manager of Strategic Initiatives, Policy and Analysis**

Dear Ms. Suggit:

**RE: Comments on New Draft Barrie Official Plan 2020**  
**DIV Development (Barrie) Ltd.**  
**1080 Lockhart Road (Part Lot 20, Concession 11)**

## **1.0 Overview**

Malone Given Parsons Ltd. (“MGP”) are the planners for DIV Development (Barrie) Ltd. (“DIV”), who own approximately 80 hectares of land located north of Lockhart Road and west of Sideroad 20 (the “Subject Lands”), within the Hewitt’s Secondary Plan in the City of Barrie. MGP has participated in the Hewitt’s Secondary Plan process since 2012 and has been monitoring and providing input into the City’s New Official Plan Municipal Comprehensive Review process, including prior letters and deputations to Council and by participating in the City’s 2020 stakeholder consultation sessions. This letter provides our initial comments on the Draft City of Barrie Official Plan 2041 (“Draft Official Plan”) and continues the direction of comments over this history of input to the City.

### **1.1 Growth Management**

Your Growth Management analysis currently assesses needs only to 2041 and bases this analysis on an outdated land needs assessment. Provincial Direction mandates that your Municipal Comprehensive Review and resulting Official Plan must be updated to the 2051 planning horizon on the basis of the recently released provincial Land Needs Methodology 2020 and the A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020 (“A Place to Grow”). As such, your assessment regarding urban boundary expansion needs and phasing is insufficient and contrary to current Provincial policy.

The Draft Official Plan does not utilize the recent Land Needs Assessment Methodology issued by the Province. In particular, the City’s growth management approach appears to be directly

in conflict with the 2020 Land Needs Assessment and A Place to Grow, where in the October 8, 2019 Report to City Building Committee, the following statement is made (page 8):

*“In summary, the scenarios represent a shift towards a more comprehensive and sustainable approach to growth management. Specifically, the scenarios focus on creating more compact, complete, and desirable communities while satisfying provincial policy. As per Watson’s commentary, staff wish to reiterate that these scenarios represent an elevated level of growth than what has occurred in the past. This is because the city must plan to accommodate the long-term growth forecasts of the Growth Plan rather than plan based on market demand. This is an important consideration as staff do not anticipate growth to occur at the forecasted rate of 1,900 units per year at least in the short term. As such, the shift will occur over time and not take place immediately.”*

An Official Plan only to the year 2041, which does not use the provincial Land Needs Assessment methodology, does not comply with A Place to Grow and cannot be approved. Furthermore, an assessment to 2041 does not represent good planning as it leaves small pieces of the Hewitt and Salem Secondary Plans areas (which have comprehensive infrastructure and land use planning completed for them) out of the Settlement Area Boundary and will not achieve a complete community in the next 20 years. This is not in the public interest and serves no practical purpose other than to frustrate development that is integral to the creation of a complete community.

There is an opportunity to update your work during the comment period, and we ask that you please confirm that the City will be undertaking this updated work to 2051 based on the 2020 Land Needs Assessment to ensure conformity with A Place to Grow prior to proceeding with the Draft Official Plan.

It is clear that updating the Official Plan to meet the mandated 2051 planning horizon will result in the inclusion of all remaining whitebelt lands in Barrie into the Settlement Area Boundary to meet projected growth needs. This will include DIV’s remaining lands in the Hewitt Secondary Plan area. Based on our own analysis, we fully expect that the remainder of DIV’s lands will be included in the Settlement Area, and that these lands will be designated in accordance with the Hewitt Secondary Plan and MESP – Appendix 9A Residential Area (Neighbourhood Area in the Draft Official Plan.)

