

May 14, 2026

The Honourable Rob Flack  
Minister of Municipal Affairs and Housing  
17th Floor - 777 Bay St.  
Toronto, ON  
M7A 2J3

Dear Minister Flack

Re: Proposed Bill 98, Building Homes and Improving Transportation Infrastructure Act, 2026

On behalf of The Corporation of the City of Waterloo, please accept the following comments on the proposed Bill 98, *Building Homes and Improving Transportation Infrastructure Act, 2026* and related changes to the provincial planning framework. The enclosed comments are provided by City staff for Provincial action.


The City of Waterloo supports the objectives of streamlining development approvals and accelerating housing supply, while prioritizing efficiency, collaboration and high-quality design. We strive to deliver efficient and comprehensive development reviews within set timelines, and work hard to maintain positive, solution-focused relationships with industry partners. We believe that **community building** is more than just increasing the supply of housing; it's about planning for thriving neighbourhoods and sites that “*enjoy a high standard of living and an exceptional quality of life*” (PPS, 2024). These objectives and beliefs are advanced in concert with the fact that municipalities have unique features, contexts, constraints, and objectives that require planning flexibility and the ability to make decisions tailored to local circumstances and community needs.

The City of Waterloo supports amendments to the *Planning Act* that: (i.) have the effect of reducing barriers to effective community building, and (ii.) embrace the uniqueness of municipalities. We caution against rigid standardized frameworks, given the potential for unintended consequences – e.g. potential to diminish the standard of living and the quality of life. Municipalities of varying size and context need different tools and planning frameworks to address their unique attributes.

While there are many positive elements to the proposed Bill 98 and related changes to Ontario's planning framework, various concerns also exist. More specific comments are provided below.

Thank you for the opportunity to comment on this important legislation.

Sincerely,

A handwritten signature in red ink, appearing to be 'Tim Anderson', written in a cursive style.

**Tim Anderson, P.Eng.**

Chief Administrative Officer, City of Waterloo

100 Regina Street South

PO Box 337, Station Waterloo

Waterloo, ON, N2J 4A8

**P:** 519-747-8702

**E:** [tim.anderson@waterloo.ca](mailto:tim.anderson@waterloo.ca)

[www.waterloo.ca](http://www.waterloo.ca)

Cc: MPP Mike Harris  
Mayor Dorothy McCabe  
Joel Cotter, Director of Planning, City of Waterloo

**ERO: 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**

- The City of Waterloo agrees that supporting materials for development applications should be prepared by qualified and certified professionals. It is recommended that “certified professionals” be:
  - qualified professionals in good standing
  - licensed to practice in the Province of Ontario, as applicable
  - required to sign and stamp the supporting materials
  - required to provide a written certification that the municipality may rely on the supporting materials
  - required to exclude any qualifier that restrict the use or disclosure of the supporting materials

Subject to the above, the City of Waterloo has no concerns with recognized professionals such as:

- Professional Engineer
- Landscape Architect
- Arborist
- Registered Professional Planner

being designated as “certified professionals” for the purposes of deeming an application complete, provided that the municipality has the unrestricted authority to evaluate the accuracy, completeness, appropriateness, and merits of the supporting material through the development application review process, including peer reviews as deemed necessary.

- Accepting supporting materials from a certified professional must not be construed as approval of such supporting materials. It should be clear that the content of the supporting materials may be reviewed and questioned by municipalities and agencies having jurisdiction, and the public, and alternatives may be explored which are determined to be more beneficial in terms of maintaining the public interest.
- To streamline development approvals and reduce the potential for appeals, it is recommended that the Province encourage municipalities to establish Terms of Reference for common supporting materials, to provide a clear framework for certified professionals to use when preparing “complete” supporting materials.

**ERO: 026-0301 – Proposed amendments to the Water and Wastewater Public Corporations Act, 2025 and consequential amendment to the Safe Drinking Water Act, 2002**

- City staff support the proposed changes regarding the guarantee of public ownership of new Water and Wastewater Public Corporation (“WWPC”), and the transfer of employees/contracts from a municipalities into a WWPC.

