

# NORFOLK COUNTY COMMENTS ON MMAH CONSULTATIONS

From: Adam Veri, Deputy Mayor  
Al Meneses, Chief Administrative Officer

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Upon consultation with Planning and Public Works staff, Norfolk County is pleased to provide comments on the proposed Ministry of Municipal Affairs and Housing consultations aiming to standardize planning policy documents and streamline development approvals process.

The consultations are currently advertised on Ontario Environmental Registry.

<b>Reference</b>	<b>Subject</b>
026-0313	<u>Streamlining the information and material that planning authorities can require as part of a complete application</u>
026-0314	<u>Proposed Changes to Various Regulations Under the Planning Act and the City of Toronto Act, 2006 to Specify Additional “Prescribed Professions” for the Purposes of a Complete Application   Environmental Registry of Ontario</u>
026-0310	<u>Proposal to reform site plan control under the Planning Act and the City of Toronto Act, 2006   Environmental Registry of Ontario</u>
026-0300	<u>Proposed Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes (Schedules 1, 2 and 7 of Bill 98, the Building Homes and Improving Transportation Infrastructure Act, 2026)   Environmental Registry of Ontario</u>
026-0311	<u>Proposed Regulatory Approach to Establish a Minimum Residential Lot Size in Urban Areas   Environmental Registry of Ontario</u>
026-0312	<u>Proposed Changes to Support Standardizing of Parkland Requirements Under the Planning Act   Environmental Registry of Ontario</u>
026-0309	<u>Proposed Regulation to Prohibit Mandatory Enhanced Development Standards as a Condition of Land Division Approvals   Environmental Registry of Ontario</u>
026-0302	<u>Communal drinking water and wastewater system municipal consent requirements.   Environmental Registry of Ontario</u>

026-0315	<u>Consultation on upper-tier official plans, secondary plans, and site and area-specific policies   Environmental Registry of Ontario</u>
026-0305	<u>Proposed Changes to Various Regulations Under the Planning Act to Facilitate the Electronic Submission of Information and Materials to Approval Authorities and Allow Notices to be Given Electronically to the Province   Environmental Registry of Ontario</u>

## 026-0313

### Streamlining the information and material that planning authorities can require as part of a complete application

MMAH is seeking feedback on a proposed standardized list of information that planning authorities can require for complete applications.

#### **Norfolk County Comments**

The standardized list of information listed in the core studies and contingent studies is comprehensive. It is recommended that the required information and material should not be identified by application type. To give an example, minor variance or consent applications on properties abutting lakeshore areas within natural heritage areas might trigger more advanced technical assessments. The studies are determined based on the site characteristics and applicable policies rather than application type.

It is important to retain a certain flexibility with respect to required studies that are rather defined by the nature of a proposed development and site characteristics.

The county requires “On-Site Sewage Disposal System Evaluation Form” to verify location and condition of sanitary servicing systems. This evaluation is to be conducted by a qualified professional and mostly used for consent and minor variance applications.

It is recommended that planning authorities maintain the ability to elaborate terms of references adjusted to their local context and municipal technical standards that might be in force.

If proposed ER-0314 adds additional “Prescribed professions” requiring municipalities to “*accept studies from certified professionals in professions specified in regulation*”, it would be preferable to identify studies requirements by municipal technical staff through precise Terms of References.

## 026-0314

### Proposed Changes to Various Regulations Under the Planning Act and the City of Toronto Act, 2006 to Specify Additional “Prescribed Professions” for the Purposes of a Complete Application | Environmental Registry of Ontario

The *Protect Ontario by Building Faster and Smarter Act, 2025* (Bill 17) made changes to the *Planning Act* and the *City of Toronto Act, 2006* to create regulation-making authority for the Minister to scope complete application requirements by, among other things, providing that municipalities would be required to accept studies from certified professionals in professions specified in regulation. Further to these legislative changes, new and amending regulations under the *Planning Act* and *City of Toronto Act, 2006* were filed on January 22, 2026 to specify professional engineering as a “prescribed profession” for the purposes of a complete application.

