

# Development Services Staff Report

Report Number: DS14-2024

Report Title: ERO postings related to various planning regulations – April 2024

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Consent Item: No

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Reviewed By: Deanne Friess, Director of Development Services

Final Review: Senior Management Team

## Recommendation:

That the Council of the Township of Woolwich, considering Report DS14-2024 respecting ERO postings related to various planning regulations – April 2024: pass the following resolution:

1. WHEREAS the Province of Ontario’s has proposed a revised Provincial Policy Statement, 2024 (PPS) for review and comment on the Environmental Registry until May 10, 2024 (ERO-8462);

WHEREAS the proposed PPS changes will impact local planning and the development of the Township of Woolwich;

NOW THEREFORE BE IT RESOLVED THAT the Township of Woolwich, considering Report DS14-2024 respecting the draft new Provincial Policy Statement:

* 1. Advise the Government of Ontario of the Township’s support for staging and phasing policies as per Section 2.3.1.6 and the inclusion of policies relating to staging of growth with focus on achieving complete communities;
  2. Request the Government of Ontario continue to maintain population projections for growth and implement stronger policies and associated justification of settlement boundary expansions only through Municipal Comprehensive Review;
  3. Request the Government of Ontario to continue to limit and restrict lot creation in the prime agricultural areas.
  4. That the Government of Ontario not provide for individuals to make requests to alter settlement boundaries/create new settlements;
  5. Request the Government of Ontario not alter the policies as they apply to alternative evaluations for mineral aggregate extraction rehabilitation; and,
  6. Request the Government of Ontario continue to require site plan approval for hospitals, long-term care facilities and schools.

1. WHEREAS the Province of Ontario’s has proposed Planning Act changes for review and comment on the Environmental Registry until May 10, 2024 (ERO-8369);

WHEREAS the proposed changes will impact local planning and the development of the Township of Woolwich;

NOW THEREFORE BE IT RESOLVED THAT the Township of Woolwich, considering Report DS14-2024 respecting the Planning Act Changes:

* 1. Advise the Government of Ontario that the Township supports the removal of the refund of planning fees and the Use it or Lose it tool.
  2. Request that the Government of Ontario:
     1. allow local municipalities to determine if pre-consultation is required and not leave it to the determination of the applicant;
     2. not amend the regulations for ARU’s; and
     3. not exempt community facilities from planning approvals, but consider an expedited processes

1. Direct staff to send a copy of this resolution and staff Report DS14-2024 as a response to the appropriated ERO postings.

## Background:

On April 10, 2024 the Province released number of proposed changes on the Environmental Registry of Ontario (ERO), including:

* ERO #019-8462 Review of proposed policies for a new provincial planning policy instrument
* ERO 019-8371 Changes to the Development Charges Act, 1997 to Enhance Municipalities’ Ability to Invest in Housing-Enabling Infrastructure
* ERO 019-8370 Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes
* ERO 019-8369 Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes
* ERO 019-8368 Proposed Amendments to Ontario Regulation 73/23: Municipal Planning Data Reporting
* ERO 019-8366 Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Removing Barriers for Additional Residential Units

A summary from the ERO changes to each of the above is attached. A number of changes are proposed to various acts, mostly planning related, including the newly drafted Provincial Policy Statement 2024 (PPS). In May of last year, staff had provided Council comments to Draft 2023 Provincial Policy Statement.

Comments to the changes are proposed are to be submitted on or before May 10, 2024.

Staff have reviewed the noted changes and provide the following highlights with recommendations to provide comments to the province within the required deadlines.

## Comments:

### Proposed PPS 2024

In May of last year, staff had provided Council comments to Draft 2023 Provincial Policy Statement (DS25-2023). The Province received a number of comments and after review of the same has provided the noted 2024 draft new PPS. The 2024 PPS will take place of the current 2020 PPS and The Growth Plan.

#### Non-farm Severances

The 2023 proposed PPS had sought to permit non-farm lot severances in the prime agricultural areas. The Province shortly after that proposal noted that due to concerns the proposed severance policies would not move forward. The plan as presented is consistent with the current policies and generally does not support non-farm lot severances. Staff is supportive of the agricultural policies.

#### Settlement Boundary Expansions

Section 2.3.1.6 in the Settlement Areas and Settlement Boundary Expansions section notes “Planning authorities should establish and implement phasing policies, where appropriate, to ensure that development within designated growth areas is orderly and aligns with the timely provision of the infrastructure and public service facilities.” As the Township has advocated and developed this way and wishes to continue to develop in this method of staging/phasing as part of ensuring appropriate and controlled growth, the addition and inclusion of this policy should be supported.