## ERO: 026-0312 – Proposed Changes to Support Standardizing of Parkland Requirements Under the Planning Act

- The land suitability criteria that are proposed to be prescribed in regulation state that ineligible lands include *lands within and adjacent to natural heritage features and areas provided that a park would not interfere with or compromise the natural heritage features or areas*. It is requested that “*within natural heritage features and areas*” and “*hazard lands*” be clarified to include environmental / hazard buffers. Buffers are not suitable for park purposes.
- Encumbrances often limit what kind of amenities can be placed on the land, and we are concerned that municipalities may be put in a position to accept land that is not functional. It should be clear that encumbered lands are ineligible if the encumbrance prevents the lands from reasonably being designed and used for park purposes.
- Under “Land Accessibility/Comfort for Use”, the second bullet should be modified to read: “***Land must be of a size, shape and slope that it is able to be effectively used for park or public recreation purposes***”. Slope (topography) is an important consideration in relation to functional and useable parkland. For parks to accommodate amenities that growing neighbourhoods require, they should be designed with grades not exceeding four percent (4%), and the majority of the park should be designed with grades not exceeding two percent (2%). It is recommended that “*capable of serving*” be replaced with “*able to be effectively used for*”, to strengthen the requirement of ‘comfort of use’.
- The proposed minimum credit of 70% may be acceptable if POPS are held to the same standard for parks as noted above: “***POPS must be of a size, shape and slope that it is able to be effectively used for park or public recreation purposes***”. Residents require functional and programmable parkland with supporting infrastructure and amenities (e.g. services, site furniture, etc.) to create complete communities and enjoy an exceptional quality of life (PPS, 2024).
- As required by the *Planning Act*, the City has prepared a Parks Master Plan to guide where, what types, and the amount of parkland required to meet community needs. Developers do not always share the same goals or vision for parkland or the public interest. The appeal of parkland to the Ontario Land Tribunal as contemplated in Bill 98 is too broad, and its unclear what criteria the Tribunal would use to assess the merits of the appeal. It is recommended that the appeal aspect of Bill 98 for parkland be removed. If this aspect is to remain, appeals should be limited to municipal decisions that do not align with an approved Parks Master Plans.

**ERO: 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)**

- While there are many commonalities across Ontario's 444 municipalities, there should be sufficient room for flexibility within Official Plans because there are unique and specific considerations and contexts that may warrant deviations from the standards as proposed in Bill 98. It is recommended that a standard set of land use designations form the baseline of a new Official Plan, but municipalities should maintain the flexibility to vary from this standard as necessary and justified. Municipalities should retain the ability to tailor official plans to local contexts, needs, geography, and community values, especially in rural, northern, or rapidly growing urban areas.
- Establishing clear parameters of what needs to be included within an Official Plan and developing a basic structure that municipalities can follow would create municipal consistency, but City staff caution against making these parameters too prescriptive. City staff recommend that the proposed framework to be advanced by the Province be a 'starting point' for a municipality to use when preparing Official Plans, with sufficient flexibility in the legislation to allow modification by the municipality to meet the specific needs, local context, constraints, and objectives of the each municipality, which we believe will lead to better planning outcomes and a higher standard of living for Ontarians.
- The previous draft of the proposed Official Plan structure included a chapter for "city-wide policy". This is not included in the latest version. The Province should consider reintroducing a city-wide policy chapter as it would be a beneficial chapter for both developing and using an updated Official Plan.
- It is noted that there is no section specifically reserved for items such as "urban design" and "sustainability". A "city-wide policy" chapter would be a logical location for policies on such matters, as municipalities look to implement Section 2 of the *Planning Act* and principles of good planning. Sustainability policies could integrate environmental protection objectives with goals of creating a more complete and walkable community. Such planning priorities will be difficult to address through the proposed framework, in the staff's opinion.
- It is unclear why policies related to climate change and mitigating the impacts of a changing climate are deemed to be redundant and excluded from the proposed standardized Official Plans. The Provincial Planning Statement 2024 ("PPS") specifically outlines the need to "*prepare for the impacts of a changing climate*". The ERO further notes that the PPS requires that municipalities plan to reduce

greenhouse gas emissions. It is unclear how this can be achieved if not addressed in part through land use planning. Further, it is unclear how municipalities can ensure consistency with the PPS and achieve the climate change goals and targets without the ability to include actionable policies within Official Plans, require climate or sustainability-related reports through submissions, or adopt reasonable high performance development standards.