With regard to Section 9.5.2, Phasing and the associated schedules, phases of development should result in the logical and cost-effective extension of infrastructure, the creation of complete neighbourhoods, and generally should be of a consistent size and area to other phases. The proposed phasing in the Draft Official Plan does not appear to result in the logical extension of services, the creation of complete neighbourhoods, nor are the phases consistent with the size and extent of Phases 1 and 2. We do not believe that having many small phases after Phase 1 and 2 is good planning, and to the contrary, will result in unnecessary delays in development and the completion of neighbourhoods. We therefore request that all lands outside of Phase 1 and 2 in the Hewitt Secondary Plan area be identified within Phase 3. This will make all three phases a comparable size and will allow for the logical progression of growth in this Secondary Plan area. In addition, in order to permit flexibility to respond to market and other changes, including timing of development, modifications to the phasing plan should be permitted without the need for an amendment to the official plan. The policy should, accordingly, be amended.



With regard to DIV's lands, it was our understanding from prior discussions with City staff that the portion of the Subject Lands currently within the Settlement Area Boundary would be revised from Phase 4 to Phase 3 lands. As proposed on Appendix 2, the City is illustrating these lands as Phase 4 and Phase 6 lands. We request that this be corrected on the mapping to be Phase 3, and that the remainder of the Subject Lands also be identified as within Phase 3 when they are added to the Settlement Area Boundary.

Furthermore, we are concerned with Section 9.5.1 c) which does not allow development to proceed unless the City has a Development Charge By-law in force and effect and not subject to appeal. We fail to understand the basis for this clause, particularly where, notwithstanding an appeal, the City can continue to collect development charges at the rates set out in an appealed by-law, pending determination of the appeal. The City is not prejudiced in any way by allowing development to proceed while an appeal is pending. Such a clause only serves to prevent a fair assessment of Development Charges and prevents development to proceed in an orderly fashion.

We also have concerns with Section 2.4.2.1 i), which provides as follows:

All new development shall be planned to contribute to a housing mix of 13% low density, 24% medium density, and 63% high density to ensure a gradual transition towards more compact forms of development, to support the *intensification* and *Designated Greenfield Area* density targets, and meet future housing needs.

It is unclear as to how this mix of housing has been determined. Until the new Land Needs Assessment is complete, it is not possible to assess whether this mix is appropriate. Furthermore, the unit mix that was anticipated, approved, and planned in the Hewitt Secondary Plan should continue to apply in this secondary plan area.

In general, it is our opinion that the Official Plan should put forth a vision of how the City will develop that goes beyond the general intent of creating a medium sized city with a mix of uses and higher densities. The policy suggests that all development should be planned in accordance with the prescribed unit mix. This unit mix is considered an overall vision for the Official Plan and should not be considered on a site-by-site basis. The Draft Official Plan should, and could, identify area specific policies to guide development. This would result in an overall housing mix which delivers a market-based supply of housing to the extent possible. Without supporting detailed planning analysis through the Land Needs Assessment, it cannot be determined if this policy is appropriate, nor how it would impact on individual areas or development applications. Furthermore, with respect to Section 2.4.2.1 j) it is unclear how low, medium and high density is defined and how the City will 'encourage' applications for medium and high-density housing: through policy encouragement, financial incentives, or preferential treatment of some other kind?

The policies in Section 2.4.2.3 will need to be updated to reflect the inclusion of remaining lands into the Settlement Area Boundary. As previously mentioned, the pre-determination of a specific housing mix target without more detailed work supporting these numbers means that we are unable to determine whether Section 2.4.2.3b) is appropriate, nor is it clear how applications will be encouraged or discouraged to accommodate these targets. Moreover, the

analysis of whether this housing mix is providing a market-based supply of housing has not been completed.

Section 2.4.2.3c) should include an exception for intervening lands with no development intent nor interest and allow for the advancement of the completion of neighbourhoods in an efficient and effective manner, including the delivery of servicing infrastructure.

