

October 4, 2024

Planning Consultation  
Provincial Land Use Plans Branch  
777 Bay Street  
13<sup>th</sup> Floor  
Toronto, ON  
M7A 2J3

**Re: Consideration of transition of land use planning matters to facilitate the introduction of a new policy statement issued under the Planning Act (ERO 019-9065)**

On August 20, 2024 the Provincial government announced the Provincial Planning Statement will take effect on October 20, 2024 and requested feedback as to whether there are any specific planning matters in process that should be addressed through a proposed regulation. The City of St. Catharines provides the following matters for consideration:

**1. Applications Under Appeal**

The City has two applications currently under appeal with hearing dates that coincide with the date the Provincial Planning Statement will take effect.

**a) 2360 First Street South ([OLT-23-000723](#))**

This hearing is scheduled from October 16 to 25, 2024, meaning the hearing will begin while the existing Provincial Policy Statement 2020 is in effect, but will conclude once the new Provincial Planning Statement 2024 is in effect. To provide clarity and ensure the case can be considered under a clearly understood policy framework, it would be beneficial to identify that where a hearing at the Ontario Land Tribunal commences prior to the date the new Provincial Planning Statement 2024 comes into effect, it shall continue to be considered against the Provincial Policy Statement 2020.

**b) 70 Eastchester Avenue ([OLT-24-000863](#))**

This hearing is scheduled for October 22, 2024. This case is an appeal of decision of the Committee of Adjustment for an application for Minor Variance (A-44/24). The application requested four variances, of which three were approved and one was denied. As the staff report and decision of the Committee were prepared under the Provincial Policy Statement 2020, and since the hearing is scheduled very soon after the Provincial Planning Statement 2024 will take effect, this case is an appropriate candidate to continue to be considered under the Provincial Policy Statement 2020.

**2. Urban Growth Centre**

The new Provincial Planning Statement 2024 replaces the existing Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe (Growth Plan).

Staff understand that land use planning decisions made by municipalities, planning boards, the Province or a commission or agency of the government after October 20, 2024 must be consistent with the Provincial Planning Statement 2024.

There are existing policies in the City's Official Plan which refer to the City's Urban Growth Centre, as identified by the Growth Plan. While the designation of an Urban Growth Centre does not exist within the Provincial Planning Statement 2024, the existing City policies are important to direct appropriate growth and intensification within our downtown core. It would be beneficial if the transition regulation could acknowledge that use of the term "Urban Growth Centre" and the associated policies within a municipal Official Plan continues to be applicable, despite the Growth Plan being no longer in force and effect. Staff recommend that until a conformity exercise has been completed, the policies in an Official Plan relating to an urban growth centre continue to apply.

Further, it may be beneficial if the Province would confirm that all previously identified urban growth centres would automatically be considered a strategic growth area and subject to the applicable policies.

### **3. Areas of Employment**

The City has completed an Official Plan Amendment to address the new definition of 'Area of Employment' in the Planning Act, which is to come into effect on October 20, 2024, concurrent with the Provincial Planning Statement 2024. While the amendment to the Official Plan addresses the uses that will no longer be considered an employment use, the City's Zoning By-law permits excluded uses. It would be helpful if the transition could address those excluded uses, permitted to establish legally by existing Zoning By-laws, and allow them to continue to be recognized as Areas of Employment, until such time as comprehensive Official Plan Amendments and implementing Zoning By-law Amendments have been completed.

### **4. Interpretation**

Chapter one of the Provincial Planning Statement 2024 includes a section that states "the policies of the Provincial Planning Statement represent minimum standards." Section 2.3.1.5 of the Provincial Planning Statement 2024 establishes that large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas. Please confirm this is a minimum target and not an absolute target.

### **5. Other**

While not strictly related to transition to the new Provincial Planning Statement 2024, staff note that appeal rights, as amended by the Cutting Red Tape to Building More Homes Act, 2024 (Bill 185) are not yet reflected in the Regulations that address public notice and appeal rights for various Planning Act Applications.

If you have any questions on the comments provided, please contact Taya Devlin, Senior Planner at [tdevlin@stcatharines.ca](mailto:tdevlin@stcatharines.ca) or 905.688.5601 extension 1709.