COMMITTEE OF THE WHOLE AGENDA
MONDAY, JANUARY 14, 2019
To Follow Council Meeting

Chair: Mayor Pellegrini

1. INTRODUCTION OF ADDENDUM REPORTS
   Any additional items not listed on the agenda would be identified for approval. Motion to add the items to the Agenda.

2. APPROVAL OF AGENDA
   Motion to approve the agenda, if any Addendum Items - as amended.

3. DECLARATIONS OF PECUNIARY INTEREST

4. DETERMINATION OF COMMITTEE ITEMS REQUIRING SEPARATE DISCUSSION

5. APPROVAL OF COMMITTEE ITEMS NOT REQUIRING SEPARATE DISCUSSION
   Motion to approve those items which were not requested to be separated. All of these are adopted with one Motion.

6. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION
   Chair will direct Committee to the first item on the agenda list which has circled initials beside it. Members of the Public, then Council Members who requested to speak to the item will be invited to speak, and then the floor is open to discussion by Committee or Council.

7. NEW BUSINESS

8. ADJOURNMENT
AGENDA ITEMS

9.1 JC DB JS BC DS AE SP

Administration – Human Resources Department Report HR-2019-01
Re: Holiday Closure for King Township Administration Offices

a) That HR-2019-01 is received.

b) That Council approves the closure of the Township of King Administration Offices during the Holiday Season for office staff, and in accordance with the schedule attached for 2019, 2020, 2021 and 2022.

COW #1 - HR-2019-01

9.2 JC DB JS BC DS AE SP

Engineering Public Works and Building Department Report Number EPW-2019-01
Re: Award of Proposal 2018-P11 – General Consulting Engineering Services

a) That Engineering & Public Works Report EPW 2019-01 be received for information; and

b) That Ainley & Associates Limited (“Ainley”) having the highest evaluation score and meeting the terms and conditions of RFP 2018-P11 for General Consulting Engineering Services including development and capital projects, engineering studies and reports, be selected for the provision of these services; and

c) That a By-law 2019-003 be passed at the January 14, 2019 Council meeting, authorizing the Mayor and Clerk to execute an agreement between Ainley Associates and The Corporation of the Township of King for the provision of General Consulting Engineering Services; and

d) That staff be directed to prepare an agreement identifying R.J. Burnside & Associates Limited (“Burnside”), in addition to Ainley, as an authorized consulting engineering services provider to the Township of King, based on which Burnside will be able to continue their services for their currently open files and on new projects that Ainley might choose not to undertake.

(By-law 2019-003 has been prepared for Council’s consideration this evening)

COW #2 - EPW-2019-01

9.3 JC DB JS BC DS AE SP

Finance Department Report Number FR-2019-02
Re: 2019 Interim Tax Levy By-law

(a) Finance Report FR-2019-02 2019 Interim Tax Levy By-law be received;
(b) That the Council authorize an interim tax levy by-law for 2019;

(c) That the attached by-law (#2019-006) be passed for purposes of authorizing the 2019 interim tax levy; and

(d) That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-006 has been prepared for Council’s consideration this evening)
COW #3 - FR-2019-02

Finance Department Report Number FR-2019-01
Re: Temporary Borrowing By-law
(a) Finance Report FR-2019-01 be received;

(b) That the Mayor and Director of Finance & Treasurer be authorized to borrow from time to time until the property taxes are collected, such sums as the Council considers necessary to meet the current expenditures of the Corporation for the year in accordance with Section 407 of the Municipal Act, 2001; and

(c) That Council enact By-law 2019-001 authorizing the temporary borrowing by-law.

(By-law 2019-001 has been prepared for Council’s consideration this evening)
COW #4 - FR-2019-01

Planning Department Report Number P-2019-02
Re: Proposed Changes to Planning Act: Bill 66; Open for Business By-law
Policy Planning File # PP-2018-07
a) THAT Planning Report P-2019-02 be received as information;

b) THAT Council endorses Planning Staff comments on the Ontario Ministry of Municipal Affairs (MMA) ERO Posting “Bill 66: Restoring Ontario’s Competitiveness Act, 2018” (ERO Number 013-4293), and Environmental Registry of Ontario Posting “New Regulation under the Planning Act for Open-for-Business Planning Tool” (ERO Number 013-4239), and Proposed Open-for-Business Planning Tool (ERO Number 013-4125)

c) THAT the Township Clerk submit the comments contained herein, and any additional comments, arising from the January 14, 2019 Committee of the Whole meeting, to the Province via the ERO;
d) THAT the Township Clerk circulate this Report to York Region, local municipalities in York Region, and the Association of Municipalities of Ontario (AMO); and

e) THAT correspondence submitted to the Township in relation to Bill 66 be received.

COW #5 - P-2019-02

Planning Department Report Number P-2019-03
Re: Proposed Bill 66; Open for Business By-law Potential Implementation (Preliminary Report)
Policy Planning File # PP-2018-07

a) THAT Planning Report P-2019-03 be received as information;

b) THAT Planning Staff prepare a final Report to Council on specific Open for Business By-law – Consideration Criteria and Information Requirements following the release of additional information by the Province of Ontario.

COW #6 - P-2019-03

Planning Department Report Number P-2019-01
Re: Policy Project Status Update: Official Plan Review
File Nos. OP-2013-03

a) THAT Planning Report No. P-2019-01 be received as information.

COW #7 - P-2019-01

10. NOTICES

Notices
Notice of Upcoming Mtg - 2019 User Fees and Charges as well as 2019 Water and Wastewater Rates
Notice of Special Council - Closed Session - Jan. 21 and 30, 2019
1. **RECOMMENDATIONS:**

   The Administration Department respectfully submits the following recommendations:

   a) That HR-2019-01 is received.

   b) That Council approves the closure of the Township of King Administration Offices during the Holiday Season for office staff, and in accordance with the schedule attached for 2019, 2020, 2021 and 2022.

2. **PURPOSE:**

   The purpose of this report is to establish the dates for closure of the municipal offices during the holiday season during this term of Council.

3. **BACKGROUND AND PROPOSAL:**

   For the past 21 years the Township administration office has closed over the Holiday Season. There has been no negative feedback that has come to the attention of Human Resources. Based on the terms of our Collective Agreement which includes December 24 and December 31 as paid days off and past practice which requires staff to take vacation or lieu time to cover the days that are not public holidays, the office would be closed as follows:

   **2019** – Office closes 4:30 pm Monday December 23, 2019. The days for staff to make up for the 2019 closure will be December 27 and 30, 2019 (2 days) Staff will return to work on Thursday January 2, 2020.

   **2020** - Office closes 4:30 pm Wednesday December 23, 2020 and staff returns to work on January 4, 2021. The required days to be made up would be December 29 and 30, 2020.

   **2021** – Office closes 4:30 pm. Thursday December 23, 2021 and staff returns to work January 3, 2022. The required day to be made up would be December 30, 2021.

   **2022** - Office closes 4:30 pm. Friday December 23, 2022 and staff returns to work January 2, 2023. The are no (0) required days for staff to make up.
The recommendation to offer the four year proposal is to fit in to the term of office of Council. The staff will now be better informed so that they are able to arrange their vacation time allowing for the time required during the holiday season. This will also improve notice to the public.

4. DISCUSSION AND ANALYSIS:

Staffing

The Township currently has an Emergency Plan in place with all phone numbers, home, cell and pagers and this would be implemented if necessary. If there is a need for services during this time period, senior staff are aware that it may be necessary to come in during the closure. Explicit instructions would be left with the answering service with a list of Department Heads and alternates. Each department will have staff in place for any event where it is necessary to reopen the office. There would be no interruption in services such as snow plowing, salting/sanding and water system maintenance. Recreation programing would continue.

Public Notification

Advertising will be placed in the local papers, the Township website, the municipal offices, arenas and library branches notifying the public that the offices would be closed. Letters will be sent to all lawyers on our database notifying them of the closure so that they can prepare in advance for Compliance Letters and Tax Certificates.

It is felt that the above measures address any concerns with having the office closed for the Holiday Season. A chart (Attachment "A") prepared for Council will show the proposal for the years 2019, 2020, 2021 and 2022.

5. INTEGRATED SUSTAINABILITY PLAN LINKAGE:

King Township's Integrated Community Sustainability Plan was formally adopted by Council on April 2, 2012. The Sustainability Plan is the Township's overarching guiding document and is based upon common values, priorities, and aspirations of the community.

This report links to the Financial Pillar theme of "Annual Budget & Business Plan" and to the Environmental Pillar theme of "Energy, Air Quality & Climate Change".

6. FINANCIAL IMPLICATIONS:

There are no financial implications.

7. CONCLUSIONS:

It is recommended that Council approve the above four year proposal with the option to rescind this agreement due to unforeseen circumstances.
8. ATTACHMENTS:

Appendix ‘A’ - Calendar Proposed Holiday Office Closure 2019-2022

Approved By: 

Susan Plamondon
Chief Administrative Officer

Submitted By: 

Cara Tuch
Manager Human Resources
Appendix “A”

Calendar Office Holiday Closure 2019-2022

### 2019/2020

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### AGENDA ITEM #9.1

Human Resources Report (HR-2019-01)

#### 2021/2022

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Re: Holid...
1. RECOMMENDATIONS

The Engineering and Public Works Department respectfully submits the following recommendations:

a) That Engineering & Public Works Report EPW 2019-01 be received for information; and

b) That Ainley & Associates Limited ("Ainley") having the highest evaluation score and meeting the terms and conditions of RFP 2018-P11 for General Consulting Engineering Services including development and capital projects, engineering studies and reports, be selected for the provision of these services; and

c) That a By-law 2019-003 be passed at the January 14, 2019 Council meeting, authorizing the Mayor and Clerk to execute an agreement between Ainley Associates and The Corporation of the Township of King for the provision of General Consulting Engineering Services; and

d) That staff be directed to prepare an agreement identifying R.J. Burnside & Associates Limited ("Burnside"), in addition to Ainley, as an authorized consulting engineering services provider to the Township of King, based on which Burnside will be able to continue their services for their currently open files and on new projects that Ainley might choose not to undertake.

2. PURPOSE

The purpose of this report is to provide Council the results of the RFP opening of September 20th, 2018 and select the engineering consultant for municipal engineering services related to General Consulting Engineering Services. A similar report, EPW 2018-40 was presented to Council on December 10th, 2018. At that time Council requested that the report include details regarding the transfer of responsibility from Burnside to Ainley.

3. BACKGROUND & ANALYSIS

For a number of years the Township of King has been using Burnside for engineering services related to development approvals and field monitoring. In order to comply with the purchasing bylaw and to ensure that we are receiving appropriate services at an appropriate cost, this work should be granted based on a Request for Proposal (RFP).
The request for proposal was placed on www.Biddingo.com. The RFP was issued to solicit bids for General Consulting Engineering Services for a three year term.