Following this subsection new policies are introduced to allow for new settlement or settlement boundary expansions outside of a full comprehensive review by the municipality. Such applications are to be considered based on the following criteria:

*“a) the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;*

*b) if there is sufficient capacity in existing or planned infrastructure and public service facilities;*

*c) whether the applicable lands comprise specialty crop areas;*

*d) the evaluation of alternative locations which avoid prime agricultural areas and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in prime agricultural areas;*

*e) whether the new or expanded settlement area complies with the minimum distance separation formulae;*

*f) whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and*

*g) the new or expanded settlement area provides for the phased progression of urban development.*

*2. Notwithstanding 2.3.2.1.b), planning authorities may identify a new settlement area only where it has been demonstrated that the infrastructure and public service facilities to support development are planned or available.”*

It is preferred that settlement expansion and new settlements be determined by the municipality based on appropriate studies and a comprehensive approach, rather than allow individuals to apply. Allowing landowners to apply lead is more based on personal preference and gain and not necessarily in the public interest, but also allows for the appeal to the OLT to make an independent decision. The concern is that it may open the door for expensive OLT hearings and result in sprawl rather than intensification. As proposed staff is not supportive of individual requests.

#### Major Transit Station Areas

Section 2.4.2 Major Transit Station Areas, notes that the density in areas within 500 to 800m of a commuter rail station shall be developed with a minimum of 150 residents and jobs combined per hectare. It is possible that the Breslau GO station may fall into such a category and if a future ION connection is provided in the Stockyards.

#### Commercial Plaza Redevelopment

Section 2.2.1(b)2 has been revised to require municipalities to permit redevelopment of underutilized commercial plazas. Although, this may be a good way to develop underutilized land, the Township will need to be cautious to keep a commercial component on these sites to ensure the development of complete communities.

### Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes

#### Notice

This change is to amend the Planning Act and Development Charges Act as it applies to giving notice. Current regulations require that notice be given by:

* personal service or mail to every landowner within a specified distance (120 meters) of the subject land and posting a notice on or near the property, or
* publishing a notice in a newspaper with sufficient general circulation in the area where the proposed official plan amendment would apply.

As there are less and less newspapers it can be a challenge to find a newspaper of sufficient general circulation. It is proposed that “municipalities would be provided with an additional manner of giving notice to meet the statutory land use planning notice requirements. In addition to other ways of giving notice, municipalities would be able to provide notice on a municipal website if there is no local print newspaper available.” Staff are supportive of this option.

#### Appeal Rights

This bill, amongst a few other legal items, would also propose to limit the appeal rights for municipally approved official plans, official plan amendments, zoning by-laws and zoning by-law amendments. As proposed it would limit the right to appeal the approval of official plan and zoning by-laws to public bodies, the Minister of Municipal Affairs and Housing (the “**Minister**”), and a list of specified persons that primarily consists of associated groups, infrastructure /utility companies, railways and telecommunications companies.

In the current proposal, this prohibition on appeals would prohibit landowners from appealing municipally initiated official plan and zoning amendments. It would give municipalities the power to change the planning permissions for a parcel of land through official plan or zoning amendments, with no opportunity for an affected landowner to appeal council’s decision to the Tribunal.

The elimination of third-party appeals could give developers confidence to work with the municipality to obtain an approval through council, rather than appealing to the Ontario Land Tribunal (the “**Tribunal**”) for delay, with the comfort of knowing that a council decision to approve an application has limited rights of appeal.

If implemented the decision would be retroactively apply to any third-party appeals filed prior to the legislation coming into effect and where the hearing has not been scheduled before April 10, 2024.

Staff note that the changes would alter the public process with less community input and result in a disengaged community.

#### Development Charges (DC)

Through Bill 185, the Province has proposed several changes to the Development Charges Act (DCA). When the Province enacted Bill 23, there were significant changes to the DCA, which have subsequently been reversed under Bill 185. These changes include:

* Reinstating growth-related studies as an eligible capital cost. This change will again allow the Township to utilize DC’s to help fund master plans, DC background studies, and similar studies that will inform the future capital costs related to growth.
* Removal of the mandatory phase-in of DC’s. Again through Bill 23 the Province enacted a requirement that DC’s be phased-in when changes were made through the approval of a new DC By-law. The previous requirement was for a five-year phase-in where only 80% of the DC charge could be imposed. It is proposed that this change would be effective for DC By-laws passed after Bill 185 comes in effect. With the Township needing to enact a new DC By-law by the beginning of July this year, the timing of Bill 185 aligns very well for the Township.
* Bill 108, More Homes, More Choices Act, 2019, changed the DCA which required municipalities to freeze the DC imposed on certain developments. This applied to developments that were subject to a site plan and/or a zoning by-law amendment application. The DC rate for these developments is "frozen" at the rates that were in effect at the time the site plan and/or a zoning by-law amendment application was submitted (subject to applicable interest). Once the application is approved by the municipality, if the date the DC is payable is more than two years from the approval date, the DC rate freeze would no longer apply. To encourage developments to progress in a timely manner, Bill 185 proposes to reduce the two-year timeframe to 18 months.

### Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 – the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024)

The bill proposes a number of significant changes.

#### Planning Act Timelines and Refunds

Previously, the Province implemented regulations that development applications needed to be processed within certain timelines or refunds needed to be provided. The refund policy is proposed to be removed for Zoning By-law amendments and site plan control. Staff are in support of the removal of the refund process as it allows for negotiation and discussion to occur between staff, agencies and the applicant. The refund process was not to the benefit of either the municipality or the applicant. Applications would still be subject to the imposed timelines and could choose to appeal if Council does not make a decision within the timeline.

#### Pre-Consultation Process

When the refund policy was put into place many municipalities increased their existing pre-application consultation process to allow more discussion and negotiation up front. The proposed bill includes making pre-application consultation voluntary at the discretion of the applicant. This comes with some challenges as applications would still need to be deemed complete, but if there was no pre-application process to identify those complete application requirements it is unknown how either party knows what is needed for completeness.

The pre-application process has been used for some time and benefits all parties as it provides clarity on issues, studies and full submission requirements. It is recommended that the Township request that the pre-consultation requirement be at the discretion of the local municipality.

It is noted that if the mandatory requirement is removed, the Township’s fees and charges schedule would need to be updated to reflect fees for applications that do not proceed through a pre-application process as these applications would require additional staff time for review.

#### Upper Tier Planning Authority

The act is proposing to eliminate the upper-tier planning approval for Peel, Halton and York Regions on July 1, 2024. The elimination of the same for Waterloo, Durham, Niagara Regions and Simcoe County have not been set, but are proposed to come into effect by the end of 2024.

#### Use it or Lose It

The “Use it or Lose it” tool is proposed to allow municipalities to allocated or reallocate servicing capacity if a development has not proceeded after a certain time. This will prevent a development which is not moving forward from reserving needed servicing capacity from another development that is willing to proceed. Staff are supportive of such an approach.

#### Accessory Dwelling Units

Additional changes are proposed for Accessory Dwelling Units / Additional Dwelling Units (ADU/ARU). The regulations are considering eliminating barriers including maximum lot coverage and limits on bedrooms allowed per lot. The details of the proposal are not known at this time. Such lifting of regulations may be appropriate in cities and larger urban areas; however, staff question the value and need in Woolwich. The changes could have implications to parking areas, private amenity area, storm water management and generally may not be in keeping with some areas. These ADU/ARU changes may also include changes to the parking minimums. It is recommended that these ADU/ARU revisions not be supported.

#### Community Facilities

An expedited approval process for community service facility projects is proposed. Community facilities could include schools, hospitals and long-term care homes. These uses could be exempt from any planning act provision or regulations, meaning that they are not subject to Official Plan Amendments, Zoning Amendments, or site plan approvals. In the absence of any clear understanding of what might be proposed, staff have concerns that such exemptions may not be in the municipal interest. Particularly site plan issues around parking, drop-off locations, bus movements, building placement, storm water, snow storage etc. are concerns that if not properly addressed can lead to significant concerns off-site. In this case, it is recommended that the Township request that full exemptions not be supported, but consideration of an appropriate expedited process could be supported.

#### Major Transit Station Areas Parking

Eliminating parking minimums is also being considered in areas around major transit stations. The developer in these areas would determine the minimum and provide what they determine is needed on the site.

### Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Removing Barriers for Additional Residential Units

The Province under this ERO notice is seeking comments specifically as noted:

*“We are interested in specific zoning by-law requirements and/or standards that are a barrier to the developments of ARUs.*

*Discussion Questions*

1. *Are there specific zoning by-law barriers standards or requirements that frustrate the development of ARUs (e.g., maximum building height, minimum lot size, side and rear lot setbacks, lot coverage, maximum number of bedrooms permitted per lot, and angular plane requirements, etc.)?*
2. *Are there any other changes that would help support development of ARUs?”*

With recent zoning changes staff are not aware of any issues at this time preventing ADU’s. No comments to this bill are proposed.

With respect to the ERO 019-8371 Changes to the Development Charges Act, 1997 to Enhance Municipalities’ Ability to Invest in Housing-Enabling Infrastructure, staff are supportive of the changes being proposed as they would reestablish provisions in the DCA.

For the ERO 019-8368 Proposed Amendments to Ontario Regulation 73/23: Municipal Planning Data Reporting posting, this act has no bearing on the Township of Woolwich as we are not part of the proposed list of municipalities to which it applies.

## Interdepartmental Impacts:

None

## Financial Impacts:

None known.

## Strategic Plan Impacts:

The changes to the Planning Act, Development Charges act and the Provincial Policy Statement impact the future growth and development of the Township. This includes challenges in providing a fiscally responsible and sustainable communities, and changing how we plan for growth.