The government is now seeking feedback on adding additional certified professionals, for example registered landscape architects, for the purposes of a complete application.

#### **Norfolk County Comments**

Licensed archeologists in Ontario may be recommended as “prescribed professions” for archeological assessment studies purposes subject to the requirements of *Ontario Heritage Act* and regulations.

## 026-0310

### Proposal to reform site plan control under the Planning Act and the City of Toronto Act, 2006 | Environmental Registry of Ontario

Proposed reforms include:

1. Remove site plan control as a land use planning tool in the Planning Act and the City of Toronto Act, 2006.
2. Require municipalities to have a maximum of three circulations after which a mandatory meeting is triggered with all relevant municipal department representatives and the applicant to work through and resolve all outstanding issues.
3. Further scope the site plan review process to a standard site plan approval checklist of functional aspects of a site (e.g., those related to health and safety), with use of certified professionals for acceptance and approval of reports and studies. A municipality is not permitted to request additional studies and plans beyond what is included in the standard site plan approval checklist. If technical and drawing requirements identified in the checklist are met, site plan approval is issued.
4. Establish or require a municipal arbitration process / site plan review panel for site plan applications that have exceeded the government's 60-day timeline and a specified number of circulations. Participants in this process would include the applicant and the municipal development review team. This would be an alternative to a hearing at the OLT with a goal of speeding up approvals and cutting down on associated costs. An arbitration process / site plan review panel decision-making timeline could be applied to ensure timely decisions on approvals.
5. Establish or require municipalities to establish different site plan approval streams for different kinds of proposed development, with corresponding scope of matters that may be controlled. This would mean that a "full" site plan process would only be permitted for larger, complex development initiatives resulting in fewer matters being regulated through site plan control. Less complex development would be triaged to a more expedited stream or could be exempted from site plan control completely.

#### **Norfolk County Comments**

Site plan control (SPC) can be a lengthy process in terms of ensuring that development standards are being met and to ensure conformity with official plan policies and zoning by-law provisions in the final design. The SPC process also involves a legal process in terms of establishing development agreements and ensuring that both municipal and private interests are met.

Although SPC is not subject to a public process and is approved by an appointed municipal staff, the applications require technical review from primarily engineering, planning and building staff. Accelerating the development process for private developers to the detriment of municipal technical reviews or by removing site plan control as a land use planning tool can diminish the quality of the development and prevent meeting the minimum required technical standards.

Narrowing or focusing the scope by revising SPC designated areas is recommended. Currently, site plan control is only waived in accordance with the exception provisions of the Planning Act that are currently in effect.

Scoping SPC applications is recommended for minor vs. major site plans depending on the nature of the use, proposed density and the site characteristics. Technical review is still required to allow for proper assessment and evaluation of the technical submission, uphold the public interest and the municipal responsibility in terms of ensuring minimum standards are being met. Required circulations might be reduced for minor site plans.

Although technical studies are submitted by qualified professionals, it is worth noting that in many instances, the recommendations can be questioned and require further technical review or peer reviews from a third party. A maximum of three circulations is recommended upon which if the development requirements are not met, the application will be refused.

It is recommended that an arbitration process be applied if a decision is not made within 45 days from a third circulation.

Providing a 60 day timeline for municipal approval does not guarantee that the timeline is sufficient to clear all development constraints and review revised submissions, knowing that revised submission might significantly change from the initial proposal when major revisions are required such as limited right-of-way access from provincial highways or unavailable servicing capacity.

## 026-0300

Proposed Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes (Schedules 1, 2 and 7 of Bill 98, the Building Homes and Improving Transportation Infrastructure Act, 2026) | Environmental Registry of Ontario

### **Complementary Changes to Support Implementation of Streamlining and Standardizing Official Plans**

Changes are proposed to the Planning Act to support implementation of the proposed new official plan framework, including removing redundant requirement for municipalities to include climate change policies in their official plans.

