



Rescue Lake Simcoe Coalition
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Comments on the Innisfil MZO request and staff report re. Orbit Proposal

October 26, 2020

To: The Town of Innisfil

The Rescue Lake Simcoe Coalition strongly encourages the Town of Innisfil and the Province of Ontario to reconsider the use of a Minister's Zoning Order, or MZO to develop the Orbit mobility hub. There is very little public support for it (see: https://www.getinvolvedinnisfil.ca/go/forum_topics/staff-report-discussion#comments) and the use of an MZO in this instance sets a dangerous precedent. There is no market research that supports high rise condominium developments in an isolated farm field.

Despite assurances from the Town that this plan would take a long time to get going, fair and adequate public information and consultation have been impossible in this rushed approval timeline. Further, there are procedural concerns about both the way the Town Council decided to use an MZO, and with the dearth of details in the MZO that would support the sustainability claims of the Town and developer. Despite this being on a transit line, this is poorly planned sprawl that primarily benefits the developer and excludes the public from future changes by denying appeals. This is not visionary; this is a bad plan.

Background:

The Town of Innisfil would like the Province to fast track a massive new town development centred on an approved but unbuilt GO train station at Innisfil 6th line, between Lake Simcoe to the east and the 20th sideroad to the west.

October 7th: The Town of Innisfil released this staff report (which includes a map and artistic renderings of the proposed development):

<https://innisfil.civicweb.net/FileStorage/6B973B241CD6470398AC3530866ABEFE-Mobility%20Orbit%20-%20Draft%20Ministerial%20Zoning%20Order.pdf>

October 14th Council meeting: The staff report was discussed and public comments were made. Two delegations were made, one by the Rescue Lake Simcoe Coalition, which were against the use of the Minister's Zoning Order (MZO) and the speed of the proposed process. Council had received many emails and phone calls from people across Simcoe County opposing the use of the MZO tool. Some councillors had never had so many phone calls from constituents.

After 2.5 hours of debate, Clerk Parkin puts a SIGNIFICANT amendment to the resolution on the screen. Despite the fact that Council had many unanswered questions about its ability to deliver on the sustainability principles and had expressed concerns about using an MZO, and despite the fact that there was no mover and seconder on the amended motion, Council voted 6-2 to tell the province that they will use an MZO for this project. (see Appendix 1 below)

October 26th: Deadline for comments on the draft MZO.

November 4th: The draft MZO will come back to the Town Council, with community comments incorporated.

November 11th: Innisfil will ask Simcoe County Council to endorse the (MZO) request. If it passes they want to submit this to the province before Christmas.

Context regarding size

The staff report states: "As currently drafted, the MZO would result in a minimum population of approximately 20,000 people within the centre of mass. The vision for the Orbit contemplates scenarios where there are a **total of nearly 150,000 living within the Orbit at full build-out**; the Town's existing Official Plan is planning the Town to achieve a minimum population of 56,000 by the year 2031."

MZO area contemplates 7000 units, 21,000 people (Chief Planner Tim Cane clarified Oct 14th). The population of Innisfil is now 36,000. Barrie is currently just over 150,000.

Comments on DSR-154-20 Mobility Orbit Draft Ministerial Zoning Order and Next Steps

General Comments

1. The province of Ontario has allowed developers to develop GO stations. Now that Cortel has the chance to develop it, the staff report states, “the residential and employment development densities needed by the developer to secure financing for the proposed station and support the provincial Transit Oriented Community model requires an expedited planning approval process” to start working on the GO station and to build a portion of the entire plan. The province has in essence given developers permission to ask willing Councils to fast track developments that have not been properly vetted by the people who will be impacted, here, Innisfil residents. I.e. there are still no architectural drawings. No one has seen what this development could look like realistically.
2. The province has allowed municipalities to use old Growth Plan maximum population targets as minimums, which is why the idea of adding 20,000 people in one fell swoop to a rural town of now 36,000 could be approved.
3. There are already significant problems regarding the timeframe and process. First, that Council already voted on an illegitimate motion to use an MZO when the use of the MZO is by far the biggest concern of residents; that by moving to use an MZO before their Nov 4th comment deadline, Council has cut off input and debate on the most important and riskiest component of the proposal. See the lack of process re. the amendment to use an MZO at approx. 2.5 hrs into the meeting:
https://www.youtube.com/channel/UCvnGbVPjftQjT8Pml2_2jpw
4. Many of the Orbit Principles in the proposal we support, including sustainability, green infrastructure, walkability, and density around the GO station. But how are the Orbit Principles laid out in the proposal going to be guaranteed and tracked?