Comments in this report relate to the Township’s ability to Plan for Growth and Exploring Economic Development Opportunities, develop Healthy Communities, meet the Infrastructure Maintenance and Transportation Planning needs of the Township and maintain a Fiscally Responsible and Sustainable Community.

## Conclusion:

Staff recommend that Council provide response to the ERO postings with respect to specific changes to the Provincial Policy Statement, Bill 185 and the Development Charges Act.

## Attachments:

1. Review of proposed policies for a new provincial planning policy instrument
2. Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes
3. Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024)
4. Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Removing Barriers for Additional Residential Units

**Attachment 1**

**Review of proposed policies for a new provincial planning policy instrument**

**Proposal details**

**Context**

The Provincial Policy Statement is issued under the Planning Act and is the primary provincial land use planning policy document, applying across Ontario. A Place to Grow is a growth plan issued under the Places to Grow Act, 2005. It provides a more detailed framework for where and how growth should be accommodated in the Greater Golden Horseshoe and it works with the Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan. All provincial plans are to be read in conjunction with the Provincial Policy Statement.

Under the Planning Act, planning decisions shall be consistent with policy statements such as the Provincial Policy Statement and shall conform with provincial plans like A Place to Grow.

In 2022, the province initiated a review on approaches for leveraging the housing supportive policies of the Provincial Policy Statement and A Place to Grow, removing barriers and continuing to protect the environment through a streamlined province-wide land use planning policy framework. [**(ERO #019-6177**](https://ero.ontario.ca/notice/019-6177))

The feedback received from this review contributed to the development of a proposed Provincial Planning Statement. From April 6 to August 4, 2023, the province undertook consultation on a draft of the proposed Provincial Planning Statement ([**ERO #019-6813**](https://ero.ontario.ca/notice/019-6813)) seeking input on a streamlined province-wide land use planning policy framework that incorporated the housing-focused policies of the Provincial Policy Statement, 2020 (Provincial Policy Statement) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (A Place to Grow). Through consultation, the province elicited feedback on policies grouped under five themes:

1. Generate an appropriate housing supply
2. Make land available for development
3. Provide infrastructure to support development
4. Balance housing with resources
5. Implementation

[**ERO #019-6813**](https://ero.ontario.ca/notice/019-6813) provides an overview of issues raised through the 2023 consultation.

After seeking input, the province has developed an updated proposed Provincial Planning Statement, with new and updated policies supporting increased intensification (e.g., around transit and redevelopment of low-density commercial plazas and strip malls), scoping protections for employment areas, and promoting a range and mix of housing options, including housing for students and seniors.

**Proposal**

Based on feedback received during the previous consultation on the proposed Provincial Planning Statement ([**ERO #019-6813**](https://ero.ontario.ca/notice/019-6813)), the province is proposing new and updated policies for feedback. The updated proposed Provincial Planning Statement consists of policies grouped under five pillars:

**1. Generate increased housing supply**

The proposed policies would:

* Require municipalities to provide a range and mix of housing options with an expanded definition to include multi-unit types (laneway, garden suites, low and mid-rise apartments) and typologies (affordable, multi-generational, seniors, student housing) (updated)
* Require municipalities to support general intensification (e.g., through the redevelopment of plazas and shopping malls for mixed-use residential development) (updated), and encourage municipalities to establish and implement minimum targets for intensification in built-up areas (new)
* Identify large and fast-growing municipalities and encourage them to plan for 50 people and jobs per hectare in designated growth areas (updated)
* Encourage municipalities to establish phasing strategies to align growth with infrastructure needs in designated growth areas (new)
* Direct municipalities to meet minimum density targets for all major transit station areas with encouragement to promote supportive land uses and built forms, including affordable, accessible, and equitable housing (updated)
* Require municipalities to plan for intensification on lands that are adjacent to existing and planned frequent transit corridors (new)
* Encourage all municipalities to focus growth and development in strategic growth areas to achieve higher density outcomes (updated)
  + Remove the requirement for large and fast-growing municipalities to identify and set out density targets (updated)
  + Remove direction for planning for urban growth centres, with simplified direction to plan for downtowns as strategic growth areas (updated)
  + Require municipalities to collaborate with housing service managers to ensure land use policies and housing policies are aligned, including addressing homelessness and facilitating development of a full range of housing options and affordability levels to meet local needs
* Require municipalities to establish local targets for affordable housing (updated) based on reinstated definitions for affordable housing and low and moderate income households (updated)

Require municipalities to collaborate with publicly-supported post-secondary institutions on early and integrated planning for student housing, and encourage collaboration on the development of student housing strategies (new)

During the 2023 consultations on the proposed Provincial Planning Statement, the government heard concerns from agricultural stakeholders regarding the proposed policies that would allow serverances on farmland, and have proposed the following to protect agricultural viability:

