



October 21, 2019

Planning Consultation
Provincial Planning Policy Branch
777 Bay Street
13th floor
Toronto, ON
M5G 2E5

Dear Sir or Madam,

Re: Comments from the City of Brantford: ERO posting 019-0279
Related to: "Provincial Policy Statement Review – Proposed Policies"

Kindly accept this letter on behalf of the General Manager, Community Development for the City of Brantford in response to the proposed amendments to the Provincial Policy Statement as posted to the Environmental Registry of Ontario (ERO 019-0279).

Planning Staff took a Report on this matter to the City of Brantford's Committee of the Whole – Community Development on October 1, 2019 and a copy of the Report is attached to this letter as **Appendix A**. City of Brantford Council will be considering the Report on October 22, 2019, and therefore we are not able to provide you with an official resolution of Council at this time. Accordingly, the Report in **Appendix A** is provided to you as input to your public consultation process and a letter accompanied by a resolution of Council will follow as the City's official comments.

I appreciate the opportunity to provide comments on the proposed changes to the Provincial Policy Statement. I hope this is of assistance and if you have any questions or would like to discuss further, please feel free to contact me at 519-759-4150, ext. 5488, or via email at: pmoore@brantford.ca.

Yours truly,

Paul Moore, MCIP, RPP
General Manager
Community Development
City of Brantford

Attachments

Appendix A – Planning Staff Report on Proposed Changes to the Provincial Policy Statement

Appendix "A" - Planning Staff Report on Proposed Changes to the Provincial Policy Statement



Alternative formats and communication supports available upon request. Please contact accessibility@brantford.ca or 519-759-4150 for assistance.

Date October 1, 2019 **Report No.** 2019-510

To Chair and Members
Committee of the Whole – Community Development

From Paul Moore
General Manger of Community Development

1.0 Type of Report

Consent Item ☐
Item For Consideration ☒

2.0 Topic **Proposed Changes to the Provincial Policy Statement** **[Financial Impact – None]**

3.0 Recommendation

- A. THAT Report 2019-510 regarding the proposed changes to the Provincial Policy Statement BE RECEIVED;
- B. THAT a copy of Report 2019-510 BE FORWARDED to the Ministry of Municipal Affairs and Housing and Will Bouma, MPP, Brantford-Brant as the City of Brantford's official comments in response to ERO Posting 019-0279; and
- C. THAT Planning Staff BE DIRECTED to update Council in regard to the proposed changes to the Provincial Policy Statement as necessary.

4.0 Purpose and Overview

The purpose of this Report is to advise Council in regard to the main changes to the Provincial Policy Statement (PPS) as proposed by the Province.

5.0 Background

On July 22, 2019, the Province of Ontario introduced proposed policy changes to the Provincial Policy Statement (PPS) which were posted on the Environmental Registry of Ontario ([ERO Posting 019-0279](#)). The commenting period closes on October 21, 2019. The proposed changes to the PPS are part of a series of initiatives intended to support Ontario's Housing Supply Action Plan which aims to increase housing supply, support jobs, and streamline development approvals.

The PPS is a consolidated statement of the Provincial government's policies on land use planning that guides municipal decision making. It is issued under the authority of Section 3 of the *Planning Act* which requires that municipal decisions on land use planning matters be "consistent with" the PPS. The current PPS came into effect on April 30, 2014. Previous versions of the PPS were released in 2005 and 1996 (amended in 1997).

The Province has indicated that the proposed changes to the Provincial Policy Statement are intended to:

- Encourage the development of an increased mix and supply of housing;
- Protect the environment and public safety;
- Reduce barriers and costs for development and provide greater predictability;
- Support rural, northern and Indigenous communities; and
- Support the economy and job creation.

This Report provides a summary of the main policy changes as proposed, and provides Planning Staff's comments in regard to the changes.

6.0 Input From Other Sources

Planning Staff consulted with staff from Development Engineering, Housing Services and Legal and Real Estate Services in the preparation of this Report.

Housing Services Staff noted that the proposed changes to the Provincial Policy Statement reflect the need for municipalities to provide a wide range of housing options for all citizens across the socio-economic spectrum. Housing Services Staff also indicated that managing, implementing, and achieving the affordable

rental requirements and emergency shelter needs for citizens in the lowest percentiles of household income will continue to be an ongoing challenge for the municipality despite the proposed changes to the PPS.

7.0 Analysis

The main changes to the Provincial Policy Statement are outlined below, along with Planning Staff's comments in regard to the proposed changes.

7.1 Fast-Tracking Priority Applications

In an effort to fast-track development applications that support increased housing supply, the Province is proposing to introduce the following policy in the PPS:

"4.7 Planning authorities shall take action to support increased housing supply and facilitate a timely and streamlined process for local development by:

a) identifying and fast-tracking priority applications which support housing and job-related growth and development; and

b) reducing the time needed to process residential and priority applications to the extent practical."

Development applications are typically processed in numerical order based on the date the application was submitted and deemed complete. It is Planning Staff's understanding that the policy above would require the identification of applications which could be fast-tracked as priority applications, resulting in certain priority applications "jumping the line" to be processed ahead of applications that were submitted first.