The staff report is clear that flexibility is needed to attract development to fulfil the plan. How far does that flexibility extend? How is the Town going to ensure that the Principles are followed, and are not simply greenwash to get public support for a massive new town in greenfields? Enforcement, monitoring, and tracking details are lacking entirely in the staff report, and must be detailed for the public to have any confidence that they are going to be followed.

Specifically, when asked at the October 14th Council meeting if the MZO could compel the developers to go beyond the Building Code for energy efficiency, Chief Building Officer Vickers said, (paragraph) *The developer doesn't need to do anything higher than the Building Code. Direction would be suggestions only; and "we are looking into the feasibility of the sustainability elements... still in the early stages... strategizing with the developer to develop the sustainability components."* The Town does not know how and if they can guarantee or compel the sustainability elements of the built form.

Chief Planner Tim Cane responded to similar questions regarding the enforcement of the sustainability principles with: (paragraph) *Innisfil could pass a zoning Bylaw that would state what the developer needed to do in terms of sustainability. They would not be issued a building permit if they were not in compliance with the Bylaw. Cane: Site plan applications will address the sustainability components and parking specifics.*

It is inconceivable that after Innisfil has bent over backwards to work with this developer to get the GO station built, front end the financing of infrastructure that would go from the Orbit to Highway 400 and a proposed cloverleaf intersection at the south end of industrial lands they are trying to develop, that Innisfil would not issue a building permit for this developer.

Therefore if there are no reasonable and legally binding ways to get the developer to meet the sustainability principles, then the sustainability principles are either wishful thinking or greenwash or both. Using MZO's denies appeal rights, so Innisfil will be stuck with what the developer wants to build. If the Town were not using an MZO the uncertainty would not be so worrying.

5. Re. 2.1 Relevant Land Use Planning Policies: (page 6 of staff report)

While the Lake Simcoe Protection Plan (LSPP) is not a land use policy, it has many land use planning and wastewater planning implications. It must be fully considered, and the policies that would apply outside of an MZO must be followed here.

On October 19th at an online open house Chief Planner Tim Cane said that they would be followed, along with the Clean Water Act, and both provincial and municipal natural heritage policies. We expect to see that in writing in any planning proposals for the Orbit, including the MZO should that be used.

6. Both the Province and the Town have committed multiple times to the protection of Lake Simcoe. Wastewater is not mentioned in the staff report. How is the additional waste to be treated? Will the first phase conform to the current Lake Simcoe Protection Act regulations on wastewater treatment plant phosphorus load caps?

On October 19th the Chief Planner Tim Cane explained: "*There is an existing [certificate of] approval for that plant for two more stages of expansion. That first stage of expansion is currently in the design phase right now to accommodate growth, both within the town in those first phases [of the] Orbit. And then the second stage of that expansion will also feed a lot more of the Orbit project. So there is capacity for the orbit, you know, not that ultimate capacity, obviously, because this is a 50- to 60-year plan. But certainly, what's being proposed [...] would be accommodated by the existing plant in that environmental assessment already in place.*"(Ask a Planner virtual Open House, notes, Oct 19, 2020.)

It appears that the Town needs the developer's money to pay for the first upgrade; That should be written into the MZO.

Second, the cost, who is paying, and a full accounting of what the upgrade is for should be made public. There may be some doubling up – ie. not all of the lands that are zoned residential are serviced. Can they all be built using the first STP upgrade? Does the allocation of sewer to Orbit take away from lands already zoned residential in the OP but not built out or serviced?