The following three (3) proposals were received and subsequently opened on September 20th, 2018:

**BIDDERS NAME**
- Ainley & Associates Limited
- R.J. Burnside & Associates Limited
- Morrison Hershfield Limited

The evaluation of the submissions was based on a two envelope system. The first envelope contains the technical qualifications and the second envelope contains the relative pricing for their services. The technical qualifications were evaluated prior to the second envelope being opened. When the second envelope of these three candidates was opened and the scores were factored in with the technical scores, the range was between 79 and 88.89 out of 100.

Staff recommend that the highest ranked proponent, Ainley be selected for the provision of consulting engineering services.

*Transfer of Responsibility*

The transfer of responsibility from Burnside to Ainley will be gradual in nature and has been discussed with representatives of each firm. Any new projects will be assigned to Ainley with existing projects that Burnside is working on remaining with Burnside. The Director of Engineering, Public Works and Building will also review existing projects and determine, in discussion with Burnside and Ainley, the status of each project and whether a transfer to Ainley is appropriate. In accordance with existing practice, engineering services related to capital projects with services valued at over $50,000 will be tendered in accordance with the Township of King Purchasing By-law.

*Other work*

While unlikely, it is possible that over the life of the contract, the Township will require engineering services, the cost of which would fall below the $50,000 threshold mentioned above, that Ainley may not be able to undertake. In such situations, given that Burnside ranked second through the RFP process and it's long history with the Township, this report recommends that staff be permitted to retain Burnside to provide such services.

4. **INTEGRATED SUSTAINABILITY PLAN LINKAGE:**

The recommendations of this report support the Goals and Strategies of the Sustainability Plan within the Financial Pillar under Theme of Financial Sustainability supporting the strategy of maintaining assets, and infrastructure.

5. **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with this selection process. The work anticipated will be paid for from engineering fees collected from the associated developments or invoiced directly back to the developer. Any other engineering services
not associated with development will be paid from existing or future budgets and the expenditures are not expected to significantly change from previously budgeted amounts.

6. CONCLUSION

The results of the RFP opening of September 20th, 2018 demonstrated that Ainley is the best candidate to provide General Consulting Engineering Services to the Township of King under the terms of the new Agreement. The proposed transition arrangements will ensure continuity of service without exposing the Township, or developers who may be required to reimburse the Township for these costs, to additional costs.

7. ATTACHMENTS

None


Reviewed by: Andrzej Drzewiecki, P. Eng. Director of Engineering, Public Works and Building
1. **RECOMMENDATIONS:**

The Finance Department respectfully submits the following recommendations:

(a) Finance Report FR-2019-02 2019 Interim Tax Levy By-law be received;

(b) That the Council authorize an interim tax levy by-law for 2019;

(c) That the attached by-law (#2019-006) be passed for purposes of authorizing the 2019 interim tax levy; and

(d) That staff be authorized and directed to do all things necessary to give effect to this resolution.

2. **PURPOSE:**

The purpose of this report is to seek authorization from Council to levy an interim property tax levy for the 2019 taxation year. The requisite authorization is required in order for the Township of King to access cash flow to meet the Township’s own purpose financial obligations, as well as the financial obligations of the Region of York and the publicly funded Boards of Education.

3. **BACKGROUND:**

Section 317 of the Municipal Act, 2001 (The Act), allows a local municipality to levy on all taxable properties, an interim tax levy prior to the adoption of the final budget for each tax year. The maximum allowable interim levy is fifty (50) per cent of the prior year’s annualized property taxes. Annualized property taxes reflect those property taxes levied against the property at final billing for the prior year, including all tax adjustments due to supplementary assessment as well as from any form of assessment appeal. For properties that are new to the assessment role for the current assessment/taxation year, and were not assessed in the prior year, fifty (50) per cent of the previous year’s tax rate for the applicable assessment class will be applied to the property’s 2019 assessed value, as determined by MPAC, for purposes of billing an interim tax levy amount.

The Act requires that an interim tax levy by-law be passed in the year to which it applies or in the previous year, provided that the by-law does not come into effect until a specified day in the taxation year for which the levy is applicable.
4. **ANALYSIS / DISCUSSION:**

In a manner consistent with the Township’s past practice, the 2019 interim tax levy will be payable in equal instalments, based on the billing/payment plan applicable to each property. The due dates for which are included in the by-law (#2019-006) attached hereto.

The 2019 final tax rates will be established following the approval of the Township’s Operating Budget, as well as those budgetary approvals provided by the Region of York and Province of Ontario. The latter of which pertaining specifically to tax rate setting procedures for purposes of determining levy requirements for publically funded Boards of Education. Any amount levied and paid as part of the 2019 interim property tax levy will be deducted from the 2019 final property tax levy.

5. **INTEGRATED SUSTAINABILITY PLAN LINKAGE:**

King Township’s Integrated Community Sustainability Plan was formally adopted by Council on April 2, 2012. The Sustainability Plan is the Township’s overarching guiding document and is based upon common values, priorities, and aspirations of the community.

Finance staff will utilize the Plan to ensure financial sustainability is a key consideration in decision making about the future of the Township.

This report links to the theme Financial Sustainability and more specifically the goal of being cost effective and financially prudent with the Township’s financial resources.

6. **FINANCIAL IMPLICATIONS:**

The interim property tax levy by-law provides the authority to access required sources of general municipal revenues for purposes of supporting the Township, as well as Region of York and Boards of Education operating and capital expenditure requirements prior to issuance of the final property tax notice.

The 2019 interim property tax levy will generate approximately $15 million in cash flow to support local municipal operating requirements. Properties that will be assessed for the first time in 2019 will have fifty (50) per cent of the previous year’s tax rate applied to the property’s 2019 assessment value, based on the property’s applicable assessment class for purposes of generating a 2019 interim tax levy / notice.

Prepared & Submitted by:

Allan Evelyn, MBA, CPA, CGA
Director of Finance & Treasurer

Attach: By-law # 2019-006 2019 Interim Tax Levy By-law
A BY-LAW TO AUTHORIZE AND PROVIDE FOR AN INTERIM TAX LEVY IN 2019

WHEREAS Section 317 (1) of the Municipal Act, 2001, S.O. 2001, C.25 as amended, provides that the Council of a local municipality ay, before the adoption of the annual estimates for the current taxation year, pass a by-law(s) to levy on the whole of the assessment for taxable property for local municipal purposes;

AND WHEREAS the Council of the Corporation of the Township of King wishes to impose an interim tax levy, as authorized by the Municipal Act, 2001, S.O. 2001, C.25 as amended;

AND WHEREAS section 342 of the Municipal Act, 2001, authorizes a Council to pass a by-law(s) stipulating that payment of property taxes may be made by installments and the date or dates in the year for which the property taxes or installments are due;

AND WHEREAS section 345 of the Municipal Act, 2001 authorizes a local municipality to pass a by-law(s) to impose late payment charges for the non-payment of property taxes or any installment by the payment due date.

NOW THEREFORE the Council of the Corporation of the Township of King HEREBY ENACTS AS FOLLOWS:

1. THAT the Council of the Corporation of the Township of King hereby imposes an interim property tax levy in 2019 in an amount of fifty (50) per cent of the prior year's annualized property taxes;

2. THAT interim property taxes (including special charges) may be levied by this by-law on a property that is taxable for local municipal purposes for the current property taxation year in an amount that is not to exceed fifty (50) per cent of the prior year's annualized property taxes for the property assessment class in which the property is assessed;

3. THAT the interim property taxes levied by this by-law for all assessment classes shall be due and payable in equal installments as per the following schedules:
   I. Monthly Pre-Authorized Payments
      a. Due in five (5) equal installments on the 1st business day in each of the months of February, March, April, May and June of 2019
   II. Installment “Due Date” by Cheque, Cash or Pre-Authorized Payment
      a. Due in two (2) equal installments on the 25th day of February, 2019 and the 25th day of April, 2019

4. THAT as provided in Subsections 345(1) and (2) of the Municipal Act 2001, if the property taxes of any assessment class or installment due date thereof so levied in accordance with this By-law remain unpaid following the due date, a penalty of one and one quarter per cent (1.25%) per month, shall be levied on the first day of the next calendar month following the due date, and a further one and one quarter per cent (1.25%) of the property taxes remaining unpaid shall be levied on the first day of each calendar month thereafter in which the default continues;

5. THAT the Treasurer of the Corporation of the Township of King is hereby authorized and directed to serve personally or to mail or cause to be mailed notices of the property taxes hereby levied to the person or persons taxed at the residence or place of business or upon the premises in respect of which property taxes are payable by such person, or the taxpayer’s mortgage company or third party designated by the property owner;

6. THAT payment by cheque of property taxes shall be made payable to the Township of King at its Municipal Offices, 2585 King Road, King City, Ontario, L7B 1A1;

7. AND THAT this By-law shall come into force and take effect upon the enactment thereof.
READ a FIRST and SECOND time this 14th day of January, 2019.

READ a THIRD time AND FINALLY PASSED this 14th day of January, 2019.

Steve Pellegrini, Mayor

Kathryn Moyle, Clerk

(ref. Finance Department Report No.: FR-2019-02
1. **RECOMMENDATIONS:**

The Finance Department respectfully submits the following recommendations:

(a) Finance Report FR-2019-01 be received;

(b) That the Mayor and Director of Finance & Treasurer be authorized to borrow from time to time until the property taxes are collected, such sums as the Council considers necessary to meet the current expenditures of the Corporation for the year in accordance with Section 407 of the Municipal Act, 2001; and

(c) That Council enact By-law 2019-01 authorizing the temporary borrowing by-law.

2. **PURPOSE:**

The purpose of this report is to present to Committee the Township’s 2019 Temporary Borrowing By-law for consideration and enactment.

3. **BACKGROUND AND PROPOSAL:**

Section 407 of the Municipal Act, 2001 authorizes a municipality to borrow from time to time by way of promissory note, such sums as may be necessary to meet the current expenditures of the Corporation until the property tax levies and other revenues are received by the Township.

The borrowing may also include amounts required in the year for:

a) Sinking and retirement funds;

b) Principal and interest due on any debt of the municipality;

c) School purposes;

d) Other purposes the municipality is required by law to provide for; and

e) The amount of principal and interest payable by a person or municipality primarily liable for a debt, if the municipality has guaranteed the debt and the debt is in default.

Except with the approval of the Ontario Municipal Board (OMB), the total amount borrowed at any one time plus any outstanding amounts of principal borrowed and accrued interest shall not exceed:
a) From January 1 to September 30 in the year, 50 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year; and

b) From October 1 to December 31 in the year, 25 per cent of the total estimated revenues for the municipality as set out in the budget adopted for the year.

4. ANALYSIS:

A temporary borrowing by-law is required as timing differences may occur between the requirement to expend funds for current expenditures and the receipt of current revenues to finance current expenditures. The Township of King's practice has been to borrow from its Reserves and Reserve Funds; however the recommendations in this report also provide for borrowing from financial institutions in the event that sufficient Reserves and Reserve Funds are not available.

The Township currently has in place a credit facilities agreement through the Canadian Imperial Bank of Commerce (CIBC) that provides access to Demand Operating Credit up to $5M. Although the above referenced credit facility is in place, the Township has not required access to such in recent years and does not anticipate the need to access the credit facility during the calendar year of 2019. However, in accordance with regulatory requirements, this report and the associated By-law (2019-01) are necessary to ensure that, in the event of unforeseen circumstances the Township is authorized and has access to demand credit in support of operational needs of the municipality.