* Not carry forward proposed policies permitting lot creation in prime agricultural areas (updated)
* Require municipalities to direct development to rural settlement areas, and provide more flexibility for municipalities to service residential development in rural settlement areas (updated)
* Permit more housing on farms to support farmers, farm families and farm workers without creating new lots, through enhanced policy and criteria supporting additional residential units (updated)

**2. Make land available for development**

The proposed policies would:

* Require municipalities to base growth forecasts on Ministry of Finance population projections (new), with transition for municipalities in the Greater Golden Horseshoe to continue to use forecasts issued by the province through Schedule 3 of A Place to Grow until more current forecasts are available to 2051, as informed by guidance provided by the province (updated)
  + Guidance for projecting population and related land requirements may be updated after finalization of the proposed Provincial Planning Statement to reflect final policy direction and considering feedback received.
* Require municipalities to plan for a minimum 20-year horizon but not more than 30 years (updated), maintain a 15-year residential land supply and maintain land with servicing capacity for a 3-year supply of residential units
* Provide a simplified and flexible approach for municipalities to undertake settlement area boundary changes at any time, with requirements for municipalities to consider additional criteria related to need for the expansion to accommodate growth, infrastructure capacity, phasing of growth, achievement of housing objectives, consideration of alternative locations to prime agricultural areas, and impacts on agricultural systems (updated)
* Permit municipalities to identify a new settlement area only where it has been demonstrated that the infrastructure and public service facilities needed to support development are planned or available (new)
* Require municipalities to plan for and protect employment areas based on a definition of employment areas that would align with the Planning Act definition of “area of employment” amended through Bill 97 but not yet proclaimed
* Require municipalities to address transition and land use compatibility between employment areas and sensitive land uses (updated)
* Discontinue provincially significant employment zones issued under A Place to Grow and require municipalities to use the policies in the proposed Provincial Planning Statement to provide protection for employment areas
* Require municipalities to protect airports from land uses that may cause a potential aviation safety hazard (updated)
* Encourage municipalities to preserve employment areas close to goods movement corridors, coordinating across administrative boundaries
* Allow municipalities to consider employment area conversions at any time to support the forms of development and job creation that suit the local context, under the condition that sufficient employment land is available to accommodate employment growth (updated)

**3. Provide infrastructure to support development**

The proposed policies would:

* Require municipalities to plan for water and wastewater infrastructure, and waste management systems, and require large and fast-growing municipalities, and encourage others, to undertake watershed planning (updated)
* Require all municipalities and to consider allocation or potentially reallocation of unused servicing capacity to accommodate projected needs for housing (updated)
* Require municipalities to protect corridors for major infrastructure, such as highways, transit and transmission systems and encourage municipalities to provide opportunities for the development of energy supply and storage to accommodate current and projected needs (updated)
* Require municipalities to integrate land use planning and transportation planning and encourage freight-supportive and transit-supportive development to move goods and people
* Require municipalities and school boards to integrate planning for schools with planning for growth, and promote opportunities to locate schools near parks and open space (updated)

**4. Balance housing with resources**

The proposed policies would:

* Require municipalities to use an agricultural systems approach (updated) and to designate specialty crop areas and prime agricultural areas
* Require municipalities to maintain minimum separation distances between livestock operations and houses
* Require municipalities in central and southern Ontario to identify natural heritage systems and require municipalities across the province to protect provincially-significant natural heritage features and areas
* Require municipalities to protect water resources and features and require large and fast-growing municipalities (updated) and encourage others, to undertake watershed planning in collaboration with conservation authorities (updated)
* Require municipalities to conserve cultural and archaeological resources, and promote proactive strategies for conserving built heritage resources
* Require municipalities to direct development outside of hazardous lands and sites in collaboration with conservation authorities (updated)
* Require municipalities to prepare for the impacts of a changing climate through land use planning, develop approaches to reduce greenhouse gas emissions, improve air quality
* Require municipalities to facilitate access to aggregate resources close to market and to protect minerals, petroleum and mineral aggregate resources

**5. Implementation**

The proposed policies would:

* Align with recent legislative amendments
* Require municipalities to undertake early engagement with Indigenous communities and coordinate with them on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights
* Affirm that efficient land-use patterns contribute to increased equitable access to housing in strategic growth areas (updated), employment, and transportation, and encourage municipalities to apply an equity lens on planning matters and engage stakeholders early in the process
* Encourage coordination, particularly on intermunicipal topics (updated)

The Province is also proposing an approach to implementation of the new document, if approved. These include the proposed approach to the following:

* The effective date would be the date specified under the Planning Act. To provide municipalities and other planning authorities an opportunity to understand and adapt to the policy changes, the ministry is proposing to release the final policies for a short period of time before they take effect. The Planning Act requires official plans to be revised every five years (or every ten years after a new official plan). The intention is that official plans would be updated as necessary to implement these new policies at the time of their ordinary review cycle.
* However, should the Provincial Planning Statement come into effect, decisions on land use planning matters made by planning authorities are required to be consistent.