Finally, how does the long term build-out of the 150,000 people (on which the smart growth and walkability elements of the design rest) affect regional sewage allocations? This ought to be coordinated via a municipal comprehensive review.

7. New developments must have advanced stormwater management plans and water and sewer servicing approved before planning approval is granted, if we follow the law. A commitment to following Lake Simcoe's stormwater management guidelines should be explicit in the MZO.
8. Though the high-density design of the mobility hub is progressive, it is odd, and does not fit the Town of Innisfil. There is no market study that supports high priced condos and apartments in an Innisfil farm field. Is the entire plan "if we build it they will come?" What happens if buyers and even builders / developers do not come just because the Town has re-zoned for development in this location? What is the backstop against the developer building what is most in-demand and profitable for them, ground-oriented single-family homes? Should this come to pass as we fear, a fear reinforced by the rush to use an MZO, then all of the purported sustainability elements of the design are bunk.

Detailed Comments on the Draft MZO

Regulations

1.

- 1) D. 3. Parkland credit
page 5 (page 13 of staff report package):

"For the purpose of this regulation, the following shall be accepted as partial parkland credit as required by Section 5(d)(iii) of this Order, subject to satisfactory arrangements and agreements:

- a. Stratified Parkland;
- b. Privately owned public spaces; and
- c. Linear trail connections with a minimum width of 8m.
- e. Within a 125-metre radius of the Station, a minimum of 1500 square metres."
 - *We recommend that the above are not included in the parkland credit calculation.*
While these features contribute greatly to public space and walkability, they should

be just part of a high-density design and are not necessarily the same as parks that people can relax and play in. Given that the use of MZO's is already a gift to developers, Innisfil does not need to bend over backwards to satisfy these kinds of arrangements at the expense of typical and usable parkland.

2.

2) H. Affordable Housing

page 5 (page 13 of staff report package):

"A minimum of 10% of all residential units in buildings of 10 or more apartment units shall be Affordable Units."

Given the analysis below, it would appear that the developer is not actually committing to affordable housing, at least not for those who need truly affordable housing. Simcoe County Alliance to End Homelessness clarifies what "Affordable" means according to the province's definition in the Provincial Policy Statement, in their backgrounder, Proposed Changes to Provincial Policy Statement, Public Consultation, October 2019. 60th percentile incomes are used as the bar for Affordable. That is ABOVE average income.

"Each year the province distributes a calculation for each region with the 60th percentile incomes calculated. As an example, in Simcoe County, the 60th percentile was calculated this year to be just over the provincial cut-off of approximately **\$90,000, and \$54,500 for rental** households.

Thirty percent of \$90,000, divided by 12 months, gives us **monthly housing costs of anything under \$2250/month as affordable. For rentals, \$1360/month.**"

At these high monthly rates, the second half of the PPS definition kicks in: "or average market rent, whichever is lower." This means that as long as the developer provides 10% of units at or below average market rent, they are classified as "affordable."

This definition of affordable housing is designed to keep housing affordable for the middle class and should in no way be confused with a strategy to alleviate homelessness or the long waitlists for housing needed by those working for minimum wage, coming through our shelter systems, and living on social assistance.

First, with no detailed site plan we do not know how many buildings will have 10 or more apartments.

Second, given the economic crisis we are experiencing and the likelihood that real incomes will continue to shrink, even more affordable housing is needed.

While this is the definition adopted in the PPS, Council is encouraged to set a definition that targets lower rents for the purpose of this initiative.

Comments on Appendix A – Sustainability Principles to Guide Development (part of the MZO)

page 8 (page 17 of staff report package):

3. “Encourage the use of low emitting fuel efficient vehicles, carpooling and car sharing.”

- This should be achieved by requiring that electric vehicle charging stations are available at least one for every two households or cars anticipated, realistically. It is Innisfil where virtually no one takes transit because of low density-driven lack of transit options. One development can not change this entire pattern. We do not consider Uber to be a public transit option that satisfies sustainability objectives.