In Planning Staff's opinion, this approach has merit especially if the focus of the government is to increase the housing supply and support job-related growth and development. It should be noted that although somewhat informal, this is currently the practice in the City of Brantford, where practical. Major development applications which result in the creation of large numbers of new jobs or residential units are assigned to the most experienced staff who work closely with the applicants to try to bring their applications forward to Council for a decision as quickly as possible. Realistically though, this doesn't always result in reduced timelines because these types of applications tend to be more complex

and require more effort and time to resolve identified issues. It should also be noted that the prioritization of these applications does not impact the timely processing of minor applications that do not necessarily generate significant numbers of jobs or housing units, as evidenced by the infrequent number of appeals received regarding lack of decision within the current mandated timelines of the Province.

However, in light of the recent proposed changes to the *Planning Act* through the *More Homes, More Choice Act* (Bill 108), the time that Council has to make a decision on applications for Official Plan and Zoning By-law Amendment and for Plans of Subdivision will be significantly reduced. It is possible that enshrining this direction in the PPS, coupled with the reduced timelines to process applications may compromise the ability of Council to meet the decision making timelines under the *Planning Act* for non-priority applications. This may result in an increase in appeals to the Local Planning Appeal Tribunal (LPAT) and a burden on municipal resources required to address these appeals.

In general, the majority of applications received by the City can be considered to support housing and job-related growth and development. To implement this proposed policy, additional guidance from the Province is requested to assist with defining which applications should be considered priority. For example, should it be based solely on the number or type of dwelling units proposed; should affordable or rental units be prioritized over ownership units; should it be based on the number of jobs proposed; or based on the location of the proposed development, such as within the urban growth centre?

With regard to the proposed requirement for planning authorities to reduce the time needed to process residential and priority applications to the extent practical, the City of Brantford continually reviews the development approvals processes and makes changes to streamline processes where appropriate, without compromising a fulsome review. In light of the reduced timelines identified in Bill 108, Staff have already started to identify and implement changes that will ultimately improve the entire process and thereby reduce the time required to bring applications forward to Council for a decision.

7.2 Market-Based Needs

The proposed changes to the PPS include directing planning authorities to provide for an appropriate range and mix of housing options and densities

to meet projected 'market-based needs' of current and future residents. The term 'market-based needs' is not defined and is a proposed addition to the PPS. The PPS currently requires that planning authorities provide for an appropriate range and mix of housing types and densities to meet projected 'requirements' of current and future residents.

The role of the market in relation to housing has been considered in the ongoing preparation of the new City of Brantford Official Plan. As part of the City's Municipal Comprehensive Review process which is required to support the new Official Plan, a draft Land Needs Assessment has been completed that identifies the land area needed to accommodate the 2041 population and employment forecasts in A Place to Grow: Growth Plan for the Greater Golden Horseshoe. This assessment identifies an appropriate mix of housing types for the city, which is based, in part, on the housing market in Brantford. As a result of the draft Land Needs Assessment, the City has requested permission from the Minister of Municipal Affairs and Housing to use alternative intensification and density targets that are considered to be appropriate for Brantford's market because they have taken into consideration the types of housing the market in Brantford can support (e.g., more townhouses as opposed to high density apartments).

While Staff acknowledges that planning for housing should consider the market, clarification is required from the Province as to how the proposed policies that reference market-based needs are to be implemented in the planning process. In particular, clarification is needed to explain how moving to a market based approach aligns with the direction in the PPS to provide an appropriate range of housing options, including affordable housing. These policy directions can be interpreted as competing with each other since affordable housing may not be as profitable in the market in comparison to other housing options. In addition, there are also some housing types that may be supported by the market, but may also conflict with other planning principles. For example, while the market in Brantford could likely support large estate residential lots, this type of development will not assist the City in meeting its density targets and Staff does not consider this to be a form of development that makes efficient use of land and services. Staff also notes that the market constantly changes and some forms of housing that were not historically in demand in Brantford are now supported by the market (e.g., back-to-back or stacked townhouses). Staff requests that the Province provide guidance on the role of the municipality in considering market-based needs when planning

for housing and recommends that a clear definition for “market-based needs” be provided in the PPS.

7.3 Cultural Heritage Landscapes

Section 2.6.1 of the PPS provides that significant “cultural heritage landscapes” shall be conserved. The current definition of “cultural heritage landscape” (CHL) in the PPS provides examples of types of CHLs, but does not clearly outline the ways in which a CHL can be protected. The proposed changes to the PPS include amending the definition of “cultural heritage landscape” to outline that CHLs may include the following:

- Properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act* (i.e., heritage conservation districts, individually designated properties, or non-designated, “listed” properties included on a heritage register);
- Properties that have been included on federal and/or international registers; or
- Properties that are protected through official plan, zoning by-law, or other land use planning mechanisms.

Planning Staff is supportive of this proposed change because it provides clarity and formally identifies the ways in which a CHL can be protected. CHLs defined by built heritage features are generally protected through the *Ontario Heritage Act*, and this tool is already recognized in the existing definition of “cultural heritage landscape” included in the PPS. Adding that CHLs can be protected through the official plan and zoning by-law will reflect an emerging best practice for CHLs with cultural heritage value that are defined by natural features, views, and spaces, as opposed to built heritage features.