#### **Norfolk County Comments**

Climate change mitigation and adaptation policies are fundamental to resilience building and disaster risk reduction in lakeshore communities. The implementation and enforcement of climate change related policies and standards in waterfront areas, hazardous lands with greater climate change risks are essential in official plan documents and zoning by-law provisions.

Reduction of greenhouse gas emissions in highly urban and industrial communities should also be a policy requirement to address in official plans.

### **Site Plan: Prohibit Mandatory Municipal Enhanced Development Standards and Green Building Standards**

Changes are proposed to the Planning Act, Municipal Act, 2001, Building Code Act, 1992, and City of Toronto Act, v2006 that would have the effect of removing municipal authority to require certain mandatory Enhanced Development Standards (EDS) at the lot level, outside of buildings (e.g., green development standards), that are not specifically required for health or safety (e.g., stormwater management).

#### **Norfolk County Comments**

It is a policy of the Official Plan to encourage the implementation of LID measures and green infrastructure. The Official Plan requires the integration of natural vegetative features in new facilities and encourages the naturalization of existing stormwater management facilities.

The county reserves the right to require developers to include Enhanced Development Standards (EDS) referred to as Low Impact Development (LID) standards in the official plan. This practice is primarily used in draft plans of subdivisions and condominiums

and site plan control applications. LID related conditions are determined by engineering staff to be carried out in development agreements.

It is staff opinion that stormwater management best practices should be required for development within sensitive areas and environmentally constrained features. In areas on private or partial municipal servicing, having the ability to require LID measures is important to tackle land use compatibility risks, protect sensitive water features and prevent risks in hazardous sites.

It is recommended that the encouragement of LID be maintained and not prohibited.

The County does not use the term “Enhanced Development Standards” in its policies but rather “Low Impact Development”. It is recommended to make a distinction between LID which refers to the minimum standards and EDS that refers to improved standards.

### **Minimum Lot Sizes**

Changes are proposed to the Planning Act to create a regulation-making authority to allow the Minister of Municipal Affairs and Housing to set a minimum lot size on parcels of urban residential land, outside the Greenbelt Area.

- A parcel of urban residential land is defined in the Planning Act as a parcel within the settlement area of a municipality that is zoned for residential use (other than ancillary residential use) and is fully serviced by public sewage and water.
- Any municipal zoning requirement for minimum frontage and/or minimum depth that would not allow for the minimum lot size standard to be met would be inapplicable.
- A regulation under this authority would not apply directly to the subdivision or consent process, but could be relevant to such applications

### **Norfolk County Comments**

Within urban settlement areas on full municipal servicing, the zoning by-law includes low, medium to high density residential zones. There are no minimum lot size requirements for high density residential zones being the Urban Residential Type 5 and 6 (R5 and R6) zones that allow mainly for apartment dwellings and retirement homes.

Urban residential Type 1 and 2 (R1 and R2) zones allow for low residential density development. The smallest minimum lot size allowed is 255 square metres for semi-detached dwellings on interior lots in the R2-zone.

Urban residential Type 3 and 4 (R3 and R4) zones allow for medium density residential development. The smallest minimum lot size allowed is 156 square metres for street townhouses with attached garage.

Staff note that a reduced lot size may be appropriate for townhouse dwellings but not for all dwellings types especially when considering that the County has a predominant rural character and high demand for single detached dwelling development. The Housing Needs Assessment report (dated June 26, 2025), provides that townhouses represent only 11% of the total residential development activity by type between 2020 and 2024. Single detached dwellings remain the primary dwelling type that is being developed representing 47% during the same period.

If the minimum lot size requirement is carried out, a minimum lot frontage of 6 metres and a minimum lot depth of 30 metres would be recommended to provide adequately shaped parcel to accommodate servicing infrastructure (sanitary, water, stormwater lines) and appropriate separation from neighbouring lot lines providing for adequately shaped lots.