5. INTEGRATED SUSTAINABILITY PLAN LINKAGE:

King Township's Integrated Community Sustainability Plan was formally adopted by Council on April 2, 2012. The Sustainability Plan is the Township's overarching guiding document and is based upon common values, priorities, and aspirations of the community.

Finance staff will utilize the Plan to ensure financial sustainability is a key consideration in decision making about the future of the Township.

This report links to the theme Financial Sustainability and more specifically the goal of being cost effective and financially prudent with the Township's financial resources.

6. FINANCIAL IMPLICATIONS:

- In the event that the Township is required to access its demand operating credit facility, the borrowing interest rate, per the Township’s banking agreement is Prime Rate minus
0.75% per annum or in the event that Canadian dollar Banker’s Acceptance (B/A) are issued the cost of borrowing will be calculated based on B/A rate plus 0.40% per annum.

The CIBC Prime Rate of interest, as of January 10, 2018 is 3.95%, which is 0.75% higher than the rate published by CIBC on January 3, 2018.

Based on current liquidity levels, staff doesn’t anticipate the need for the Township to access the approved CIBC credit facility during 2019. However, in the event that the Township’s liquidity position change were to change in accordance with planned capital spending in 2019, staff would recommend use of Reserves as a temporary form of bridge financing until such time as long-term financing was available through the Region of York’s annual issuance of debentures.

Any use of internal temporary sources of financing (i.e. cash flow positive Reserves) will result in compensating the associated Reserve with interest at the prevailing rate of one year Guaranteed Investment Certificates (GICs) issued by the CIBC.

Prepared & Submitted by:

Allan Evelyn, MFAc, CPA, CGA
Director of Finance & Treasurer
1. **RECOMMENDATIONS:**

The Planning Department respectfully submits the following recommendations:

a) THAT Planning Report P-2019-02 be received as information;

b) THAT Council endorses Planning Staff comments on the Ontario Ministry of Municipal Affairs (MMA) ERO Posting “Bill 66: Restoring Ontario’s Competitiveness Act, 2018” (ERO Number 013-4293), and Environmental Registry of Ontario Posting “New Regulation under the Planning Act for Open-for-Business Planning Tool” (ERO Number 013-4239), and Proposed Open-for-Business Planning Tool (ERO Number 013-4125)

c) THAT the Township Clerk submit the comments contained herein, and any additional comments, arising from the January 14, 2019 Committee of the Whole meeting, to the Province via the ERO;

d) THAT the Township Clerk circulate this Report to York Region, local municipalities in York Region, and the Association of Municipalities of Ontario (AMO); and

e) THAT correspondence submitted to the Township in relation to Bill 66 be received.

2. **PURPOSE:**

The purpose of this Report is to (i) provide information to the Committee on the Province’s proposed ‘Bill 66: Restoring Ontario’s Competitiveness Act, 2018’, which introduces proposed changes to (amongst others) the Planning Act and (ii) present Planning Staff comments on the proposed legislation. Comments are to be submitted to the Province prior to January 20, 2019.

3. **BACKGROUND**

On December 6, 2018 the Province of Ontario introduced “Bill 66: Restoring Ontario’s Competitiveness Act, 2018”. Bill 66 proposes to amend or repeal a number of Provincial Acts, dealing with a range of subjects including labour, agriculture, and child care, among others. This Report deals specifically with Schedule 10 of Bill 66 which outlines the proposed changes to the Planning Act. Also dealt with in this report are the accompanying ERO postings ‘New Regulation under the Planning Act for Open for Business Planning Tool’, and the ‘Proposed Open for Business Planning Tool’. The 1st Reading of Bill 66 occurred on December 6th, 2018. No timeframe has been announced for the subsequent 2nd and 3rd Readings, and Royal Assent, however the Provincial Legislature is scheduled to return on February 19th, at which time it is presumed Bill 66 will progress to finalization.
The Province indicates the intent of the proposed changes to the Planning Act is to reduce barriers to businesses seeking development sites, thereby enabling municipalities to act quickly to attract such businesses. The Province notes that the tool would support the government's 1-year service standard for provincial approvals related to these land use planning proposals.

The proposed changes to the Planning Act introduce a new tool, being the 'Open for Business By-law' ("OfB") that would, if approved, provide an avenue to enable the use of land, buildings or structures for a prescribed land use in areas where such development may or may not typically be permitted. An OfB would (i) exempt the proposal from certain provincial, regional and municipal planning policy documents and plans, and (ii) reduce or eliminate elements of planning processes that would normally apply. The information available at this time suggests that the Open for Business By-law is intended only to be used to facilitate employment generating uses. In other words, it is to be utilized to facilitate such uses as manufacturing and research and development, but not residential, commercial or retail as the primary use. How such uses are defined and what they would include has not been specified to-date by the Province.

It is proposed that the Open for Business By-law would be authorized under a new section (34.1) of the Planning Act and would exhibit similar characteristics to a zoning by-law. The use of this new tool is to be at the discretion of the local municipality. If a local municipality elects to utilize an OfB, it is first required to pass a resolution requesting the Minister of Municipal Affairs and Housing to authorize it to do so. The request would have to be accompanied by prescribed supporting information. While the prescribed information is not yet known, the information available at this time suggests that at a minimum the following would be required: a description of the subject lands, land use planning information, and details about the proposed employment opportunity. In addition, the information available from the Province indicates a future regulation could require confirmation that the proposed employment opportunity would be a major employment use, and meet a minimum job creation threshold (i.e. a minimum of 50 jobs for a municipality of less than 250,000 people). Examples of uses permitted to be authorized by way of an OfB include manufacturing and research and development, but not residential, commercial or retail as the primary use.

If a municipality chose to pass an Open for Business By-law for a specific proposal, and received authorization from the Minister, the subject proposal would be exempt from the requirements of:

- Provincial Policy Statements issues under the Planning Act;
- Provincial Plans and Acts, including the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan, the Lake Simcoe Protection Plan, and the Growth Plan;
- Clean Water Act, and Source Protection Plans;
- Regional and local official plans, zoning by-laws, holding provisions, and density bonusing provisions; and
- Any other prescribed provision.

The site plan control process would also not apply to any development subject to an Open for Business By-law. However, conditions to the by-law may be imposed to address matters that are typically dealt with through the site plan approval process, and may include the provision of plans/drawings, and details of the proposed development required to ensure the safe and proper function of the site. Matters of architectural design details, type and colour of building materials, sustainable design elements on any adjoining highway under a municipality's jurisdiction (i.e. landscaping, curb ramps, waste/recycling containers, bicycle parking facilities) or layout of interior areas are not permitted to be included as conditions of development. The
The municipality may still enter into an agreement with the landowner to ensure the applicable conditions of development are fulfilled.

There are no public notice requirements or public hearings required prior to the passing of an Open for Business By-law. Public consultation prior to the passing of an OfB is at the discretion of the municipality. After a municipality has passed an OfB, notice to the Minister is required within three days of its passing. The municipality shall also notify any persons or public bodies it considers proper within 30 days. The by-law would come into force and effect on the 20th day after it was passed, or at a later date specified by the Minister, and the Minister may modify or revoke an OfB any time before it comes into effect (note: the OfB can be in full force and effect for 10 days prior to the deadline for the giving of notice).

It is also important to recognize the Open for Business By-law would not be subject to appeal to the Local Planning Appeal Tribunal.

An Open for Business By-law appears to be similar in effect to a Ministerial Zoning Order (which has been used in the past in King Township for the Showa and York Energy Centre facilities). The key difference is that an Open for Business By-law can be utilized, or not utilized, at the sole discretion of a municipality, whereas a Ministerial Zoning Order is initiated by the Province.

The Table below briefly summarizes the differences in process and requirements between a development proposal subject to a zoning by-law amendment, and an open for business by-law. The information in this table is based upon Planning staff’s understanding of the information available at this time.

<table>
<thead>
<tr>
<th>Process/Requirement</th>
<th>Zoning By-law Amendment</th>
<th>Open for Business By-law as per Bill 66</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-conditions</td>
<td>Conformity with Provincial and Regional policy</td>
<td>Demonstration the proposal meets minimum job threshold</td>
</tr>
<tr>
<td>Pre-consultation</td>
<td>Requirement for pre-consultation with the Municipality</td>
<td>No requirements for pre-consultation</td>
</tr>
<tr>
<td>Complete Application</td>
<td>Prescribed information and supporting documentation/studies identified in Planning Act and Official Plan are required to be submitted in order for review period to commence.</td>
<td>No complete application requirements. The Municipality passes resolution to Minister requesting authorization to pass an OfB. The municipal request to the Minister must be accompanied by prescribed information, if any.</td>
</tr>
<tr>
<td>Notice of Complete Application</td>
<td>Notice of application to surrounding landowners, and relevant public bodies.</td>
<td>No public notice requirements prior to passing the OfB</td>
</tr>
<tr>
<td>Circulation and Review of Application</td>
<td>Application and supporting plans, and studies are circulated to Township departments, and external agencies for review and comment</td>
<td>No explicit requirement for circulation and/or comment from external agencies, however it is presumed prescribed information submitted would undergo a review process to help inform Council’s decision on an OfB</td>
</tr>
<tr>
<td>Public Meeting</td>
<td>A Public Meeting of Council is</td>
<td>No requirement for public</td>
</tr>
</tbody>
</table>

Table 1: Comparison between the Zoning By-law and Open for Business By-law Process
required to present the application to the public for input consultation prior to the passing of the OfB

<table>
<thead>
<tr>
<th>Council Decision</th>
<th>Council renders a decision on the zoning by-law amendment to (i) approve, (ii) approve with modifications, or (iii) reject an application based on its review and input received.</th>
<th>Once the Minister has authorized the municipality's request to use the new tool, Council may pass an OfB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice of Decision</td>
<td>The municipality must issue notice of Council's decision to relevant agencies and interested parties within 15 days of Council passing the zoning by-law.</td>
<td>The municipality must notify the Minister within 3 business days of passing an OfB. The Minister may modify or revoke the OfB any time before it comes into effect. The municipality must also notify any persons or public bodies it considers proper within 30 days.</td>
</tr>
<tr>
<td>Agreement Between Municipality and Landowner</td>
<td>Not typically required as part of ZBA process, but common at the site plan approval stage.</td>
<td>The municipality may require the landowner to enter into an agreement to ensure site plan type conditions are fulfilled. The agreement would be registered on title.</td>
</tr>
<tr>
<td>Appeal to LPAT</td>
<td>A 20 day appeal period during which any interested party may appeal Council's decision to the LPAT.</td>
<td>Not subject to appeal to the LPAT.</td>
</tr>
<tr>
<td>By-law in Effect</td>
<td>On the 20th day after the notice of decision is issued, pending no appeals.</td>
<td>On the 20th day after the OfB is passed, or as otherwise identified by the Minister.</td>
</tr>
</tbody>
</table>

4. DISCUSSION & COMMENTS:

Staff Comments on Bill 66

Planning Staff acknowledges the potential advantages of a streamlined development process when attracting new business, and developing designated employment lands. Notwithstanding the above, Planning Staff has concerns and questions with respect to the changes to the Planning Act proposed under Bill 66, and the description of the Open for Business By-law regulation. Based on the limited information available at the time of writing, Planning Staff comments on Bill 66 are as follows:

Process Related to Consideration of Bill 66:

- The allotted 45 day consultation period is not sufficient time for municipalities to consider the full ramifications of Bill 66, and provide comprehensive comments to the Province, particularly when it includes a significant holiday period;
- Bill 66 lacks specificity relating to the format and use of an OfB. Pre-conditions, prescribed criteria, and supporting information to be submitted are key matters, the details of which should be considered as part of the changes proposed by Bill 66 for municipalities to better understand how the OfB may be used.
Draft regulations providing pertinent details supporting the use of an OfB have not yet been released. Similar to the comment above, such details are necessary to understand the OfB process and how municipalities may use the tool.