- As currently proposed, land use designations are included as part of Chapter 10 “Implementation and Interpretation”. Land use designations are the core element of an Official Plan along with growth management and city structure. Land use designations provide direct guidance for implementing zoning on a site-by-site basis. Therefore, it is strongly recommended that land use designations form their own chapter as part of the standardized Official Plan contents outlined in “Schedule 1 Content of an Official Plan” under subsection 16(1) of the Act. Otherwise, when combined with general implementation policies and definitions, Chapter 10 will become overly long and more complex to use. Having land use designations as its own chapter denotes the importance of land use designations in long term planning and growth management.
- In Fall 2025, word and page count limits were previously recommended for Official Plans. While City staff agrees with the intent to remove unnecessary content from official plans, staff disagreed with placing a hard limit on page and word count. Staff support and agree with the latest proposed Official Plan structure which excludes a defined word or page count. This allows for necessary flexibility and variability between municipal official plans.
- The City of Waterloo contains Major Transit Station Areas (MTSAs) consistent with the Provincial Planning Statement 2024, and requirements of the *Planning Act*. Most MTSAs in Waterloo have detailed plans associated with the station area to best leverage the LRT investment and to facilitate Transit Oriented Development. Heights, densities and the range of uses are greater in MTSAs as key strategic growth areas compared to other nodes and corridors in the city. To recognize that heights, densities and land uses in station areas may differ from elsewhere in the city, a land use designation “Station Area Mixed Use” was recently implemented through the City’s updated Official Plan approved in December 2025. Staff recommend a similar sub-designation be permitted by the Province to allow specific station area related uses and development standards in delineated MTSAs. Designations should recognize the difference in scale and planned function between an MTSA vs other planned areas of the city.
- It remains unclear where site-specific and area-specific policies would fit into the standardized Official Plan format. City staff strongly recommend that site and area

specific policies be included as a schedule to the plan, or as a separate volume to the Official Plan.

- As proposed, there is the ability to add additional sub-designations and sub-policies to the outlined structure. The ability to add to/slightly modify the structure would be welcome, and would provide the required flexibility that municipalities have recommended in earlier responses to this proposal.
- Standard designations are proposed to include the following:
  - “Parks and Open Spaces”, permitting recreational uses, cemetery uses, and other uses as prescribed
  - “Natural Environment and Water Resource Areas”, permitting conservation uses and other uses as prescribed

City staff suggest that “other uses as prescribed” not be overly detailed, allowing for flexibility and unique situations.

- It remains unclear how certain uses such as major institutional (academic) areas, hospitals and some municipal facilities are intended to be designated. The mixed-use designation is too broad for these specific uses. Staff recommend a separate designation be allowed for major institutional uses.
- Staff recommend qualifying the following statement in the proposed act by adding the text in bold: *“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), **unless otherwise specified in the municipality’s stormwater master plan or applicable watershed study.**”* For municipalities like Waterloo, which draw 75% or more of its drinking water from local aquifers, Enhanced Development Standards that facilitate source water protection, pre-to-post water balances, and improved water quality are beneficial tools for sustaining water supply capacities.

