

Council asks Province to reconsider portions of Bill 185

By Mark PavilonsEditor

With a deadline looming for July 1, municipalities are voicing their concerns over the Province's Bill 185. King has joined the opposition, sending Queen's Park a strong message to revamp the bill. The legislation, known as the Cutting Red Tape to Build More Homes Act, 2024, is anything but democratic, opponents say. Staff submitted King's response, and list of concerns, to the Province by the May 13 deadline. But at that night's council meeting, local politicians had some strong words for the Province. This capped off a lengthy debate and delegations from the public, all of whom suggested that Bill 185 be withdrawn, or at least delayed until concerns can be addressed. Mary Muter, chair of the Kingscross Ratepayers Association, is concerned with "unfettered" institutional development outside of settlement areas. In King, that means not just on the Greenbelt but also on the Oak Ridges Moraine. Under 185, it would allow institutional development outside of settlement areas. Muter pointed to the example of "inappropriate institutional development" that Bill 185 would allow; the LTC facility at Mary Lake. Site plan and building permits were issued without council's approval or an opportunity for public comment before approval and permits issued, she noted. "You as a democratically elected council should have grave concerns about the increased loss of democracy that Bill 185 allows by not allowing appeals," she said. Resident Catherine Flear noted one section of the legislation allows the building of post-secondary and "community-services facilities" which includes schools, long-term care facilities and hospitals to be built outside of settlement areas on the Greenbelt and the Oak Ridges Moraine. The Ford government has promised not to build on the Greenbelt and then reneged on this promise several times, she pointed out. "The only way to stop development in this area is for municipalities, such as King Township, and for individuals to push back and push back hard. Hospitals, schools and LTC facilities must be built in the communities that they serve. The government has already greatly weakened the role of Conservation Authorities in protecting wetlands and natural features and reduced the environmental effectiveness of the Endangered Species Act and Environmental Assessment Act. Therefore, it is more crucial than ever that informed citizens have a strong voice in protecting the environment and in deciding what gets built in the communities where they live, work and play. Bill 185 prevents citizens, landowners, environmental groups etc. from appealing municipal operating plans and zoning bylaws," she said. "Bill 185 represents a grievous loss of democracy. Regarding the Provincial Planning Policy, municipalities will have the ability to consider boundary expansions at any time now that there will be no further upper-tier planning oversight. Communities need to build inward, not outward and with the type of housing they need and can afford. Once we build on farmland, it is gone. Southern Ontario has already lost 40% of its farmland while the Golden Horseshoe has lost 60%. A statistic that I have often heard is that Ontario loses 319 acres of farmland per day. We are already experiencing food insecurity which is a tragedy in that we have the best farmland in North America. The irony is that we already have lots of land set aside for urbanization. Flear noted that Bill 23 has already resulted in the approval of such "egregious developments" as the LTC at Mary Lake in King City, a 160-bed facility that will be wedged between a kettle lake and Provincially Significant Wetlands. This, despite many deputations from the residents begging that this important habitat on the Oak Ridges Moraine be protected. The Ford government has reversed decisions it has made in the past when presented with well-articulated criticism grounded in truth. "Please consider this to be yet another opportunity to be brave and stand up for the environment for the sake of future generations. Bruce Craig, chair of Concerned Citizens of King Township, noted that over the past 20 years King Township has incorporated many sound planning policies in King's Official Plan and Zoning Bylaws. King's plans have supported the concept of complete communities within the three Settlement Areas while preserving prime farmland, rural countryside, and natural heritage systems on the Oak Ridges Moraine (ORM). The Township has supported the vision of a sustainable, healthy, continuous Greenbelt, as described in the Greenbelt Plan, and the principles of efficient growth and development within identified settlement areas found in the provincial Places to Grow Plan. Through appropriate intensification the Township makes more cost-effective use of infrastructure and public transit and moves towards the vision of creating complete and healthy communities. "In our view Bill 185 along, with other recent provincial planning bills, which are focused almost exclusively on the stated goal of building more homes faster, continues to undermine and reverse many portions of the progressive planning within Ontario over the past 50 years," he said. He charged the legislation will build a lot of houses that will be expensive in the wrong place. "more expensive sprawl, loss of productive farmland which we need today and in the future. We need municipalities to push back, and maintain sound planning in Ontario. Bill 185 serves to fragment the Greenbelt and erode valuable farmland and