If the intent is to encourage infill and residential intensification by regulating lot size and frontage, other parameters affecting residential intensification would not be fully captured such as lot coverage and floor index ratios. Furthermore, regulating a “parcel of urban residential land” needs to consider the portion of lands that are not developable.

### **Encumbered Parkland and Privately Owned Public Spaces (POPS)**

Bill 23, the More Homes Built Faster Act, 2022, added subsections 42 (4.30) to (4.39) to the Planning Act, which, once brought into force, would provide for:

- developer-identified lands, including those with encumbrances and privately owned public spaces (POPS), to count towards any municipal parkland dedication requirement,
- the landowner to appeal to the Ontario Land Tribunal (OLT) in cases where the municipality rejects developer-identified land, with the OLT required to order the land to be conveyed to the municipality if it meets prescribed criteria.

Changes are proposed to the Planning Act to facilitate easements for POPS, authorize municipalities to require agreements for encumbered land (i.e., strata lands) that can be registered on title, provide for a credit system whereby encumbered land and POPS arrangements would receive a minimum credit of 70%, and establish a timeframe of 90 days for municipal decisions after which a developer could appeal a non-decision to the OLT.

## **Norfolk County Comments**

Bill 23 amendments to the Planning Act (in subsections 42(4.30) to (4.39)) have not been enacted.

The County's official plan sets criteria for parkland dedication and provides that Council may waive or reduce parkland dedication rates to encourage specific classes of development such as industrial development or affordable housing.

It is a policy of the official plan not to accept parkland dedication of lands that have limitations such as utilities corridors or stormwater management ponds. All land dedicated to the County shall be conveyed in a physical condition satisfactory to the County, and shall meet minimum standards in terms of drainage, grading and general condition.

The Parkland Dedication By-law allows the county to require parkland conveyance as a condition of a development approval or a draft plan of subdivision or condominium approval. The By-law specifies that only those lands suitable for municipal parks development will be accepted as part of the required parkland dedication. Any land that has been or is to be conveyed to the County for any other non-parkland purpose, will not be credited against the required parkland conveyance or cash-in-lieu of parkland conveyance.

With respect to the proposed changes, staff note that the maintenance of operational standards for stormwater, sewer or water system or any utility infrastructure that is being conveyed if the system is deficient or has not been maintained properly over time is challenging and places an extra burden on the municipality, even when an agreement is registered on title.

A reasonable time period would be necessary to agree on the terms of an agreement for the conveyance of land with encumbrances. This adds to the complexity of decision making on planning applications within specified timelines.

Identifying standards for the conveyance of encumbered lands is an essential prerequisite nevertheless the identification of potential encumbrances' deficiencies prior to establishing an agreement to be registered on title is essential to prevent legal and financial costs to the municipality.

It is recommended that a minimum credit of 70% not be received for non-parkland purposes.

## 026-0311

### Proposed Regulatory Approach to Establish a Minimum Residential Lot Size in Urban Areas | Environmental Registry of Ontario

The government is seeking feedback on a potential regulation under the Planning Act to establish a minimum lot size of 175 square metres on urban residential lands outside the Greenbelt area.

“Parcel of urban residential land” means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is fully serviced by public service and water.

#### **Norfolk County Comments**

To provide for an adequate and coherent transition between residential building types and densities, the residential intensification within built-up areas needs to provide coherent densities distribution that would not be accurately captured by setting thresholds for lot size and frontage alone and regardless from other metrics affecting intensification.

Attaining this intensification objective can be captured through intensification studies based on a local land needs assessments and community planning process to determine intensification targets and servicing capacity within specific areas and attribute land use designation taking into account land use compatibility and environmentally constrained lands.