4. “Protect water quality during construction and demolition”

- This is already a requirement under the Lake Simcoe Protection Plan. Erosion and sediment control must be mandated for construction, as well as a commitment to participating in the Lake Simcoe Phosphorus Offset Program.

5. Standards: The following list looks very progressive, but it is completely lacking in specificity.

- Green infrastructure to improve energy efficiency and supply of renewable energy
- Capture and manage rainfall to improve stormwater runoff and enhance resilience of infrastructure to extreme rainfall events
- Manage and clean stormwater that leaves the site
- Reduce demand for potable water through efficient fixtures and appliances and reusing non-potable water
- Create resilient landscapes that support tree growth and enhance the urban forest

- Protect, restore, enhance and establish natural features
- Enhancement of native plant and animal species, habitat and ecosystems”
 - Please refer to the standards (ie. which LEED standard and benchmarking approaches) and which policies are going to be followed to achieve the above?
 - If this is going to be celebrated as being progressive and environmental it should be built to a net-zero standard.

6. Prioritize protecting nature:

The Rescue Lake Simcoe Coalition (RLSC) hosted a community mapping event at which we discussed the Orbit Plan. Attendees identified that the identification and protection, through OP policies and mapping, of natural heritage features and ALL wetlands must be a priority for the Town of Innisfil. We would like the Town to guarantee that this will occur on this site before site planning continues.

Council could immediately pass an Interim Control Bylaw to prohibit site alteration on the area’s unevaluated wetlands, and commit to having an independent biologist such as Bob Bowles do an assessment of the site’s natural features in order to determine their status under provincial law, and to determine if they can be protected by the Town in their Official Plan as linkage areas between significant and protected natural areas, as part of their commitment to sustainability in the Orbit plan. See interactive map here showing unevaluated wetlands on the site

<https://www.mappingcommunitysustainability.ca/innisfil.html>

The RLSC’s report on protecting greenlands in Innisfil is here:

https://rescuelakesimcoe.org/wp-content/uploads/2020/08/Innisfil_Community_Mapping_Report_final.pdf

Appendices

1. October 14th MOTIONS

Motion of Oct 14th approved 6 - 2 with Kenneth Fowler and Bill VanBerkel voting against the motion

Revised recommendation:

1. That staff report DSR - 154020 dated October 14, 2020, regarding the Orbit - Draft Ministerial Zoning Order, be received; and
2. That Council directs staff to incorporate comments received and provide Council with a report on November 4th, 2020 that outlines recommendations to facilitate and support the proposed delivery of the Orbit Vision and a new GO station in Innisfil; and
3. That the final draft MZO presented for Council include reference to the inclusion of affordable housing in developer agreements; and
4. That Council direct staff to submit a request to the Ministry of Municipal Affairs and Housing for a MZO to implement the Mobility Orbit vision and provide certainty for the delivery of Transit Oriented Community centered around a proposed GO station, with the final content of the potential MZO to be submitted after stakeholder input and County of Simcoe considerations.

The original motion in the agenda is below. The vote on signaling to the Province that the Town is going to use an MZO was added long after the agenda was issued. This is a significant addition, and there was no mover and seconder.

C. Staff Reports for Action ORIGINAL MOTION

<https://innisfil.civicweb.net/Portal/MeetingInformation.aspx?Id=5>

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(C.1) **Staff Report DSR-154-20 - Mobility Orbit - Draft Ministerial Zoning Order and Next Steps**

Recommendation

1. That Staff Report DSR-154-20 dated October 14, 2020, regarding the Orbit – Draft Ministerial Zoning Order, be received; and
2. That Council directs Staff to incorporate comments received and provide Council with a report on October 28, 2020 that outlines recommendations to facilitate and support the proposed delivery of The Orbit Vision and a new GO Station in Innisfil.

END

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Cc: Premier Ford
Minister Yurek
Minister Clark
MPP Elliot
MPP Khanjin
MPP Scott
MPP Downey
MPP Mulroney