natural heritage systems. He, too, pointed to the concerns surrounding Mary Lake. We strongly encourage the Township to highlight these concerns about the negative impacts of expanding on to the Greenbelt and the ORM to the Ministry of Municipal Affairs and Housing. It is clear that Council's role has been diminished, and the important place of public consultation has been greatly limited through a recent series of provincial bills up to and including Bill 185. We need King Township to stand up for the vital role of elected officials on Council in making decisions that support the vision of our plans, and for the voice of the public and key stakeholders. We need King Township to continue to stand up strongly for sustainable planning that will see us into the long term future. Robert Brown, co-chair of the STORM Coalition, asked King to recommend that Bill 185 be withdrawn. Unfortunately, since 2018, there has been a concerning shift in attitudes and intentions emanating from the provincial government and several municipalities. Where governments have historically acted to uphold the ORMCA and its associated regulations, we have been witnessing a troubling disregard for the ORM and a growing failure to meet both the intent and letter of the law. Across the ORM, we are witnessing a tendency whereby municipal planning departments are interpreting the ORM to allow for forms of development that are not permitted by the letter of the plan. It is happening in Caledon, in Vaughan, it was attempted in Stouffville, and, as you well know, I am of the opinion that this same tendency has been exemplified by King Township's handling of the development application at Mary Lake. The disregard for the ORM began with the enactment of Bills 109 and 23 which eliminated public participation in the planning process, eliminated the ability of the Conservation Authorities to rule over the ecological impact of development, limited the responsibility of upper-tier municipalities, created provisions to intensify urban sprawl across the Greater Golden Horseshoe. We at STORM are deeply concerned that the policy package being proposed as (they) will eliminate any vestige of transparency and accountability within the planning process by abolishing regional planning and the right to appeal official plans and zoning bylaws at the OLT, by creating mechanisms to promote urban sprawl uncontrolled by growth targets, population density, or the urban boundary, and by further marginalizing the power and responsibilities of the Conservation Authorities. Within the new policy framework, the Ministry of Natural Resources and Forestry will be given the discretionary power to issue orders directing conservation authorities regarding permits for specified activities. Orders can be issued before or after permit applications. The Minister can replace authority permits and must consider natural hazard impacts when making decisions, potentially refusing permits or imposing conditions. We believe that Bill 185 is designed to further erode the democratic foundations of municipal governance. Combined with the strong Mayors powers put into effect by the province, Bill 185 removes the right to appeal on Official Plans and Zoning Bylaws vis-a-vis the Ontario Land Tribunal for nearly everyone except on the request of applicants and developers. Many of the environmental protections that exist in Ontario were created by and through third-party appeals and this is the most significant way to enforce these laws. The Oak Ridges Moraine Conservation plan is a case in point. By removing the right to third-party appeals, we are concerned that the Oak Ridges Moraine conservation Plan will be effectively unenforceable in significant ways and outside of a full judicial review. Brown went as far as saying they believe the explicit purposes of Bill 185 is to allow increased development on the Oak Ridges Moraine and Greenbelt. Councillor Jennifer Anstey stressed the legislation is burdensome and doesn't reduce red tape at all. Mayor Steve Pellegrini noted King has two MPPs and standing ministers, both of whom should be harassed by concerned citizens. King, he pointed out, has no growth targets and Pellegrini himself has no strong mayor powers, granted to others in the legislation. Staff did a good job at summarizing local concerns and regarding Provincial government engagement, he said if you're not at the table, you're dinner. Councillor Mary Asselstine noted Bill 185 is an erosion of democratic principles and municipal power. Staff told councillors they will continue to monitor the legislation as it rolls out. Councillor Debbie Schaefer said she wanted King to urge Queen's Park to withdraw Bill 185. She urged residents to speak out against this very bad piece of legislation. Councillor Avia Eek said the agricultural community has stepped up and submitted its comments on Bill 185, too. Mayor Pellegrini said they can't get the Province to repeal the bill, but they can amend certain sections. Bill 185 proposes legislative, policy and regulatory changes with the intent of supporting municipalities to achieve the provincial goal of building 1.5 million homes by 2031. The Ministry of Municipal Affairs and Housing (MMAH) is also seeking feedback on an updated proposed Provincial Planning Statement. The integration of these planning documents is intended to provide a single province-wide housing focused planning policy document to speed up the approval process and build homes faster. According to the Province, Bill 185 proposes changes to several Acts including the Planning Act, Development Charges Act, and Municipal Act. It introduces a new framework for Ministerial Zoning Orders (Mozes) with a focus on increased transparency by setting out intake thresholds, submission expectations and a process for assessment and decision-making, including public consultation. The legislation also protects Major Transit Station Areas, in terms of parking. King staff are concerned with the proposed change as while development in this area would be located in proximity to the King City GO Station, there are limited other transit connections in King City. As such most services still require a car to access them. By limiting the ability to have development provide for its own parking needs, the onus would fall upon the Township to do so which would result in significant

costs. The proposed changes through Bill 185 would enhance the Minister's regulation making authority and the Minister could pass regulations to limit or remove other zoning provisions such as minimum setbacks, lot coverage and height. One aspect councillors did like was the 'use it or lose it' policies that recognized stalled developments applications. The bill would expand municipal authority to use lapsing provisions for approved site plans and draft plans of subdivision. Staff are supportive of the change for site plan applications as this would encourage the developments to be constructed in a timely manner. In terms of the new Provincial Planning Statement, York Region would no longer be the upper-tier approval body and King would have these responsibilities. Municipalities will have the ability to consider settlement area expansions at any time. Mandating 'complete communities' and implementing targets don't impact King in terms of growth. Staff said the change to remove the Province-wide target is positive as it will 'allow King to develop approaches and targets that are appropriate for the local context.' Changes to agricultural mapping will see municipalities like King undertaking this costly and time-consuming task.