## **ERO: 026-0309 – Proposed Regulation to Prohibit Mandatory Enhanced Development Standards as a Condition of Land Division Approvals**

- *The government is seeking feedback on a proposed Minister’s regulation that would have the effect of removing authority to require, as a condition of land division approvals, mandatory enhanced development standards at the lot level (outside of*

*buildings), that are not specifically required for health, safety, accessibility or protection of adjoining lands (e.g. stormwater management).*

While City staff see merit in Enhanced Development Standards and would strongly encourage the Province to reconsider the proposed approach. If EDS are to be legislated, since neither the *Planning Act* nor the Provincial Planning Statement 2024 (“PPS”) provide a definition of “Enhanced Development Standards”, the proposed regulation should include a clear definition and parameters. It was suggested within the original proposal (ERO 025-1101) that these may include features such as bioswales, permeable pavement, and other vegetative elements, as well as direction around other matters such as native tree planting and soil volume, and bicycle parking but are not limited to such items. The City often uses conditions to secure items like bioswales in order to meet infiltration targets and native vegetation planting in response to First Nations input on development applications. These items are often required to demonstrate no negative impacts to significant natural heritage features and functions in accordance with the PPS. Without a clear definition and parameters, staff are concerned there could be unintended consequences from the proposed regulatory change (e.g. limitations on the ability of a municipality to implement the recommendations of Environmental Impact Studies through conditions of approval for consents, subdivisions, and vacant land condominiums). Further, the legislation should contain an exception clause, allowing the Minister to permit EDS (with or without conditions and limitations) where a municipality demonstrates that the EDS are in the public interest.

- Sustainable design is a fundamental planning objective for many communities. Without it, cities risk short-sighted decisions that could exacerbate congestion, environmental degradation and infrastructure deficits. Sustainable planning is important to vibrant, inclusive, resilient and liveable futures. As acknowledged within ERO-0300, the Provincial Planning Statement 2024 (“PPS”) requires that municipalities plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate, including through the promotion of green infrastructure, low impact development, active transportation, protection of the environment and improvement of air quality. It is unclear how municipalities can align with the PPS if they lack the authority to incorporate actionable policies into Official Plans, require climate or sustainability-related reports as part of development submissions, or adopt reasonable sustainable design standards.

City staff do not support the proposed reforms, as they restricts a municipality’s authority to require lot-level sustainability measures where appropriate, such as permeable pavers, specific tree canopy requirements, etc. While the proposal

frames these measures / standards as "extras" that add complexity, many function as essential mitigation tools, and in our experience do not add complexity to site design. A 'voluntary' approach would eliminate years spent by the City and its partnering municipalities in tailoring sustainable development standards to our local context, including to address specific local vulnerabilities such as source water protection in a region highly dependent on aquifers for drinking water.

- This proposed legislative change appears to create a scenario in which the development industry may opt out of voluntary measures to preserve profit margins. Cities may be left with built environments that are legally compliant but functionally ill-equipped for unpredictable severe weather and local environmental conditions.

### **ERO: 026-0311 – Proposed Regulatory Approach to Establish a Minimum Residential Lot Size in Urban Areas**

While the City of Waterloo is supportive of efforts to increase housing options, improve affordability, and expand access to homeownership across the province, staff do not support this amendment to implement minimum residential lot sizes in urban areas. The proposed amendment does not comprehensively consider the context of each independent municipality. Through the development and ongoing implementation of the City of Waterloo's comprehensive Zoning By-law, minimum lot sizes were reviewed to ensure appropriately sized lots are created for the context and planned function, and which reflect the environmental needs, surrounding lands, functional design requirements, and physical constraints in new and established urban areas. The proposed minimum lot size does not consider the context of municipalities or the impact on existing and established development. In the City's experience, it is rare to receive concerns regarding lot size. The local development industry has not identified lot size regulations as barriers to development. It is unclear what issue the Province is attempting to address. Further, the basis and rationale for a minimum lot size of 175 square metres does not appear to have been provided, nor why that specific size was deemed as appropriate. Effectively, this equates to approximately a 5.8 metre by 30 metre lot size, which may be appropriate for built forms such as a freehold townhouse, but it is not appropriate for other built forms such as a single detached dwelling given the need for functional yards.

### **ERO 026-0304 – Draft Projection Methodology Guideline (PMG) to support the implementation of the Provincial Planning Statement, 2024 (PPS, 2024)**

- Staff note updates have been made from the previous draft projection methodology. Staff have no further comments.