# 026-0312

## Proposed Changes to Support Standardizing of Parkland Requirements Under the Planning Act | Environmental Registry of Ontario

The land suitability criteria that are proposed to be prescribed in regulation would include the following:

1. Ineligible Land – land with any of the following conditions cannot be required to be conveyed to municipalities for park and recreational purposes:
  - Contaminated lands – lands that have in or on them any contaminants from industrial or other uses that pose a public health risk
  - Natural and human-made hazard lands – hazardous lands and hazardous sites as described in section 5.2 of the Provincial Planning Statement, 2024 (PPS 2024) as well as lands affected by human-made hazards as described in section 5.3 of the PPS 2024.
  - Lands within and adjacent to natural heritage features and areas are eligible on the condition that a park would not interfere with or compromise the natural heritage features and areas.
2. Land Accessibility/Comfort for Use – parkland must be accessible, visible and comfortable to facilitate public use of it and, in particular, must be:
  - Accessible by all users directly from the public realm and readily visible from the public realm.
  - Land must be of a size and shape that is capable of serving park or public recreational purposes.

### Supporting Implementation Matters

1. Documents to Support Identification of Land
  - Documentation of specified lands and boundaries, through a Plan of Survey and Topographic Plan.
  - Attestation from the owner of the land or an authorized representative, to confirm that the land and/or POPS arrangement is not considered to be ineligible land.

### **Norfolk County Comments**

It is recommended that prior inspection, location and evaluation of existing encumbrances be completed before conveyance to the County.

The county should have the option to require as-built surveys for encumbrances prior to conveyance. As built plans are to be provided among the documents to support identification of land.

The timeline to provide the as-built survey should not account towards the decision timeline.

026-0309

Proposed Regulation to Prohibit Mandatory Enhanced Development Standards as a Condition of Land Division Approvals | Environmental Registry of Ontario

The changes would create a shift from a mandatory to a voluntary approach for enhanced development elements (i.e. green development standards) that are not required for purposes of health and safety or environmental functionality (i.e. stormwater management).

**Norfolk County Comments**

It is recommended to further specify the difference between Enhanced Development Standards (EDS) and Low Impact Development Standards (LID).

LIDs are used to meet the minimum standards as opposed to EDS that are meant to provide improved standards.

## 026-0302

### Communal drinking water and wastewater system municipal consent requirements. | Environmental Registry of Ontario

The changes aim to increase the adoption of non-municipal communal water and wastewater systems to support new housing development.

The legislative amendments would be made to section 93 of the Municipal Act, 2001 (MA), to require persons to apply for municipal consent to establish a non-municipal communal drinking water or wastewater system (public utility).

If passed, the legislative amendments would be made to section 93 of the Municipal Act, 2001 (MA), to require persons to apply for municipal consent to establish a non-municipal communal drinking water or wastewater system (public utility). The amendments would also create regulation-making authority to set conditions and criteria where, if the public utility meets those conditions and criteria, a municipality would be required to give consent. These future regulations would allow an applicant to make an application for municipal consent for a public utility with greater certainty, knowing that where prescribed criteria and conditions are satisfied, the applicant will receive the municipality's consent. More specifically, the proposed legislation would require a municipality to provide consent for the proposed system if the municipality is of the opinion that:

- any prescribed criteria or conditions respecting the area in which the public utility would be located are met,
- any plans in respect of the public utility required by the regulations have been provided and meet the prescribed criteria or conditions and include the required content,
- any reserve funds or other financial assurances or instruments in respect of the public utility that are required by the regulations are or will be in place and the funds, assurances and instruments meet the prescribed requirements,
- the public utility, if constructed, maintained or operated in accordance with the application, would meet the relevant prescribed criteria and conditions, and
- the application and public utility satisfy any other requirements, conditions or criteria that may be prescribed.

Where, under the proposed amendments, municipalities would be required to provide consent, municipalities would be able to require certain conditions or limits to be met, as prescribed in regulations, including the requirement to enter into an agreement or

impose limits if they are necessary to ensure the safe, sustainable operation of the utility.