Exemptions from Provincial and Local Policy:
- Bill 66 would provide exemptions from the requirements of many Provincial and local policy documents, including the Provincial Policy Statement, Provincial Plans, and Regional and local official plans, that would otherwise be applicable. Blanket exemptions from wide-ranging policies and requirements established to ensure public safety, and healthy and sustainable natural heritage, hydrological, and agricultural systems could disrupt comprehensively planned municipal urban structures, land needs projections, and infrastructure planning. This would not only be of concern by the municipality seeking an Open for Business By-law, but for adjacent municipalities as well. The Province should consider a “hybrid approach” whereby a municipality can determine which policy areas could be reasonably exempted and which ones need to be considered on a site-specific basis.
- It is not clear how lands subject to an OfB would be designated under a Municipal Official Plan if conformity is not required, and where the existing designation differs from that which would typically be required. Clarification from the Province is required.
- Similar to the above comment, where an OfB is passed, would the existing zone remain in place, and the OfB would function like a site-specific exception? Alternatively, would the lands considered to be an Employment Zone? Or an OfB Zone? The Province needs to clarify how a property would be zoned.

Site Plan Control:
- Bill 66 exempts developments approved under an Open for Business By-law from specific aspects of Section 41, while retaining other requirements. The exempted items generally relate to exterior and sustainable design elements. These elements are as important as other aspects included in municipal review of site plans. Bill 66 should allow municipalities to apply these requirements to developments approved under an Open for Business By-law.

Public Consultation:
- Public consultation is generally not required, with the exception of issuing notice of passing of an OfB. However, it appears consultation may be initiated at the municipality’s discretion. The lack of a requirement for formal consultation is a concern as this is the primary way a municipality uses to solicit feedback on specific development proposals. The Province should require public consultation to be conducted as part of the consideration of an OfB.

Process:
- The information provided by the Province appears to be an “all or nothing” approach, concerning the stated planning policy exemptions. In other words, in order to utilize an OfB, a municipality must suspend consideration of all of the identified policies/plans/documents (many of which apply to environmental protection) in their entirety. However, in many cases there may only be certain policies and/or sections of plans that present the barrier to the proposed development, and such development may be able to be designed to conform to the balance of the policies/plans. There is no provision in Bill 66 which enables municipalities to be selective in terms of which policies/plans/documents, or elements thereof, are to be exempted as part of the OfB process. Planning staff is concerned that the proposed “all or nothing” approach is not necessary in most circumstances, and would not be desirable to the municipality. Discretion should be provided to enable municipalities to assess which exemptions from policy sections or plans may be appropriate as part of the OfB process on a case-by-case to reduce barriers to attracting business. This additional selective discretion would seem consistent with the spirit of Bill 66 to empower...
municipalities’ decision-making authority to pass an OfB, and may increase the likelihood that municipalities might utilize this tool.

Permitted Uses:
- Based upon the information available, the forthcoming regulations will prescribe which uses could be permitted by way of an Open for Business By-law. At this time, the description of the Open for Business By-law regulation suggests it would be used to attract businesses. However, Bill 66 itself does not identify uses for which this tool could be used, and therefore there exists the possibility that the classes of development permitted under an OfB could be broadened by provincial regulation at any time. The Province should include language in Bill 66 itself pertaining to which uses would be permitted under an OfB.

Open for Business By-law:
- It is understood that an OfB would function similarly to a zoning by-law under Section 34 of the Planning Act. It is unclear as to whether typical zoning provisions (i.e. setbacks; coverage; height; etc.) can be included in an OfB.
- Where an OfB is intended to apply to a specific employment use, it is not indicated what happens if the specific use that is permitted under an OfB moves or goes out-of-business in the future. Is the municipality able to revoke the OfB at its sole discretion?
- If the use permitted by an OfB re-locates or the use is no longer in operation, can a future property owner apply to amend the OfB for a use that was not originally intended to be permitted under Bill 66 (i.e. retail or residential)? This would occur utilizing a typical amendment process under the Planning Act, including an LPAT appeal process, and would provide an opportunity for uses that were not permitted through an OfB to establish.

Provincial Approval of Open for Business By-law:
- A municipality may utilize an OfB only following written approval from the Minister of Municipal Affairs and Housing, and meeting the prescribed criteria (if any). The Province has yet to formally confirm whether there will be any prescribed criteria, and if so, what this criteria will include. This information would be helpful to inform municipalities’ review of Bill 66 and should be made available.
- Where the Minister authorizes a municipality to pass an Open for Business By-law, and the municipality proceeds to pass such a By-law, the Province has an opportunity to amend or revoke the By-law within 20 days of the date of passage. In the event that the Minister amends the OfB, and the municipality does not agree with the modifications, what is the municipality’s recourse, if any? Can the OfB be immediately revoked by the municipality? The Province needs to provide details as to how this process would be conducted.
- The language in Bill 66 clearly states that a municipality’s decision to pass an OfB is not subject to appeal to the LPAT. Additional language should be added to Bill 66 to state explicitly that a decision of a municipality not to enact an OfB cannot be appealed to or reviewed by any court.

For ease of reference, the above noted comments are summarized in the box below.

### Summary of Comments to the Province on Bill 66

1. **Bill 66 Review Process:**
   - a. Additional time for municipalities to adequately review Bill 66 is requested.
   - b. Pre-conditions, prescribed criteria, and supporting information to be submitted are key matters, the details of which should be considered as part of the changes proposed by Bill 66 for municipalities to better understand how the OfB may be used.
   - c. Draft regulations providing pertinent details are necessary to understand the open for
business by-law framework, and should be made available.

2. Exemptions from Provincial and Local Policy:
   a. The Province should consider a "hybrid approach" to provincial and local policy exemptions, whereby a municipality can determine which policy areas could be reasonably exempted and which ones need to be considered on a site-specific basis.
   b. Clarification is required as to how lands subject to an OfB would be designated under a municipal Official Plan if official plan conformity is not required, particularly where the existing designation differs from that which would typically be required.
   c. Clarification is required as to how the lands subject to an OfB would be zoned. Would the existing zone remain in place with a site-specific exception, or would the OfB rezone the lands to an appropriate employment zone?

3. Site Plan Control:
   a. Matters such as architectural detail and sustainable design are as important as other aspects included in municipal review of site plans. Bill 66 should allow municipalities to apply these requirements to developments approved under an Open for Business By-law.

4. Public Consultation:
   a. The Province should require public consultation to be conducted as part of the consideration of an OfB.

5. Process:
   a. Discretion should be provided through language in Bill 66 to enable municipalities to assess which exemptions from policy sections or plans may be appropriate as part of the OfB process on a case-by-case to reduce barriers to attracting business. Full exemptions from all Provincial and local policies may act as a deterrent to the use of the open for business tool.

6. Permitted Uses
   a. The Province should include language in Bill 66 itself pertaining to which uses would be permitted under an Open for Business By-law.

7. Open for Business By-law
   a. Clarification is required as to whether typical zoning provisions (i.e. setbacks; coverage; height; etc.) can be included in an OfB.
   b. Is the municipality able to revoke the OfB at its sole discretion in such cases where the use specifically permitted by an OfB relocates or goes out-of-business? Additional information and clarification is required.
   c. Clarification is required as to whether a future property owner is able to apply to amend the OfB for a use that was not originally intended to be permitted under Bill 66 (i.e. retail or residential)? If so, what would be the amendment process (a typical official plan and/or zoning by-law amendment process under the Planning Act)?

8. Provincial Approval of Open for Business By-law:
   a. The Province should confirm what the prescribed criteria will entail. This information would be helpful to inform municipalities' review of Bill 66 and should be made available.
   b. The Province needs to provide details respecting the municipality's recourse in the event that the Minister's modifications to a municipal OfB are not satisfactory to the municipality. Confirmation is required as to whether the OfB be immediately revoked by the municipality?
   c. Additional language should be added to Bill 66 to state explicitly that a decision of a municipality not to enact an OfB cannot be appealed to or reviewed by any court.
Consideration of External Correspondence and Information

The changes to the Planning Act proposed by Bill 66 represent a significant departure from the policy framework and approval process that typically applies. Municipalities, organizations, and individuals across Ontario are reviewing the information made available by the Province. As of the time of writing this report, the Township has received the following correspondence on this matter, attached as Appendices A and B respectively.

- A letter from the Rescue Lake Simcoe Coalition and Simcoe County Greenbelt Coalition outlines concern for the health of Lake Simcoe, and the impacts of enabling municipalities to pass an open for business by-law that would remove key protective policies for water, natural heritage, and farmland. The letter requests that King, along with all municipalities in the Lake Simcoe Watershed, to commit to not using Bill 66. A sample motion for Council’s consideration was included in the correspondence.

- A copy of a resolution passed by Whitchurch-Stouffville Council on December 11, 2018 regarding Employment Growth along Highway 404. The Resolution identifies that Whitchurch-Stouffville’s continued support for the intent and application of the Greenbelt Act, and the Oak Ridges Moraine Conservation Act, but also the appeal of lands along 400 series highway for industrial and employment uses. In light of Whitchurch-Stouffville’s need for employment growth, it has requested the Province to (i) consider amending applicable Provincial plans to permit clean industrial development in the ORM Countryside Areas, and Protected Countryside of the Greenbelt where lands abut a 400 series highway, and (ii) that servicing these lands be given priority by affected municipalities. Whitchurch-Stouffville staff has been directed to develop a detail proposal for certain lands along Highway 404.

It is recommended that the above noted correspondence be received.

Also attached to this report (Appendices C and D) for reference purposes is information on Bill 66 forwarded to King Township by York Region, and the Association of Municipalities of Ontario, briefly outlined below.

- York Region’s Chief Planner presented a Memo to Regional Council providing a summary and analysis of the changes proposed by Bill 66. The memo notes: (i) the potential impact on the Region’s ability to provide comprehensive site plan conditions on developments proceeding under an open for business by-law, (ii) the potential for an open for business by-law to be approved without public consultation, and (iii) that Regional staff will be providing a formal response to the Province on Bill 66 by January 20, 2019.