Should the province adopt the policies, the province would consequentially revoke the Provincial Policy Statement and A Place to Grow, as well as amend regulations under the Places to Grow Act, 2005. The province is considering amending O.Reg. 311/06 (Transitional Matters – Growth Plans) to revoke sections 2.0.1, 2.1, 3, 3.1, 4. and 5.1 and O.Reg. 416/05 (Growth Plan Areas) to revoke section 2. Transition could potentially be provided for pertinent matters using a new transition regulation created under the Planning Act. A future consultation would be conducted to identify any pertinent matters.

The province welcomes your feedback on the proposed policy concepts and proposed wording in the land use policy document. When reviewing the document, some questions for consideration may include:

1. What are your overall thoughts on the updated proposed Provincial Planning Statement?
2. What are your thoughts on the ability of updated proposed policies to generate appropriate housing supply, such as: intensification policies, including the redevelopment of underutilized, low density shopping malls and plazas; major transit station area policies; housing options, rural housing and affordable housing policies; and student housing policies?
3. What are your thoughts on the ability of the updated proposed policies to make land available for development, such as: forecasting, land supply, and planning horizon policies; settlement area boundary expansions policies; and employment area planning policies?
4. What are your thoughts on updated proposed policies to provide infrastructure to support development?
5. What are your thoughts on updated proposed policies regarding the conservation and management of resources, such as requirements to use an agricultural systems approach?
6. What are your thoughts on any implementation challenges with the updated proposed Provincial Planning Statement? What are your thoughts on the proposed revocations in O.Reg. 311/06 (Transitional Matters - Growth Plans) and O.Reg. 416/05 (Growth Plan Areas)?

**Relationship to Greenbelt Plan**

The province is proposing a consequential administrative amendment to the Greenbelt Plan so that that policies in the current Greenbelt Plan are maintained should the Provincial Policy Statement, 2020 and A Place to Grow be revoked.

This scoped policy change would maintain the existing Greenbelt Plan standards and clarifies that the existing policy connections in the Greenbelt Plan to the Provincial Policy Statement, 2020 and A Place to Grow remain in effect.

**Attachment 2**

**Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes**

**Proposal details**

As part of Ontario’s latest Red Tape Reduction package, Bill 185, the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024, proposes a number of legislative proposals, including changes to the Planning Act and Development Charges Act, 1997, intended to continue streamlining planning approvals, enhance municipalities’ ability to invest in housing-enabling infrastructure, and increase housing supply.

In support of these legislative proposals, regulatory changes are also being proposed to existing regulations under the Planning Act and Development Charges Act, 1997.

This proposal notice is seeking feedback on the following regulatory proposals:

1. Modernizing Public Notice Requirements

The Planning Act and its regulations provide the basis for, among other matters, ensuring local citizens are notified about planning proposals and are given opportunities to express their views to decision makers. This includes prescribing requirements for:

* notices of new applications, open houses and public meetings
* the manner in which notice is given (e.g., posting in newspaper, mail, sign on the subject property), and
* the persons to be notified and the content of notices.

When giving notice of a public meeting on a proposed official plan amendment, for example, a municipality must either give notice by:

* personal service or mail to every landowner within a specified distance (120 meters) of the subject land and posting a notice on or near the property, or
* publishing a notice in a newspaper with sufficient general circulation in the area where the proposed official plan amendment would apply.

In recent years, it has become more challenging for some municipalities to give notice by newspaper as more community papers have ceased print publication. The government has heard concerns from municipalities regarding these issues and is proposing to take action to modernize the process and improve public engagement.

Through proposed regulatory changes, municipalities would be provided with an additional manner of giving notice to meet the statutory land use planning notice requirements. In addition to other ways of giving notice, municipalities would be able to provide notice on a municipal website if there is no local print newspaper available.

Further, the Development Charges Act, 1997 and Planning Act, as well as regulations under those Acts, establish minimum standards for providing notification of a public meeting on a proposed development charge (DC) by-law, or passage of a by-law relating to DCs or community benefit charges (CBCs), including the manner in which notice is given. Municipalities are required to give such notices either to every landowner in the area subject to the by-law or by publishing in a newspaper with sufficiently general circulation in the area to which the by-law would apply. However, in some municipalities, community newspapers have ceased publication, as noted above.

The proposed changes would modernize public notice requirements relating to DCs and CBCs, by amending regulations under the Development Charges Act, 1997 and the Planning Act. The proposed housekeeping amendments would enable municipalities to give notice of a proposed new/amending by-law or passage of a by-law on a municipal website, if a local newspaper is not available.