Other considerations would continue to apply to decisions on land division applications, such as policies in the Provincial Planning Statement (PPS), 2024 that prohibit development (including lot creation) in certain circumstances. In addition, the regulation-making authority would be scoped to zoning and would not apply to subdivision control, and any municipal zoning requirement for minimum frontage and/or minimum depth that would not allow for the minimum lot size standard to be met would be inapplicable. Land owners would retain the ability to apply for the creation of larger or smaller lots through the land division process.

### **Norfolk County Comments**

It is a policy of the official plan to prohibit communal servicing systems in urban settlement areas that are fully serviced. Full municipal servicing is provided in five of the six urban settlement areas in the County. Within the unique partially serviced urban settlement area, development is permitted on the basis of a municipal water system and private wastewater disposal systems.

Communal water supply systems are primarily provided in Resort Areas and are only being considered in existing Hamlet Area or Resort Area to resolve existing servicing malfunctions, physical constraints and/or deficiencies, posing potential public health risks. When designating new hamlet settlement areas, a servicing options assessment providing an investigation of development on communal drinking water and wastewater systems is required.

The Official plan states that the County shall not assume any communal servicing systems and shall generally not execute responsibility agreements in relation to such systems. In the event that execution of a responsibility agreement is required, prior to executing the agreement, the County shall be satisfied with the design and economic sustainability of the system and shall require that certain securities be posted, and that a separate financial and maintenance agreement be executed between the owner of the system and the County.

It is recommended to allow communal municipal systems in settlement areas that are not fully serviced. If permitted, communal servicing systems are recommended within rural areas. In evaluating communal servicing systems, the county refers to the Ministry of Environment Conservation and Parks (MECP) standards which is the main reference for evaluating these systems at the time being.

It would be appropriate to manage communal systems in rural areas through Municipal Responsibility Agreements (MRA) which would allow for higher densities and increased utilization of land within hamlet areas.

It is recommended that operating and maintenance plans be provided and considered as part of an agreement in addition to securities to be provided prior to the agreement. The estimate of the securities amounts generally to 25% of the total project cost.

## 026-0315

### Consultation on upper-tier official plans, secondary plans, and site and area-specific policies | Environmental Registry of Ontario

Secondary Plans are adopted as amendments to an Official Plan. Secondary plans may cover new neighbourhoods or redevelopment zone like downtowns or major transit station areas.

Previous consultation **see ERO #025-1099**).

“Proposed changes for secondary plans and SASPs could include:

- identifying the types of areas where secondary plans could be used
- separating secondary plans from the primary official plan, so they would exist as a standalone document while being subject to the same process requirements
- exempting secondary plans from Minister’s approval (lower-tier municipalities in upper-tier municipalities with planning responsibilities would not be exempt from approval by the relevant upper-tier municipality)”

### **Norfolk County Comments**

Secondary plans allow for the determination of land uses and public amenities location and distribution within a given area that is required for designing complete and serviced communities. It is recommended that secondary plans not be required for new developable lands included following an urban settlement area expansion if the lands are not intended to accommodate a significant population growth or a major infrastructure project such as a transportation corridor or an employment area. In that case, site specific policies to implement community/neighborhood plans would be more appropriate in terms of accelerating approvals.

Public engagement process in the preparation of secondary plans or site-specific policies would remain a central component.

It is recommended that further review and commenting from the approval authority be maintained especially for small and medium municipalities that may lack technical expertise in the preparation of secondary plans and to further ensure alignment with provincial policies and guidelines.

## 026-0305

### Proposed Changes to Various Regulations Under the Planning Act to Facilitate the Electronic Submission of Information and Materials to Approval Authorities and Allow Notices to be Given Electronically to the Province | Environmental Registry of Ontario

“Under Building Homes and Improving Transportation Infrastructure Act, 2026

To support the government’s move towards building a digital Ontario, the government is seeking feedback on proposed changes to various regulations under the Planning Act that would:

- remove the requirement for information and material to include an original or certified copy, and
- allow required notices to be given electronically to the Ministry of Municipal Affairs and Housing”.

#### **Norfolk County Comments**

These changes are recommended for approval to streamline electronic submissions.