- The Association of Municipalities of Ontario (AMO) has released its overview of Bill 66 to date. AMO is looking to the Province for clarification on (i) how the OfB process differs from the Minister’s Zoning Order, how the powers to amend the OfB may be used, and additional information about the use of an OfB in general.

Next Steps

Planning staff will continue to participate in the Province’s process to review and implement the changes proposed by Bill 66 as it progresses, and will provide updates to Council as additional details become available. In the event that Bill 66 becomes law as proposed, it is important to note that the Open for Business By-law would available to use, or not use, at the discretion of Council. Planning staff considers making a decision on whether to use an OfB at the present time to be premature. There is additional information and clarification required by the Province in order to understand how an OfB would operate. In addition, as the OfB is a permissive and
voluntary planning tool, a decision is not necessary until a specific request is made to the municipality to pass an OfB.

5. INTEGRATED SUSTAINABILITY PLAN LINKAGE:

The Province’s proposed Bill 66 changes to the Planning Act, and Open for Business By-law does not appear to align with the Integrated Community Sustainability Plan’s land use planning and infrastructure goals under the community based socio-cultural and environmental pillars to (i) strengthen the Township’s planning legislation and by-laws to reinforce environmental protection and public health and safety, and (ii) to direct growth to our three villages with emphasis on our village cores, while respecting public input.

It is recognized that a municipal tool such as the proposed Open for Business By-law may help King to (i) proactively attract and strategically plan for new business that are compatible with the community’s values and priorities, and (ii) achieve the financial sustainability. Therefore, it is possible that a refinement of the Province’s proposed Open for Business By-law to reflect a more balanced approach to facilitating business, with greater consideration of environmental and socio-cultural sustainability, could better align with King’s ICSP.

6. FINANCIAL IMPLICATIONS:

There are no specific financial impacts associated with this Report.

7. CONCLUSION:

The purpose of this Report is to (i) provide information to the Committee on the Province’s proposed ‘Bill 66: Restoring Ontario’s Competitiveness Act, 2018’, which includes changes to the Planning Act, and (ii) present Planning Staff comments on the proposed legislation for Council’s endorsement. Comments will be submitted to the Province via the Environmental Registry prior to the January 20, 2019 commenting deadline. Planning Staff will continue to monitor and review information on this matter as it is released by the Province, and will report back as necessary. It is respectfully recommended that Council endorse the comments outlined in this Report.

8. ATTACHMENTS:

Appendix ‘A’ – Copy of Letter from Rescue Lake Simcoe Coalition and Simcoe County Greenbelt Coalition, dated December 19, 2018
Appendix ‘B’ – Copy of Resolution passed by the of Whitchurch-Stouffville on December 11, 2018
Appendix ‘C’ – Memo from York Region Chief Planner received by Regional Council, dated December 13, 2018
Appendix ‘D’ – Association of Ontario Municipalities: Bill 66 – Municipal Implications Overview, dated December 18, 2018

Prepared By: Sarah Allin, MCIP, RPP
Reviewed and Submitted By: Stephen Naylor, MCIP, RPP
Policy Planner Director of Planning & Development
Dear Mayor Pellegrini and King Council,

RE: Bill 66, Restoring Ontario’s Competitiveness Act

The Rescue Lake Simcoe Coalition represents 17 local groups of citizens who are concerned about the health of Lake Simcoe. The Simcoe County Greenbelt Coalition represents 35 groups from across Simcoe County and the province including ratepayers, naturalists, indigenous communities and climate advocates who want to create a more prosperous Simcoe County through protection of our water, green spaces and sustainable development.

Recently, the provincial government tabled Bill 66, Restoring Ontario’s Competitiveness Act. This bill would enable municipalities to pass an Open for Business Bylaw which would remove key protective policies for our water, farmland and green spaces in favour of expediently processing development applications which may create employment opportunities. These policies which are under attack are not small, insignificant pieces of legislation. Rather they are keystone policies that keep our water clean and safe to drink, including the Clean Water Act, the Lake Simcoe Protection Plan and the Great Lakes Protection Act.

Our coalitions stand behind these protective policies and their implementation because we know that local economies and the public’s health rely on them. For example, Lake Simcoe contributes $200 M per year to its regional economy. The Clean Water Act, which was a direct to the tragedies in Walkerton, ensures that drinking water sources for Ontarians are free from contamination. We appreciate the need for economic opportunities, but we strongly believe that economic opportunities do not have to come at the expense of our drinking water, lakes or green spaces.

And some of your fellow mayors agree with us on that point. On Thursday December 13th, the Mayor of Barrie, Jeff Lehman, added his name to the growing list of Mayors who have criticized Bill 66. The Mayors of Hamilton, Burlington, Halton Hills, Milton, Aurora, Oakville and Guelph have also come out against Bill 66. These mayors appreciate the need to protect public health and understand their economies depend on a healthy environment.
Many citizens are very concerned about Bill 66. They want to hear that their councils believe community development and protection of our environment can coexist and be mutually supportive. To learn more about Bill 66 see the Canadian Environmental Law Association’s briefing document at: http://www.cela.ca/sites/cela.ca/files/CELABriefingNote-Bill66andCWA.pdf

Today, we are calling on all municipal councils in the Lake Simcoe watershed, and in Simcoe County, to reassure those citizens that their water and green spaces won’t be sacrificed. We respectfully ask that your council put safety and good regulation first and publicly commit not to use Bill 66. To that end, we enclose an example motion which could be considered by your council.

We would appreciate notification of any actions taken by Council regarding Bill 66.

Sincerely,

Claire Malcolmson
Executive Director, Rescue Lake Simcoe Coalition
rescuelakesimcoecoalition@gmail.com

Margaret Prophet
Executive Director, Simcoe County Greenbelt Coalition
margaret@simcoecountygreenbelt.ca
Keeping XX open for business without jeopardizing safe drinking water and other environmental protections.

WHEREAS, the Government of Ontario has introduced Bill 66, An Act to restore Ontario's competitiveness by amending or repealing certain Acts; and

WHEREAS, Schedule 10 of Bill 66 would amend the Planning Act to allow municipalities to pass "open-for-business planning by-laws"; and

WHEREAS Bill 66 would allow open-for-business planning by-laws to override important planning, drinking water, agricultural and other environmental protections contained in the Clean Water Act, 2006, the Provincial Policy Statement, and other provincial policies, plans, and legislation; and

WHEREAS, the content Bill 66 was never discussed with XX residents in either the recent provincial or municipal elections; and

WHEREAS no notice or public hearing is required prior to the passing of an open-for-business planning by-law nor any appeals rights thereafter; and

WHEREAS, protections included in the Clean Water Act, 2006 and in the corresponding approved XX Source Protection Plan are critical to the health of XX residents;

THEREFORE BE IT RESOLVED,

THAT the Town/City of XX opposes Schedule 10 of Bill 66, An Act to restore Ontario's competitiveness by amending or repealing certain Acts and calls for its removal from the Bill; and

THAT notwithstanding the future adoption of Bill 66, the Town/City of xx will not exercise the powers granted to it in Schedule 10 or any successor sections or schedules to pass open-for-business planning by-laws for the duration of this term of office;

THAT this resolution be distributed to: the leaders of all parties represented in the Legislature; the Minister of Municipal Affairs and Housing; the Minister of the Environment, Conservation and Parks; and the Association of Municipalities of Ontario.

THAT Bill 66 does not represent how the people of XX want to do business.
13. Resolutions from Council

1. Resolution from Councillor Kroon, re: Employment Growth Along Highway 404

Moved by Councillor Kroon
Seconded by Councillor Bartley

Whereas the Town of Whitchurch-Stouffville continues to vigorously support the intent and application of both the Greenbelt Act (2005) and the Oak Ridges Moraine Conservation Act (2001); and

Whereas the "countryside area" or "protected countryside" designations in the Oak Ridges Moraine Conservation Plan (2017) and Greenbelt Plan (2017) respectively are not sensitive environmental areas; and

Whereas all lands along the 400-series highways are very attractive to industrial development due to their ease of access to the highway network; and

Whereas not all industrial developments are a threat to the environment; and

Whereas permitting clean industrial development will not only help create jobs, but also recoup cost of the investment in and recapture the value of the 400-series highways; and

Whereas the Town of Whitchurch-Stouffville has a significant amount of land along Highway 404, that are highly attractive for employment growth; and

Whereas the Town of Whitchurch-Stouffville is in desperate need for employment growth.

Therefore be it resolved, that the Province of Ontario be requested to consider designating appropriate lands abutting a 400-series highway in the GTHA “Provincially Significant Employment Areas”; and

That the Province of Ontario be requested to amend all its applicable land use plans to permit and encourage clean industrial development on the lands designated “countryside area” or “protected countryside” generally abutting a 400-series highway, and

That the Province of Ontario be further requested to direct all affected municipalities to give high priority to servicing these lands; and
That staff be directed to report back with a detailed proposal for the Gormley lands along Highway 404 within the Town of Whitchurch-Stouffville for Council consideration and Provincial approval.

Carried

14. By-laws

Moved by Councillor Upton
Seconded by Councillor Smith

That Council read the following by-laws a first, second, third time and passed:

2018-160-AP being a by-law to appoint an Alternate Member of Regional Council for the 2018-2022 Term of Council.

2018-161-AP being a by-law to appoint a Member of Council to the Lake Simcoe Region Conservation Authority Board of Directors for the 2018-2022 Term of Council, and to repeal By-law 2014-133-AP.

2018-162-AP being a by-law to appoint Deputy Mayors and Vice-Deputy Mayors and to repeal By-law 2015-105-AP.

2018-163-TX being a by-law to levy an Interim Rate for 2019 upon the taxable properties of The Corporation of the Town of Whitchurch-Stouffville and to repeal By-Law 2018-094-TX.

2018-164-FI being a by-law to to establish fees or charges for services or activities provided by the Town of Whitchurch-Stouffville (General Fees and Charges) and to repeal By-law 2018-001-FI.

2018-165-FI being a by-law to establish development charges for The Corporation of the Town of Whitchurch-Stouffville and repeal By-law 2018-142-FI.

Carried
MEMORANDUM

To: Regional Council
From: Paul Freeman
Chief Planner
Date: December 13, 2018
Re: Bill 66, Restoring Ontario’s Competitiveness Act, 2018

This memorandum provides Council with a high level summary and analysis of the legislative changes identified in proposed Bill 66, Restoring Ontario’s Competitiveness Act, 2018, with a focus on changes to the Planning Act, 1990.

The Province is consulting on proposed legislative changes to reduce regulatory burden on business

On December 6, 2018, the Province released the first draft of Bill 66, Restoring Ontario’s Competitiveness Act, 2018 with the intent of giving businesses more flexibility to create jobs, making it easier to locate or expand, and reducing regulatory burden. The Province is proposing legislative changes to facilitate job creation in sectors such as agriculture, childcare, long term care, manufacturing and wireless services. Bill 66 includes proposed changes to the Planning Act to create a new planning tool, the open-for-business planning by-law and regulation. These regulatory proposals have been posted on the Environmental Registry of Ontario for consultation, closing January 20, 2019.

A summary of the proposed changes through Bill 66 are provided in Attachment 1.