Section 2.4.2.3f) contains a target of 62 persons and jobs per hectare and it is unclear how this density implements an appropriate mix of housing and how it was determined. Sections 2.4.2.3g) through i) appear to require achievement of this density on a site or development application specific basis, as opposed to an average over the entire Greenfield. This is contrary to the policies within A Place to Grow and is unimplementable.

### **1.1.1 Official Plan Structure and Secondary Plans**

It is unclear how the Draft Official Plan incorporates area specific policies, particularly those of the Hewitt Secondary Plan. The Hewitt Secondary Plan was added as a new Section 9 in the current Official Plan but appears to have been omitted completely in the Draft Official Plan. This omission is confusing as Section 9.5.2 i) refers to the Hewitt Secondary Plan. While policies throughout the Draft Official Plan speak to the potential need to create a secondary plan, there is no specific direction as to how existing or new secondary plans interact with the policies of the Draft Official Plan.

The continued status of the Hewitt Secondary Plan and its area specific policies must be recognized in the Official Plan, either through the reinsertion of a separate chapter, as in the City's current Official Plan or by including all Hewitt Secondary Plan policies in the relevant and appropriate sections of the Draft Official Plan.

Alternatively, if the Secondary Plan is intended to be retained as a stand-alone document, then a notwithstanding policy must be included in the Draft Official Plan that defers to the policies of the Secondary Plan.

Over 10 years of planning, public consultation, expertise and study led to the adoption of the Secondary Plan. To outright rescind/delete it undermines good planning and previously expended public resources, particularly as most of the Secondary Plan has not yet proceeded to development. This is not in the public interest. Moreover, the generic policies proposed on the Subject Lands in the Draft Official Plan do not result in improved or better planning for the Secondary Plan than the approved specific Hewitt Secondary Plan policies. These generic policies do not take into consideration the individual area circumstances and are not informed by the detailed planning analysis which was undertaken in connection with the approved Secondary Plan; nor are they based on an appropriate form of development for these lands. For example, the street network defined in the Hewitt Secondary Plan has undertaken extensive studies to approve the location and size of the roads. To omit the Hewitt Secondary Plan would result in a requirement for additional studies for a road network that has been previously approved. Development should be allowed to proceed under the Hewitt Secondary

Plan policies, notwithstanding any new policy approaches the City is contemplating in other areas.

In addition, there are numerous references to Block Plans without any explanation as to what these are, or where the City intends to require them. We suggest this language be removed as these references are unnecessary given that all lands are either within the built-up area (and will be subject to demonstration plans as shown in Appendix 3) or have been comprehensively planned in the Greenfield area through the Salem and Hewitt Secondary Plan processes and therefore no Block Plan should be required prior to development.

### **1.1.2 General Land Use Policies**

Section 2.5.1a) suggests that minor variances to height and density are not permitted without an official plan amendment. In our view, this prohibition against minor variance for height and density goes beyond the authority and the four tests which must be met under the *Planning Act* and should be deleted. With regard to Section 2.5.1 i), subsections iii) through v) are essentially inclusionary zoning provisions which under the *Planning Act*, requires a municipality to undertake an assessment report in conjunction with developing policies in their Official Plan. Further study is required prior to requiring blanket policies requiring 10% of all new units be affordable. Moreover, it is not clear how the City will implement the policies with regard to affordable housing, nor may it be appropriate for every development proposal (including medium and high-density development) over 40 units to provide affordable housing. In determining affordable housing, we strongly encourage that incentive tools be implemented, including financial incentives, to provide for affordable housing ownership.

Section 2.5.3 provides as follows:

Any lands shown on Appendix 1 as located within the boundary of a Conservation Authority are also subject to the relevant law and policies of those authorities and, in all instances, the policies of the authorities shall prevail.

While it is clear that lands within the boundary of a Conservation Authority are subject to the legislation governing those lands, and policies approved pursuant to this law by those authorities, it is not appropriate to, nor should an Official Plan or a municipality, defer all policy decision making to a commenting agency and their policies. As such, this policy should be removed from the Draft Official Plan.