## **ERO: 026-0315 – Consultation on upper-tier official plans, secondary plans, and site and area-specific policies**

- Every municipality is unique, and there are often extraordinary situations that require a site specific policy approach different from the rest of the municipality. Secondary Plans and site or area specific policies are important tools for addressing unique or exceptional circumstances, and provide mechanisms to allow developers to be innovative and overcome site constraints.
- Secondary Plans have traditionally been used in new growth areas such as developing neighbourhoods and areas of municipal expansion (e.g., greenfield areas). However, there are other examples where Secondary Plans have been shown to be valuable – for example:
  - downtown and city core areas often benefit from the additional detailed planning and urban design direction that Secondary Plans can offer;
  - built-up and established areas that have been deemed appropriate for a new planning framework, such as areas targeted for gradual intensification and/or overall revitalization;
  - neighbourhoods in transition also benefit from Secondary Plans;
  - Major Transit Station Areas;
  - Employment areas;
  - community gateways (e.g. University Avenue in Waterloo that links three post-secondary institutions)

It is recommended that the Province not restrict Secondary Plans to types of areas. Municipalities should maintain sufficient flexibility to implement Secondary Plans where appropriate in the local context.

- Secondary Plans and site-specific policies follow the same procedure for approval as Official Plans including a public consultation process subject to the requirements of the *Planning Act*. While the approval of Secondary Plans should continue to be governed by the *Planning Act* to ensure appropriate statutory standing, they do not need to be housed directly within an Official Plan.
- Secondary Plans could be incorporated into the Official Plan as a separate chapter or volume. However, in the City's experience, Secondary Plans are better as separate stand-alone documents, so long as they are referenced in the Official Plan and made as accessible and visible to the public as the Official Plan itself.
- Secondary Plans and site-specific policies should be maintained as a tool; there will always be unforeseen and unique situations that will require a site-specific approach. These instruments allow for site-specific uses and/or site-specific

considerations, often to address a unique constraint or to leverage context, enabling better planning outcomes and innovation. Secondary Plans and site-specific policies serve an important function and should continue to be recognized as essential planning instruments.

- Similar to requirements for Official Plans, mandatory review provisions should apply to Secondary Plans and site-specific policies to determine if they are functioning as intended and to determine if they are still needed. Some Secondary Plans may be most useful in the first five to ten years after adoption, while others may be required for longer-term planning and build-out horizons. Review of Secondary Plans and site-specific policies should be part of any regular Official Plan review, or immediately after the Official Plan review.
- Secondary Plans need to be consistent with the parent policies of the Official Plan so the overall planning framework remains consistent. Exempting Secondary Plans from Ministerial review will expedite the process and allow development and building to occur faster.
- Municipalities should be granted a high level of flexibility to create, implement and maintain Secondary Plans. As noted above, updates to Secondary Plans should be undertaken with the regular Official Plan review or immediately thereafter.

**ERO: 026-0313 – Streamlining the information and material that planning authorities can require as part of a complete application**

- City of Waterloo staff are supportive of efforts to standardize and streamline the development approvals process, but have concerns with the proposed list of studies (information and materials) planning authorities could require as part of a complete application. In staff's opinion the proposed list of core and contingent studies is not comprehensive enough for planning authorities to effectively evaluate all planning applications they may receive. Many development applications submitted within the City of Waterloo are nuanced due to the site or environmental constraints and have complex design considerations, particularly infill and intensification sites. As such, staff often rely on studies not included with the scope of the proposed core or contingent studies, including but not limited to:
  - watershed and subwatershed studies
  - regulatory floodplain assessment
  - slope stability study
  - master or block plan studies
  - energy studies
  - sun/shadow studies

- parking studies
- architectural/urban design studies
- photometric plans
- community services assessments (e.g. parkland, schools, day cares, etc.),

to comprehensively and effectively review submitted development applications. We also rely on other clearances, plans, drawings and documents, including but not limited to technical drawings, conceptual building plans, surveys and reference plans, site records, existing conditions plans, grading plans and topographical surveys, construction management plans, professional certifications (e.g. engineers, architects, surveyors), Section 59 clearance under the Clean Water Act, and clearances from agencies such as NAV Canada. It is recommended that the Ministry add these studies and supporting materials to the list.