Proposed Planning Act changes would create a new economic development tool that could be used by local municipalities to streamline approvals for economic opportunities

Under Bill 66, proposed Planning Act changes would permit local municipalities to pass an “open-for-business planning bylaw” to streamline planning approvals for major employment and economic growth opportunities. Before a local municipality can pass an open-for-business planning bylaw, the municipality must apply for and receive written approval from the Minister of
Municipal Affairs and Housing, and have met certain criteria. However, no criteria has been included under Bill 66, nor does the Bill specifically require the Province to ensure defined criteria be put in place.

In addition, an open-for-business planning by-law would allow a major employment use development to proceed without being subject to:

- Provincial Plans and Acts including the Oak Ridges Moraine Conservation Plan, Greenbelt Plan, Growth Plan, Lake Simcoe Protection Plan and the Great Lakes Protection Plan
- Significant threat policies identified in source protection plans (Section 39 of the Clean Water Act, 2006)
- Regional or local official plans, zoning by-laws, holding provisions and increased height and density provisions in exchange for community benefits

Exemption from Provincial Policy Statements, Plans and Acts may be seen to undermine important protections put in place to protect natural heritage systems, municipal water supply and preserve agricultural land.

York Region’s ability to provide fulsome site plan conditions on developments proceeding under this streamlined process could be limited

While not subject to Site Plan Control, under an open-for-business planning bylaw, local municipalities would retain the ability to impose conditions reasonable and related to the appropriate use of land and necessary for protection of public health and safety.

As proposed, It appears regional municipalities have little to no role in the development or implementation of open-for-business planning by-laws. Local municipalities could impose conditions related to Regional roads including right-of-way-width, land conveyance, access points and grading.

An Open for Business Planning By-law could be approved without public consultation

Local municipalities will be able to pass an open-for-business planning bylaw without public consultation, with public notification required within 30 days after it is passed. These bylaws would be able to take effect within 20 days of passing, meaning that a bylaw can be in force 10 days prior to notification being required.

A request by a local municipality to use an open-for-business planning by-law will need to be supported by information prescribed by regulation. The Province is proposing a new regulation under the Planning Act that would:

- Require information such as description of subject lands, land use planning information and details about the proposed employment opportunity
- Require confirmation that the proposal is for a new employment use
• Require evidence that the proposal would meet minimum job creation thresholds (e.g. 50 jobs for municipalities with a population of less than 250,000 and 100 jobs for municipalities with a population of more than 250,000 people)
• Identify land uses, buildings and structures that may be authorized under the tool, such as manufacturing and research and development, but not residential, commercial or retail as the primary use
• Prescribe how notice is to be given the Minister of Municipal Affairs and Housing following the passing of an open-for-business by-law

Regional Staff will provide a formal response to the Province on Bill 66, Restoring Ontario's Competitiveness Act by the January 20th deadline

As currently proposed, the Bill contemplates development may be approved outside of the Region's urban area and potentially contrary to the Region's planned urban structure, infrastructure master planning and the achievement of complete communities.

A more comprehensive review of the proposed changes contemplated by Bill 66 is currently underway. This review will inform a Regional staff response which will be provided to the Province by January 20, 2018. Given the short timeframe, staff will provide another update to Council following submission of staff's comments on the proposed Bill.

Paul Freeman
Chief Planner

Attachment (1)
e-9039742
### Summary of Changes identified in proposed Bill 66, Restoring Ontario’s Competitiveness Act, 2018

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Proposed Changes</th>
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<tbody>
<tr>
<td><strong>Agricultural Employees Protection Act, 2002</strong></td>
<td>• Extends the application of the Act to employees who engage in ornamental horticulture</td>
</tr>
<tr>
<td><strong>Farm Registration and Farm Organizations Funding Act, 1993</strong></td>
<td>• Changes to the process for obtaining a farming business registration number</td>
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</tbody>
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| **Ministry of Agriculture, Food and Rural Affairs Act, 1990** | • Provide Minister of agriculture, Food and Rural Affairs with the Authority to establish or make changes to loan guarantee programs  
• The Lieutenant Governor would retain authority over the amount and form of the guarantee |
| **Pawnbrokers Act, 1990** | • Repeal of the Pawnbrokers Act and amendments to the Personal Property Security Act |
| **Child Care and Early Years Act, 2014** | • Removes restriction in home-based child care providers by increasing flexibility in the number and ages of children they can care for.  
• Lowering the age of children that authorized recreation programs can serve from 6 to 4. |
| **Ontario Energy Board Act, 1998** | • Removes reference to sub-metering of units and adds reference to unit smart meter providers. |
| **Toxics Reduction Act, 2009** | • Repeals of the Toxics Reductions Act and Regulation 455/09 and 296/18 and associated regulations on December 31, 2021.  
• Rely on the Federal Chemicals Management Plan |
| **Pension Benefits Act, 1990** | • Allows private-sector employers to more easily merge single-employer pension plans with jointly sponsored pension plans |
| **Technical Standards and Safety Act, 2000** | • Amended so no longer applicable to upholstered or stuffed articles |
| **Wireless Services Agreements Act, 2013** | • Repeals the Act and the associated regulations to harmonize with Federal regulations |
| **Long-Term Care Homes Act, 2007** | • Modernizes and streamline administrative requirements for the operators of long-term care homes. |
| **Employment Standards Act, 2000** | • Eliminates the requirement for employers to apply for Ministry of Labour approval for excess weekly hours of work and overtime averaging  
• Stops the requirement for employers to post the Employment Standards Act poster in the workplace |
| **Labour Relations Act, 1995** | • Amended to deem municipalities and certain local boards, hospitals, colleges, universities and public bodies to be non-construction employees  
• Trade unions no longer represent employees of these employers |
| **Planning Act, 1990** | • New section allowing local municipalities to pass open for businesses planning by-laws  
• Written approval from the Minister required to pass this type of by-law if prescribed criteria are certified  
• Exempts applications proceeding under this by-law from Provincial Policy Statements, Provincial Plans, Official Plans, Zoning By-laws. |
| **Highway Traffic Act, 1990** | • Allows electronic versions of permits to satisfy the requirements on the Act including surrendering the permit to police |
Bill 66 – Municipal Implications Overview

On December 6th, 2018, Minister of Economic Development, Job Creation and Trade, the Honourable Todd Smith, introduced Bill 66, the Restoring Ontario’s Competitiveness Act. This proposed legislation has significant interest for municipal governments. Bill 66 has only had First Reading at this time and will continue through the debate and hearing process. After this week’s sitting, the Legislature is scheduled to return for the next Session on Tuesday, February 19, 2019.

In this members’ update, AMO is providing an overview and brief analysis as we pursue additional information and clarification to bring a report to the January Board of Directors meeting. Further communications on the Bill will occur at that time.

Several corresponding proposed regulations are now open for comment on the Ontario Regulatory Registry. In most cases, the deadline for comment is January 20th to respond via the registry process.

Schedule 2 — Repeal of the Pawnbrokers Act

Schedule 2 of the Bill repeals the Pawnbrokers Act in its entirety. Created in the early 1900s, the Act regulates pawnshops and second hand stores. Municipal governments would retain the authority to create bylaws and business licenses regulating pawnshops, however, the repeal would eliminate law enforcement tools aimed at enforcing against theft and enabling the search and return of stolen goods. AMO will connect with police services to obtain their perspectives on the impacts that the change would bring and consider alternatives.

Schedule 3 — Amendments to the Child Care and Early Years Act, 2015 and the Education Act

Changes to rules regarding in-home child care services and authorized recreational and skills building programs; increasing the permissible number and age of children per provider a day will likely increase access to childcare. The proposals may also raise concerns related to children’s health and safety and the quality of childcare, with possible impacts on municipal monitoring of childcare spaces.
Schedule 4 — Amendments to the Ontario Energy Board Act, 1998 (Sub-metering)

The proposed change deletes references to ‘unit sub-metering’ from the Ontario Energy Board Act, and replaces it with references to smart meters. It is unknown if conversions to smart meters have taken place in all housing units being managed by municipal governments. This may impact the ability to individually charge tenants for energy used. Studies show that lack of individual meters can raise energy use over 30%, which will bring financial impacts. As well, it is unclear if it would have any impact on second suites or inclusionary zoning initiatives.

Schedule 8 — Amendments to the Long-Term Care Homes Act, 2007

Proposed changes for long-term care homes’ licences include that the Director, as appointed by the Minister, may determine the need and how public consultations shall be conducted. This may reduce the frequency of attendance by licensees at public meetings. Further, the Ministry would have added flexibility to issue licenses for temporary beds for a longer duration of time. Municipal homes have licences subject to Minister’s approval with no designated term. Further efforts to improve long-term care and reduce administrative burden should continue. There is a need for more discussions to develop a less prescriptive, outcomes-based framework that reduces burden while prioritizing patient care and well-being. AMO will continue to work with other long-term care partners to identify opportunities for positive reform and to monitor long-term care impacts of Bill 66 and corresponding regulations. Proposed regulations have been posted for public comment until January 28th, 2019.

Schedule 9 — Amendments to the Labour Relations Act, 1995 (Construction Employer Designation)

Bill 66 would clarify that municipal governments are not construction employers. Construction employer designation reduces the number of eligible bidders for municipal construction projects and increases municipal capital costs by eliminating competition. Construction is not a core municipal function and municipal governments should not be treated as construction employers. This has been a longstanding municipal ask and AMO has supported past private members’ bills seeking this clarification.

Schedule 10 — Amendments to the Planning Act (‘Open For Business’ Tool)

The proposed legislation introduces a new planning tool called an "open for business" bylaw. Provincial government commentary has indicated that this tool could fast track permanent job creating opportunities, indicating that the specifics of the use of the
tool will come in future regulation. The posted description of the scope of a regulation indicates that a proposal to use this tool would require 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). It would appear that the tool, like a Minister’s Zoning Order (MZO) would be for a specific land use application. We look to the Province to provide greater clarity and how this tool is different or similar to a Minister’s Zoning Order.

Once there is greater clarity, we can turn attention to whether this tool can deliver what is expected. The draft legislation outlines the order of the process as follows, presumably after a planning application is received by the municipality as well as some planning evaluation:

1. The municipality must receive approval from the Minister to pass the "open for business" by-law.
2. The municipality passes the by-law.
3. An agreement between the land use proponent and municipality regarding site plan type conditions is signed and registered against the land to which it applies.
4. It comes into effect within 20 days of passing and is sheltered from LPAT appeal.
5. Notice is provided to the Minister within 3 days of passing and to others within 30 days.
6. The Minister may modify or revoke the by-law.
7. The municipality can amend or revoke the by-law.

NOTE: Public consultation is not required but not prohibited.

While not clearly stated, the fact that conditions are registered against a specific property implies that the ‘open for business’ by-law is site specific and not a ‘blanket’ across a large area of a municipality. As well, we would look to the Province for greater clarity on how the powers to amend, by both the Minister and the municipal government, might be used.