Section 2.5.4 b) is too vague and it is unclear how the City will determine, on a site-specific basis, that the intensification target or Designated Greenfield Area target will be negatively impacted. There is no detailed planning analysis based on the achievement of a specific desired community form outcome that would provide guidance in this regard.

We strongly support Section 2.4.2.1 o) which promotes secondary suites, however, suggest the policy be strengthened to be an as-of-right permission.

### **1.1.3 Land Use Designations**

The guide to reading and interpreting the land use designations in Section 2.6 is helpful and a good addition to make the plan more readable.

Regarding Neighbourhood Areas, the stated intent is to ‘recognize new and existing low-density neighbourhoods and communities which are dominated by human scale built form.’ With respect to Section 2.6.1.3 e), it is onerous to require all 50% of the ground floor of all low and mid-rise buildings to consist of non-residential uses, particularly without a retail and commercial needs assessment, to determine whether this would result in an appropriate amount of retail and commercial space.

Regarding Section 2.6.1.3 f), a minimum density of 50 units per hectare for development on lands for local streets and 60 units per hectare on lands fronting on street classified as collector or above is inappropriate and too high. Requiring this minimum density in the Neighbourhood designation would prevent the opportunity to develop a ‘low density neighbourhood’ and would not allow a mix and range of uses to develop as intended in this designation. This minimum density should be specified as 20 units per net hectare with an appropriate definition of net hectares.

In the Medium Density designation, Section 2.6.2.2 a) should include townhomes and low-rise buildings as permitted building types, as opposed to Section 2.6.2.2g) subsection i), which limits those building types only to locations within 70 metres of lands designated as Neighbourhood Area.

Furthermore, it is not appropriate nor in the public interest to require every development to have a mix of use. If this is the intent of Section 2.6.2.2c), it should be deleted. If the intent is to encourage a mix of uses in this designation, this policy should be clarified. Even though Section 2.6.2.2g) includes a specific set of criteria, we believe that these policies are too onerous and may not be applicable on a site-by-site basis, especially in areas already identified in a Secondary Plan where mixed use may not be appropriate.

In addition, for the reasons noted above in relation to the Neighbourhood designation, it is not appropriate to require all buildings facing an Arterial or Collector street to have 50% of the ground floor frontage as non-residential uses as set out in Section 2.6.2.2e), particularly when no market study has been completed supporting such need.

### **1.1.4 Planning an Attractive City**

In general, there are significant concerns with the Urban Design policies in the Draft Official Plan (Sections 2.5.4.1, 3, 4 and 5). From a land use policy perspective, most of the standards are mandatory, where the language requires that things ‘shall’ be done, or ‘will’ occur, meaning that development must be in full conformity with the policies (see for example policies 3.1.2.1, 3.3.3, 3.3.4 and 3.3.5, 3.5). We strongly disagree with this intended application of Urban Design policies. The policies should be revised to provide for flexibility, rather than taking a prescriptive approach, and as such, urban design guidelines should be encouraged where appropriate to allow for consideration of site conditions and context.

In addition to the policies specifically contained in the Draft Official Plan, the Draft Official Plan also relies on an external document entitled *City Wide Urban Design Guidelines* (“Urban Design Guidelines”). Page 4 of the Urban Design Guidelines states the following:

*The guidelines are phrased in the passive tone recognizing that they are guidelines rather than regulation. However, the guidelines are enabled by the Official Plan, which makes provision for the guidelines to essentially be mandatory, while offering flexibility for the guidelines to be adapted if a site is constrained (as long as the spirit and intent of the guidelines are maintained).*

This external Urban Design Guidelines document can be changed without public input or opportunity for challenge. Such mandatory requirements should be subject to transparent review and opportunity for the same approval process applied to Official Plans, particularly since they are being “incorporated” and enforced through the Official Plan itself. Failing this, they should not be treated as “essentially mandatory” but should be dealt with and implemented with the flexibility inherent in the concept of guidelines themselves. Guidelines should set parameters and not rules, and the policy should be amended to reflect this.