The proposed changes would be made to the following regulations under the Planning Act:

* Ontario Regulation 543/06 – Official Plans and Plan Amendments
* Ontario Regulation 545/06 – Zoning By-laws, Holding By-laws and Interim Control By-laws
* Ontario Regulation 544/06 – Plans of Subdivision
* Ontario Regulation 197/96 – Consent Applications
* Ontario Regulation 200/96 – Minor Variance Applications
* Ontario Regulation 509/20 – Community Benefits Charges and Parkland

The proposed changes would be made to the following regulation under the Development Charges Act, 1997:

* Ontario Regulation 82/98 – General

Public consultation is a central and mandatory element of Ontario’s land use planning system. It provides an opportunity for the local community to share input, including attending public meetings, expressing views on development proposals and participating policy development.  The proposed changes support this key principle of public consultation, adding to the ways in which public notice can be given in today’s environment.

In addition to modernizing how notice can be provided through municipal websites, the ministry is also working to identify best practices for public engagement, including how municipalities engage culturally diverse communities through non-English and French languages.

1. Consequential Housekeeping Amendments

Third-Party Appeals

Bill 185 proposes changes that, if passed, would limit appeal rights for official plans, official plan amendments, zoning by-laws and zoning by-law amendments.

The proposed changes would help communities get quicker planning approvals for housing projects, reduce building costs, and in some cases reduce project delays by up to 18 months. Between 2021 and 2023, approximately 67,000 housing units were subject to third-party appeals of official plans and rezoning.

As a result of these changes, consequential amendments are also being proposed to two regulations under the Planning Act to support implementation:

* Ontario Regulation 543/06 – Official Plans and Plan Amendments, and
* Ontario Regulation 545/06 – Zoning By-Laws, Holding By-laws and Interim Control By-laws.

The proposed regulatory changes would amend provisions in these regulations that require notices related to official plan and zoning by-law matters to include certain statements.

Prescribed Time Period Regarding New Evidence Introduced at an Ontario Land Tribunal Hearing

Changes are proposed to Ontario Regulation 549/06 – Prescribed Time Period under the Planning Act that would re-establish the prescribed time period for a municipality to review new evidence introduced in a hearing at the Ontario Land Tribunal. This change would enable the provisions related to sending new information and material back to a municipality, reintroduced through the More Homes, More Choice Act, 2019 (Bill 108), to operate effectively and expediently.

**Summary**

Together, the proposed regulatory changes would modernize public notice requirements and support implementation of related legislative proposals that are intended to streamline approvals and increase the supply of housing across Ontario. The feedback received on this proposal will be used to inform the development of the regulatory changes.

**Attachment 3**

**Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024)**

**Proposal details**

**Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 changes**

Schedule 4, 9, and 12 of Bill 185 proposes a number of amendments to the Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001:

**Reduce Parking Minimums**

* Enhance Minister’s regulation-making authority to remove other zoning barriers to building small multi-unit residential. This could help create additional residential units, such as basement suites, by eliminating barriers including maximum lot coverage and limits on bedrooms allowed per lot​.

**Enhancing Framework for Additional Residential Units (ARUs)**

* Enhance Minister’s regulation-making authority to remove other zoning barriers to building small multi-unit residential. This could help create additional residential units, such as basement suites, by eliminating barriers including maximum lot coverage and limits on bedrooms allowed per lot​.

**Community Infrastructure and Housing Accelerator (CIHA)**

* Remove the Community Infrastructure and Housing Accelerator (CIHA) tool from the Planning Act by repealing s. 34.1 of the Planning Act to avoid unnecessary duplication with a revised and transparent process for requesting and issuing minister’s zoning orders.
* Provide transition rules to permit CIHA orders that have been made to date to continue functioning as municipal zoning by-laws.

**“Use It or Lose It” Tools**

* Stalled developments can limit a municipality’s progress in meeting provincial housing targets. For example, seven municipalities have reported that 70,000 units have remained inactive for at least two years. Ontario is proposing a new “use it or lose it” tool to enhance and expand a municipality’s ability to address this obstacle and to support the efficient allocation of housing-enabling infrastructure.
* Changes would:
  + Create a new municipal servicing management tool which would explicitly authorize municipalities to adopt policies by by-law (where they do not already exist) to formalize how water and sewage servicing of an approved development is managed to enable servicing capacity to be allocated / reallocated to other projects if the approved development has not proceeded after a specified timeline and the servicing is needed elsewhere in the service area.
    - Should municipalities adopt such a by-law, the by-law would not be appealable to the Ontario Land Tribunal.
  + Create a Minister’s regulation-making authority to enable the Minister to provide exemptions for individual or classes of approved developments.
  + Enhance lapsing authority for approvals of draft plans of subdivision/condominiums and site plan to facilitate the efficient use of housing-enabling infrastructure and accelerate housing development.
  + Specifically:
    - For subdivision / condominium approvals:
      * Require approval authorities to impose a lapsing condition for all draft subdivision/ condominium approvals; and,
      * Create Minister’s regulation-making authority to set timelines for lapsing provisions and establish exemptions from lapsing provisions.
    - For site plan control approvals:
      * Enable a municipal “authorized person” to apply a lapsing condition when approving a new site plan control application​.
      * Create Minister’s regulation-making authority to set timelines for lapsing provisions and establish exemptions from lapsing provisions.