The sections ((6) Non-application of listed provisions) indicating which elements of provincial law do not apply to an "open for business by-law" are being widely discussed. This list generally requires that municipal decisions conform to the intent of the listed Acts. Many of these Acts refer to environmental and water related protections, which raises questions about achieving economic gains that may result in longer-term environmental concerns. It should be noted that the Environmental Assessment Act and EA process has not been identified in this list. Perhaps this is the backstop that will avoid costly environmental remediation.
There are also other financial, health, and safety factors within these listed Acts that need to be considered as well as the other aspects, such as relationship to municipal planning documents and public consultation.

AMO will be continuing our Bill 66 analysis and pursuing answers to these questions over the coming weeks.

AMO Contact: Monika Turner, Director of Policy, mturner@amo.on.ca, 416.971.9856, ext. 318.

DISCLAIMER: Any documents attached are final versions. AMO assumes no responsibility for any discrepancies that may have been transmitted with this electronic version. The printed versions of the documents stand as the official record.

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1. **RECOMMENDATIONS:**

The Planning Department respectfully submits the following recommendations:

   a) THAT Planning Report P-2019-03 be received as information;

   b) THAT Planning Staff prepare a final Report to Council on specific Open for Business By-law Consideration Criteria and Information Requirements following the release of additional information by the Province of Ontario.

2. **PURPOSE:**

   The purpose of this Report is to review the implementation details of 'Bill 66: Restoring Ontario's Competitiveness Act, 2018' ("Bill 66"), and to outline the manner in which the Township of King could implement an Open for Business By-law as contemplated by Bill 66.

   A companion Report on Bill 66 is also to be presented to Council on January 14th, 2019. That Report recommends that specific comments and questions be forwarded to the Province of Ontario regarding Bill 66 in response to the request for input prior to January 20, 2019. One of the central concerns with Bill 66 is the lack of details regarding the Open for Business By-law process, and the absence of a Regulation to support the Bill and clarify how it is intended to be implemented at the local level. Despite the current "unknowns" Bill 66 clearly sets out that an Open for Business By-law is intended to be a tool to be used, or not used, at the discretion of a municipality.

   Bill 66 achieved 1st Reading on December 6th, 2018. Following the resumption of the sitting of the Legislature on February 19th, 2019, it is assumed that the continued processing of Bill 66, in consideration of the comments that are received by the Province, will continue.

   Due to the processing urgency that Bill 66 has exhibited to-date, including a limited 45 day commenting period during a significant holiday period, it is assumed that Bill 66 will continue to be expedited through the 1st and 2nd Quarter of 2019. Planning Staff feel that it is important for Township Council to start considering the potential of implementing an Open for Business By-law based upon the information that is currently available. A final Report will be prepared for Council's consideration following the receipt of additional information, which would ideally include a draft Regulation.

3. **BACKGROUND**

   Background and Staff comments on Bill 66 are provided in Planning Report P-2019-02 which is to be presented to Committee on January 14th, 2019. That background will not be reiterated in
the same level of detail in this Report, but an overview of the intent of an Open for Business By-law is included herein for context to the discussion which follows later in this Report.

An Open for Business By-law is intended to be used as an "economic development" tool by municipalities to ensure that they can act quickly to attract businesses seeking development sites. The By-law would be available to use, or not use, at the discretion of the Municipality. The key aspects of initiating such a By-law, based upon the information available to-date appear to be the following:

- Municipality receives a request from a landowner that it is seeking approval for a specific development site;
- Municipality decides whether to act on the request or not;
- If request is accepted, Municipality requests approval from the Province to proceed with an Open for Business By-law, providing the prescribed information in support of that request;
- Following Provincial approval a municipality proceeds to approve the By-law
- Process would:
  - Not require strict adherence to existing local Official Plan or Zoning By-law.
  - Remove separate approval process for site plan control.
  - Remove ability to use density Bonusing and holding by-laws.
  - Allow the imposition of limited planning-related conditions to facilitate the proposal (eg. plans and drawings that show transportation access, lighting, parking) and agreements to ensure development conditions are secured.
  - Allow public consultation at the discretion of the municipality while (at a minimum) requiring public notice after the by-law is passed.
  - Provide that decisions are final and cannot be appealed to LPAT.
  - Ministry of Municipal Affairs and Housing can intervene before the By-law comes into force and effect to rescind or revise By-law within 20 days after its passing.
  - Remove requirement for decisions to strictly adhere to provincial policies and provincial plans (but allow the Minister to impose conditions to protect matters like public health and safety when endorsing the use of the tool).
- Following approval of the Open for Business By-law the development proposal would be approved, subject to any conditions imposed by the Open for Business By-law.

Based upon the current understanding of the process, which in turn is based on the information released to-date, the following outlines the comments of Planning Staff regarding the potential use of an Open for Business By-law. As mentioned above, Planning Staff will present a final Report based upon any additional new information received. This new information may or may not alter the opinions and comments expressed herein.

4. DISCUSSION & COMMENTS:

Planning Staff feel that a decision as to whether or not to utilize an Open for Business By-law is not necessary at this time. Despite the current unknowns with Bill 66 and an Open for Business By-law, and given that the Province still need to provide answers and confirmation to a number of points (see Planning Report P-2019-02), the Township does not have to make a decision on Open for Business By-laws until if and when a specific proposal comes forward.

It should be noted that whether the Township of King or any other municipality chooses to opt out of the Open for Business By-law process or not, if the Province proceeds with the approval of Bill 66 it will be an additional tool, similar to the other tools provided by the Planning Act (eg. bonusing; holding zones; temporary uses; etc.). for potential use by a municipality. In addition, and more importantly, the utilization of an OfB By-law is not mandatory. The utilization is totally
at the discretion of the municipality. Landowners will be able to approach the Township requesting that an Open for Business By-law be considered for their lands, but it is the decision of the municipality whether to act on that request or not.

Bill 66 provides direction from the point at which a municipality has made the decision to request the Province for approval to pass an Open for Business By-law. The following sections outline the procedures and directives that relate to how an OfB would be anticipated to be processed under Bill 66 and what can be considered by a municipality during that process.

**Request to Province for Open for Business By-law:**

Following an indication from a landowner for an Open for Business By-law, and the municipality making the decision to request approval for an OfB from the Province, the municipality is required to pass a resolution requesting same. The resolution and prescribed information is then forwarded to the Province, which would then make a decision on the request.

**Official Plan/Zoning By-law Conformity:**

Bill 66 does not require strict adherence to local requirements (i.e. Official Plan; Zoning By-law). It is assumed that this would also include Regional Official Plans. Should a municipality wish to only consider Open for Business By-laws that adhere to local policies it can. On the other hand, this adherence is not mandatory and allows the approval of Open for Business By-laws which do not conform to local land use policy.

**Site Plan Control Process:**

Bill 66 exempts development proposals from applying for site plan control approval as a separate process. As part of the “streamlining” OfB process, it appears that site plan requirements are applied as conditions through the Open for Business By-law. Bill 66 would provide certain exemptions for approved uses from the current site plan requirements contained with the Planning Act. These exemptions appear to relate generally to the exterior design including character, scale, appearance and design features of buildings, and sustainability design elements on adjoining highway which is under a municipality’s jurisdiction including landscaping, street furniture and bicycle parking facilities.

These elements are significant considerations in any site plan review and have greatly increased in importance for employment uses over the last number of years. While the possibility would exist that the landowner would satisfactorily address one or more of these design elements, the ability for a municipality to require them would not exist.

**Density Bonusing/Holding By-laws:**

Section 37 of the Planning Act allows a municipality, provided that it has the necessary policy direction in its Official Plan, to require bonusing from a development that benefits from a height and/or density increase. Bonusing is subject to negotiation between the municipality and development proponent and can result in the provision of public art, affordable housing units, additional streetscape treatments, daycare spaces and similar matters. It can also include the provision of cash to be expended upon a specific use. This provision cannot be applied to developments subject to an Open for Business By-law.

The use of Holding zones is also exempted under Bill 66. Holding zones are typically used to grant “provisional” approvals in that the zoning of a property is not finally approved until the Holding designation is lifted. The lifting of the Holding provision is typically dependent upon one
or more criteria being met, such as the approval of a site plan, and/or servicing being available
and/or a required study being submitted.

It is assumed that these are exempted by Bill 66 as they could potentially add to the “approval
timeframe” and add costs to the development, thus potentially reducing economic development
opportunities.

Planning Related Conditions:

As was referred to above, while certain aspects of site plan control are exempted from Bill 66, a
large portion of the typical requirements appear to be eligible for inclusion in the OfB as
planning related conditions. These conditions can include such measures as building massing
and design; servicing; site access; parking; lighting; site landscaping; etc. including
agreement(s) to secure the conditions. The Province retains the authority to add or remove
conditions contained in an OfB By-law prior to approving the By-law.

The significance of this provision is that Bill 66 removes the application of a separate approval
process for site plan control. Site plan review, albeit limited to some extent by Bill 66, and
approval with conditions are all contained within the Open for Business By-law process.

Public Consultation:

Bill 66 does not require the municipality to give notice or hold a hearing (i.e. statutory Public
Meeting) prior to passing an Open for Business By-law. Upon approval of the By-law it is only
required that the Province be given notice of adoption within 3 days from the By-law being
adopted, and the Province has 20 days to approve, not approve or amend the By-law. If
approved, the By-law comes into force and effect 20 days after its passing.

The municipality is also to provide notice to any persons or public bodies that the municipality
considers proper within 30 days of the passing of the By-law. It is interesting to note that it is
possible that the By-law could be in force and effect for 10 days prior to notice of its passing
being given.

The above requirements are to be regarded as a minimum under Bill 66, which does not provide
any limitations or direction as to how this consultation is to occur, thereby leaving it to the
discretion of the municipality. A municipality may establish a consultation process as it deems
appropriate.

Adherence to Provincial Policies and Provincial Plans:

Similar to the local and regional plans, Bill 66 exempts an Open for Business By-law from
needing to conform to a number of Provincial Plans and Policies including the Clean Water,
Greenbelt, Lake Simcoe Protection, Oak Ridges Moraine Conservation, and Places to Grow
Acts, as well as certain Sections of the Planning Act.

Servicing and Infrastructure:

Bill 66, nor any of the reference materials that have been issued to support this initiative,
outlines a Provincial position or direction with respect to servicing potential sites that might be
considered under an Open for Business By-law. It is possible that sites that are subject to a
request for an Open for Business By-law will not have been included in previous municipal
servicing master plans. Servicing questions and strategies would have to be addressed prior to
an Open for Business By-law being considered.
No Appeal to LPAT:

There is no ability for the Open for Business By-law to be appealed to the Local Planning Appeal Tribunal. Once the Province has approved the By-law, and the 20 day notice period has elapsed, the By-law is in full force and effect.

Other Considerations:

The municipality may revoke or amend an Open for Business By-law. If the municipality chooses to amend the By-law for whatever reason, compliance with the usual requirements under the Planning Act (i.e. public consultation; notice; public meeting; etc.) would be required. The only exception to this is if an amendment were made to one of the "conditions" included in the original By-law.