Section 3.3.5.2.2 c) requires that outside of an Urban Growth Centre 20% of the lot area shall be provided as a semi-public open space for stacked townhouses and townhouses with a private driveway. This policy appears unreasonable, particularly in a Greenfield situation where the provision of a semi-private space would serve little utility to the larger community (particularly if they are just individual blocks) while being a significant burden and liability on new residents. Notwithstanding our comments, if this policy is to persist, then we believe any public open spaces should be counted towards parkland dedication credit. As a note, there is an image shown to illustrate this policy which is from the City of Toronto Official Plan and clearly applies to mid-rise buildings in a very dense urban area, not low-rise or townhouse developments.

#### **1.1.5 Other Policies**

Section 2.7.4 Natural Heritage Protection: The Natural Heritage System limits identified on Map 2 and 3 of the Draft Official Plan do not reflect the detailed ground-truthed information that we currently have with respect to DIV’s lands. We will be providing a supplemental package that has our refinements of the Natural Heritage System on the Subject Lands and will discuss further with staff on this matter.

Section 5.5 Ecological Offsetting: We believe that this policy is vague and it unclear how ecological offsetting is to be achieved. What is the basis for this policy and which legislative authority requires this?

Section 6.3.1 Climate Sensitive Design: We strongly support parks and public open spaces being used for stormwater storage and request the City permit and direct Low Impact Developments (LIDs) be permitted in all public rights-of-way and these are the best places to accommodate LIDs and ensure they are maintained over their lifetime by the City. Requiring private property owners to maintain these features is fraught with difficulties related to maintenance and enforcement.

Section 6.3.2 Urban Forests: We agree that urban forests are important and add to the social enjoyment of a community by providing nature areas for recreation. The policy should be modified to clarify that when such social woodlands are required to be retained or enhanced by the City, they will form part of the parkland contribution required under the *Planning Act*. With regard to requiring compensation under the Lake Simcoe Protection Plan, we believe conversations respecting compensation should occur but should not be mandated by policy in the Official Plan.

Section 6.3.3 Food Security: This policy should recognize that the yards provided with grade related housing provide the opportunity for residents to grow their own food and thereby contribute to food security.

Section 6.4 Social and Economic Resilience: We strongly support as-of-right permission for secondary suites throughout the City. With regard to Section 6.4 c), is it is unclear how conformity with this requirement to have a unit with an attached or detached secondary suite for every 40 ground-related housing units will be achieved through the approval of a draft plan of subdivision.

Section 9.5.9 Minor Variance: This policy contains onerous provisions for consideration of a minor variance application well beyond requirements within the *Planning Act*. It is our opinion that this policy be revised or removed to be more reasonable and in keeping with legislative requirements.

#### **1.1.6 Conclusion**

We thank you for the opportunity to provide comments on the Draft Official Plan. These are our initial comments that address general matters in the Official Plan and we anticipate having additional, and likely more detailed comments, as other members of our team review the Official Plan with regard to the Subject Lands and the development concepts that are in process.

In the meantime, we ask that you please provide a response to us in writing (including the completion and provision of additional material and analysis referenced in this letter as necessary to understand the policies). We would be happy to meet with you over video conference or in person as appropriate to discuss our comments or answer any questions. We look forward to the next draft of the Official Plan, which addresses our comments in this letter.

Yours very truly,  
Malone Given Parsons Ltd.

A handwritten signature in blue ink, appearing to read 'Matthew Cory', enclosed within a blue circular scribble.

**Matthew Cory, MCIP, RPP, PLE, PMP**

**Principal**

cc. Amanda Santo, Dorsay Development Corp.  
Susan Rosenthal, Davies Howe LLP  
Councillor Mike McCann, Ward 10 Councillor of Barrie