**Third Party Appeals**

* Limit third-party appeals for official plans, official plan amendments, zoning by-laws, and zoning by-law amendments to help communities get quicker planning approvals for housing projects, reduce building costs, and in some cases reduce project delays by up to 18 months.

**Fee Refund Provisions**

* Remove the fee refund provisions from the Planning Act and City of Toronto Act, 2006 for zoning by-law amendment and site plan control applications to speed up local decisions that support more housing.

**Municipal Pre-Application Process**

* Make pre-application consultation voluntary at the discretion of the applicant.
* Allow an applicant to challenge complete application requirements to the OLT at any time, rather than only having a time-limited window once a municipality rejects an application as not being “complete”.

**Settlement Area Boundary Expansions**

* Allow applicants to appeal a municipality’s refusal or failure to make a decision on a privately requested official plan or zoning by-law amendment that would change the boundary of an "area of settlement“, outside of the Greenbelt Area.

**Facilitating Standardized Housing Designs**

* Create regulation-making authority that would enable:
  + The establishment of criteria to facilitate planning approvals for standardized housing.
  + The proposed changes would only apply on certain specified lands, of a minimum lot size, such as urban residential lands with full municipal servicing outside of the Greenbelt Area.
  + The identification of elements of the Planning Act and/or City of Toronto Act, 2006 that could be overridden and/or certain planning barriers that could be removed if the criteria are met.

**Upper-Tier Planning Responsibilities**

* Provide flexibility for bringing the changes to remove planning responsibilities from specified upper-tier municipalities into force separately.
* Identify July 1, 2024 as the effective date of the upper-tier planning changes for Peel Region, Halton Region and York Region.
  + The upper-tier planning changes for the remaining four municipalities (i.e., Waterloo, Durham and Niagara Regions, and Simcoe County) would come into force at a later date(s), upon proclamation. The government intends to move forward with bringing the changes into effect for the remaining upper-tier municipalities by the end of 2024.

**Expedited Approval Process for Community Service Facility Projects**

* Create regulation-making authority to enable a streamlined approvals pathway for prescribed class(es) of “community service facility” projects (public schools K-12, hospitals and long-term care facilities) that support the creation of complete communities.

**Exempt Universities from the Planning Act**

Exempt publicly-assisted universities from the Planning Act and planning provisions of the City of Toronto Act, 2006 for university-led student housing projects on- and off-campus.

**Attachment 4**

**Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Removing Barriers for Additional Residential Units**

**Proposal details**

Through the More Homes Built Faster Act, changes were made to the Planning Act to accelerate implementation of the province’s additional residential unit (ARU) framework.

These changes allow “as-of-right” (without the need to apply for a rezoning) the use of up to 3 units per lot in existing residential areas (i.e., up to 3 units allowed in the primary building, or up to 2 units allowed in the primary building and 1 unit allowed in an ancillary building such as a garage).

This as-of-right permission applies province-wide to any parcel of land where residential uses are permitted in settlement areas with full municipal water and sewage services (excepting for legal non-conforming uses such as existing houses on hazard lands).  For all other areas (outside areas that are fully serviced - e.g., rural areas, land on partial or private servicing), the proposed framework is discretionary.

Changes were also made to remove certain barriers (i.e., development charges, parkland requirements, minimum unit sizes and parking requirements) to encourage the creation of more additional residential units.

To support implementation of ARUs, an enhanced regulation-making authority is proposed as part of Bill 185, the proposedCutting Red Tape to Build More Homes Act, 2024. This would provide the Minister with broader authority to remove municipal zoning by-law barriers that may be limiting the development of ARUs.

A proposed enhanced regulation-making authority could help create additional residential units, such as basement suites, by eliminating barriers including maximum lot coverage and limits on bedrooms allowed per lot​.

We are interested in specific zoning by-law requirements and/or standards that are a barrier to the developments of ARUs.

Discussion Questions

1. Are there specific zoning by-law barriers standards or requirements that frustrate the development of ARUs (e.g., maximum building height, minimum lot size, side and rear lot setbacks, lot coverage, maximum number of bedrooms permitted per lot, and angular plane requirements, etc.)?
2. Are there any other changes that would help support development of ARUs?