5. ANALYSIS:

As has been noted previously, Bill 66 outlines the process and requirements to be applied to the processing of an Open for Business By-law, starting with the request to the Province to approve the By-law. It is Staff's opinion that the "pre-OfB process" – the process that a municipality would undertake to determine whether the Province will even be requested to permit an Open for Business By-law to be considered by the municipality – is not subject to Bill 66. As a result it is Planning Staff's opinion that the Province has left it to the local municipality to how it determines whether the use of the Open for Business By-law tool is appropriate or not in any given circumstance.

Planning Staff feel that the Township of King should develop criteria to assist in determining whether a request for an Open for Business By-law should be considered or not. The criteria would assist Staff in determining if specific requests from landowners should be considered by Council; and assist Council in determining if a request for an Open for Business By-law should be advanced to the Province.

It is recommended that the municipal consideration of utilizing an Open for Business By-law be a two-stage process. The first would be to utilize "consideration criteria" to determine whether a formal request for approval of an Open for Business should be considered. In order to reduce Staff time for the preparation of reports on each request, and the time required for Council to consider each report, the criteria would be used by Staff to determine whether a specific request has merit and if it should be advanced to Council for consideration. This would entail applying basic criteria such as the type and size of the employment use being proposed, various strategic plans and development policies, and the location and environmental characteristics of the subject land. If it meets those criteria, Staff would prepare a Report and advance the request to Council for consideration. The Report would itemize "information required" which the landowner would have to then provide as part of a formal request (second stage), and an outline of the proposed consultation process that would be followed during the processing of the OfB.

This first stage consideration would not result in a decision as to whether to request the Province to permit an OfB or not, but could allow the landowner to prepare a formal request, which would require that more detailed information be submitted for the consideration of the Township. Why this first stage is important is due to the anticipated cost of preparing a formal request to the Township. As will be seen in the discussion below, Staff is recommending that to support a formal request a number of matters will have to be addressed to the satisfaction of Council, such as environment, servicing and traffic matters. In order to provide appropriate information to the Township a significant economic investment will be required. This first step
would provide some assurance to the landowner that the formal request will be considered in some depth and warrant the investment in information required.

In the event that a landowner receives permission to submit a formal request, they would be aware of the information required and the public consultation process that would be required. The “information required” would include the following:

- The specifics concerning the proposed use and the anticipated employment generation
- Information concerning the lands proposed for the use, including their location, size, Official Plan and Zoning designations, area, etc.
- Conceptual site plan
- Information and any potential mitigation measures addressing such areas as environmental, need for the proposal, traffic, servicing, etc.
- Memorandum of Understanding (“MOU”) to provide assurances such as confirmation: that proposal will proceed as proposed; timeframe for construction; any necessary agreements will be entered into to implement the Open for Business By-law; any additional terms and conditions to effect the Open for Business By-law including land compensation; etc.

The public consultation process could involve such things as notices and open houses similar to current amendment application processes. Each consultation process would be designed to the needs of the request being considered.

The review of the information submitted, together with the results of the consultation process, would then generate a report to Council which would outline the proposal, how it would meet the approved criteria, an evaluation of the information required, comments received as a result of the consultation and a recommendation as to the formal request for an Open for Business By-law. Council would then decide whether or not to request approval from the Province to proceed with an OfB. If the decision is to proceed with a request to the Province, a resolution would be forwarded to the Province for approval. Following the Provincial approval, the process and directives included under Bill 66 would then be undertaken, including the preparation of planning conditions and the preparation of the Open for Business By-law.

6. NEXT STEPS:

The “consideration criteria” and “information required” noted above provide a general description of the type of information that would be requested. It is anticipated that further information will be released by the Province, including proposed Regulations that could assist in informing what the specific information requirements and criteria should be. For that reason it is recommended that a further Report be prepared for Council's consideration, providing a more detailed itemization of consideration criteria and required information following the anticipated release of additional information from the Province.

7. INTEGRATED SUSTAINABILITY PLAN LINKAGE:

It is recognized that a municipal tool such as the proposed Open for Business By-law may help King to (i) proactively attract and strategically plan for new business that are compatible with the community's values and priorities, and (ii) achieve financial sustainability. The process recommended above would assist in achieving a more balanced approach to facilitating business, with consideration of environmental and socio-cultural sustainability.
8. **FINANCIAL IMPLICATIONS:**

There are no specific financial impacts associated with this Report. As part of the recommended future Report, an Application fee to be applied to requests for Open for Business By-laws will be identified.

7. **CONCLUSION:**

In the event that Bill 66 is approved, on the basis of the information released to-date by the Province, the implementation of an Open for Business By-law would available to use, or not use, at the discretion of Council. It is also speculated that the Township will be approached with requests to implement Open for Business By-laws. As such, Staff believes that the Township should develop a set of “consideration criteria” and “information required” to guide Council’s potential consideration as to whether or not to permit an Open for Business By-law process based upon specific requests. The general outline of what information would be required to help Council decide on whether to undertake an OfB or not has been included in this Report. A further Report will be prepared, following the release of additional information by the Province, to recommend specific criteria and the timing of the receipt of same.

It is respectfully recommended that Council endorse the comments outlined in this Report.

8. **ATTACHMENTS:**

NA

Prepared, Review & Submitted By:

Stephen Naylor, M.C.P., R.P.P.
Director of Planning & Development
1. **RECOMMENDATIONS:**

The Planning Department respectfully submits the following recommendations:

a) THAT Planning Report No. P-2019-01 be received as information.

2. **PURPOSE:**

The purpose of this report is to update the Committee on the status of the Official Plan Review (OPR), and to outline upcoming milestones in the OPR process.

3. **BACKGROUND AND DISCUSSION:**

In September 2018 the Township retained WSP (formerly MMM Group) to work with Planning Staff to complete the Official Plan Review in accordance with the Recommendations of Planning Report P-2018-36. This took place subsequent to the Township and the previous OPR consultant mutually agreeing to part ways. Planning Report P-2018-36 outlined a 12-month, four-phase OPR completion timeline that commenced in September 2018, with the undertaking of revisions to the November 2017 Draft OP, and ends with the adoption of the new King Official Plan (OP) in September 2019. The project schedule is generally organized as follows:
A considerable amount of work was undertaken throughout the fall of 2018 to revise the draft OP to address conformity with Regional policy and comments received to date. Notwithstanding the ambitious timeline, WSP delivered the revised working draft OP in December 2018. Phase 1 of the project timeline has been completed on time and on budget.

During Phase 2, the working draft OP will be refined through input from Township staff, and the Technical Advisory Committee (TAC), and subsequently will be presented to Council and released to the public in March 2019. A comment matrix identifying how all comments received on the Nov. 2017 draft of the Official Plan have been addressed will also be released at this time.

Public consultation on the second draft OP will take place during Phase 3 of the project, and will consist of open houses in the communities of King City, Nobleton, and Schomberg (April 2019), and consideration of the final draft of the Official Plan at a combined public open house and statutory public meeting in June 2019.

The Township’s public engagement website ‘SPEAKING’ (http://speaking.king.ca) will also be an important platform for public consultation on the OPR. Information will continue to be available on the ‘Official Plan Review’ project page on King’s website, and email notifications will be sent to those who have requested email updates on the OPR via officialplanreview@king.ca. The OPR project page can be accessed most easily by typing “official plan review” into the search bar on King’s home page.

INTEGRATED SUSTAINABILITY PLAN LINKAGE:

The Official Plan Review contributes to the implementation of a broad range of appropriate action items for all four of the environmental, economic, socio-cultural, and
financial pillars of King’s Integrated Community Sustainability Plan, including in
particular, the following immediate priorities identified:

- Strengthen King’s planning legislation and by-laws to reinforce environmental
  protection and public health and safety, and create a natural heritage inventory;
- Develop a strategy for intensification and infill; and
- Update and implement the village plans.

5. **FINANCIAL IMPLICATIONS:**

Funds to complete the OPR have been sourced from a combination of eligible
Development Charges, unexpended balance of provincial grant funding (Source
Protection Municipal Implementation Fund), and the consulting line within the Planning
Department’s 2018-2019 Operating Budgets. Phase One of the OPR work program has
been completed on budget.

6. **CONCLUSION:**

The purpose of this report is to provide Committee with an update on the status of the
Official Plan Review. The November 2017 draft OP has been revised in consideration of
Regional policy conformity and comments received. The revised draft OP will be refined
through input from Township staff and TAC in January/February for presentation of the
document to Council and release to the public in March 2019. The OPR is progressing
on time and on budget. It is therefore respectfully recommended that this report be
received.

7. **ATTACHMENTS:**

None.

Prepared By: 

Sarah Allin, MCIP, RPP
Policy Planner

Submitted By: 

Stephen Naylor, MCIP, RPP
Director of Planning & Development
NOTICE OF MEETING

2019 WATER & WASTEWATER RATES BY-LAW
2019 MISCELLANEOUS FEES & CHARGES AND BY-LAW

Council Chambers located at 2585 King Road, King City, ON

RE: Presentation of 2019 Miscellaneous Fees & Charges: Monday, December 10, 2018 at 6:00 p.m.
(Consideration of By-law for Adoption, January 14, 2019)

The Township of King 2019 Miscellaneous Fees & Charges will be presented at the December 10, 2018 Committee of the Whole Meeting. The By-law will be considered by Council for adoption at the January 14, 2019 Council Meeting. Interested parties are invited to attend to ask questions and comment.

RE: Presentation of 2019 Water & Wastewater Rates: Monday, December 10, 2018 at 6:00 p.m.
(Consideration of By-law for Adoption, January 14, 2019)

The Township of King 2019 Water and Wastewater Rates Report will be presented at the December 10, 2018 Committee of the Whole Meeting. The By-law will be considered by Council for adoption at the January 14, 2019 Council Meeting. Interested parties are invited to attend to ask questions and comment.

For further information regarding the 2019 User Fees and Charges or 2019 Water and Wastewater Rates please visit the Township’s website at www.king.ca or contact:

Allan Evelyn, Director of Finance and Treasurer, aevelyn@king.ca

Telephone: 905-833-5321  Fax: 905-833-2300

Kathryn Moyle
Director of Clerks/By-law Enforcement
Township Clerk
THE CORPORATION OF THE TOWNSHIP OF KING

NOTICE OF

SPECIAL COUNCIL MEETINGS

Special Council, Closed Session Meetings will be held on:

MONDAY, JANUARY 21, 2019 - 9:30 A.M. – 4:00 P.M.
and
WEDNESDAY, JANUARY 30, 2019 – 9:30 A.M. – 4:00 P.M.

at

THE KING HERITAGE AND CULTURAL CENTRE – LASKAY HALL
2920 KING ROAD, KING CITY, ON

1. The purpose of this special meeting is to accommodate a necessary Council Meeting regarding the following:
   (i) Council Orientation / Education Session

2. Motion to move into Closed Session pursuant to Part 5, Section 39 of the Procedural By-law Number 2018-60 to consider the items as set out in the Agenda.

   (i) Part 5, Section 39, Subsection 39.3(a):
       Purpose of Education or Training the Members

       Council Orientation / Education Session

Kathryn Moyle
Director of Clerks/By-law Enforcement
Township Clerk