Staff notes that this proposed change is in keeping with the recommendations of the City of Brantford’s Cultural Heritage Landscape Feasibility Study for the Mohawk Canal and Alfred Watts Hydro Generating Station Ruins which was prepared by Archaeological Services Inc. in 2016. The Study identified designation of the area as a cultural heritage landscape through the City of Brantford Official Plan as the preferred option to recognize and protect the predominantly landscape-driven area. This designation will be addressed as part of the Mohawk Lake District Plan project.

7.4 Indigenous Engagement

The proposed changes to the PPS include strengthening the requirement for engaging with Indigenous communities on land use planning matters and when identifying, protecting, and managing cultural heritage and archaeological resources. Planning Staff is supportive of this change, in principle, although clarification is required in regard to the meaning of the term “engage”.

The City of Brantford is a party to the Grand River Notification Agreement (GRNA), along with other municipalities within the Grand River watershed, the Grand River Conservation Authority, the Province, Six Nations of the Grand River, and the Mississaugas of the Credit First Nation (MCFN). The GRNA establishes a notification protocol to facilitate the sharing of information and discussions on economic development, land use, and environmental matters. In accordance with the Grand River Notification Agreement, the City of Brantford currently provides notice to Six Nations of the Grand River and the MCFN on a variety of land use planning matters, including applications for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, and when the City has received an archaeological report. Clarification from the Province is needed as to the meaning of the word “engage” in order to understand if the notification protocol established by the Grand River Notification Agreement satisfies the proposed requirements in the PPS.

In addition, Staff notes that the Grand River Notification Agreement does not currently include any requirements to notify Indigenous communities for cultural heritage matters such as Heritage Permit applications or when designating heritage properties under the *Ontario Heritage Act*. If the proposed changes to the PPS are approved, the GRNA may need to be updated.

7.5 Other Key Proposed Changes

A summary of other key proposed changes to the PPS is included below for Council's information. Planning Staff does not have any comments in regard to these changes.

- The planning time horizon for making sufficient land available to meet projected needs is proposed to be increased from 20 years to 25 years. There will be no impact on the City of Brantford because an alternate time

horizon of 2041 is provided in A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”).

- The PPS currently requires municipalities to maintain land to accommodate residential growth for a minimum of 10 years. It is proposed that this be increased to 12 years. This timeframe is already planned to be accommodated through the new Official Plan.
- The PPS currently requires municipalities to maintain land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. While this requirement will be maintained, a new policy is proposed to allow municipalities to have the option of choosing to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units.
- The conversion of employment lands for non-employment uses is proposed to be permitted outside of a municipal comprehensive review, subject to criteria. This change is consistent with the intent of recent changes to the Growth Plan. The conversion of employment uses in Brantford will be subject to the Growth Plan policies which are more specific than the PPS policies.
- Settlement area boundary expansions are proposed to be permitted outside of a municipal comprehensive review, subject to criteria. This change is consistent with the intent of recent changes to the Growth Plan. Settlement area boundary expansions in Brantford will be subject to the Growth Plan policies which are more specific than the PPS policies.
- The proposed policy changes include a greater focus on preparing for the impacts of a changing climate, particularly through planning for infrastructure (i.e., sewage and water services and stormwater management) and public service facilities. These changes complement the policy direction provided in the Growth Plan and they can be implemented through the City’s new Master Servicing Plan and Official Plan.
- It is proposed that aggregate extraction be allowed to occur in provincially significant natural heritage features, provided that the long-term rehabilitation can demonstrate no negative impacts on the natural features or their ecological functions.

8.0 Financial Implications

There are no financial implications to the municipality associated with this Report.

9.0 Conclusion

The Province has released proposed changes to the Provincial Policy Statement that are intended to help increase the supply of housing, support jobs, and reduce barriers and costs in the land use planning system. This Report provides a summary of the key changes and includes Planning Staff's comments in regard to these changes. Additional guidance regarding the identification of priority applications is required as well as clarification relating to the implementation of providing for housing options and densities that meet the market-based needs of the City. In addition, Staff requests clarification in regard to the meaning of 'engage' and whether the Grand River Notification Agreement and its protocol addresses this policy.

Staff recommends that this Report be forwarded to the Ministry of Municipal Affairs and Housing as the City of Brantford's official comments in regard to the proposed changes to the Provincial Policy Statement. However, as noted in Section 5.0 of this Report, the commenting period for this ERO Posting (019-0279) will close on October 21, 2019 which is the day before Council's regularly scheduled meeting on October 22, 2019. To ensure this Report is provided to the Ministry in time, it would be prudent to consider this report and its related recommendations at a special meeting of Council if that can be accommodated. Alternatively, the Report will be provided to the Ministry immediately after the regularly scheduled Council meeting on October 22, 2019.



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In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required ☐ yes ☒ no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk ☐ yes ☒ no

Is the necessary by-law or agreement being sent concurrently to Council? ☐ yes ☒ no