Should the Province move forward with the standardization of information and material that planning authorities can require as part of a complete application, then planning authorities should maintain the ability to develop terms of reference to specify the breadth of information required for each of the types of studies included in the Provincial list. The environmental, ecological, built form, and social aspects of municipalities vary drastically across the Province, therefore planning authorities should have the ability to ensure the information and material provided through planning applications are comprehensive, encompassing, and wholly applicable in the local context and in regard to Provincial interests.

**ERO: 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**

- Staff are very supportive of the proposed legislative changes which would facilitate the electronic submission of information and material to approval authorities. These updates will result in saved staff time, reduced costs, as well as a reduced carbon impact.

**ERO: 026-0302 – Communal drinking water and wastewater system municipal consent requirements**

- The proposed amendment to the Municipal Act / SDWA for communal systems will likely not impact the City of Waterloo given the city’s very high spatial percentage of servicing infrastructure. There will be continued operating and capital risk to users/owners of communal systems (after handover from a developer) and potential

take-over costs for municipalities if owners can't maintain the system – the Province should consider such matters and incorporate protections into the legislation with respect to same, perhaps drawing from elements of the Condominium Act related to common elements and reserve funds.

- In most cases, non-municipal communal water and wastewater systems are considered plumbing and therefore, subject to Ontario Building Code (OBC) requirements. It is recommended that these systems, if located outside a building, be designed and constructed to full municipal standards (e.g. DGSSMS for the Waterloo Region) to minimize future operational and maintenance costs for private owners.

### **ERO: 026-0310 – Proposal to reform site plan control under the Planning Act and the City of Toronto Act, 2006**

City of Waterloo staff agree that improvements can be made to the site plan process to streamline approvals. We also believe that site plan is an important tool for municipalities to manage site-level design considerations, and should not be removed as a land use planning tool.

The Altus/OAA reports cited in the posting do not fully reflect the process realities experienced by the City. The stated 23-month average timeline for site plan applications represents a gross approval timeline, not net municipal processing time, and fails to account for the following:

1. Significant difference in the scope and scale of applications received by municipalities (e.g. addition to existing building versus a master planned mixed-use multiple building development comprising a large site).
2. The amount of time required for agencies (including Provincial and/or Federal agencies) to review submissions and provide comments.
3. The amount of time taken by applicants to re-submit and/or revise submission materials in response to comments, or to resolve issues / complete requirements (e.g. conveyance of road widenings).
4. Delays due to applicant-initiated revisions (e.g., applicant decides to change the design concept during staff's review).
5. The significant number of submissions received by the City that are technically flawed, incomplete, inaccurate, missing critical information, or inconsistent with other processes (e.g., concurrent building permit drawings).

6. The time necessary to work collaboratively with applicants and related agencies to ensure coordinated approvals and a successful, safe, and functional developments that minimizes conflicts / nuisances based on design standards and best practices.

We agree with the 2013 OAA/Bousfields/Atlas report that a primary barrier to timely site plan approval is incomplete applications and delayed applicant responses. Administrative and agency-related factors can also contribute to delays.

*Remove site plan control as a land use planning tool in the Planning Act and the City of Toronto Act, 2006.*

- The City of Waterloo strongly opposes the proposed reform to remove site plan control as a land use planning tool. Site Plan is an effective tool to manage risk and conflicts related site-level design, safety and sustainability of built environments, and results in better planning outcomes that align with the Provincial Planning Statement 2024's vision to create sites with "a high standard of living and an exceptional quality of life". Site plan control is the primary mechanism through which municipalities manage site-specific technical details of a development, with greater flexibility than afforded through zoning regulations. While the Building Code covers structural safety and constructability, it does not adequately address how a building interacts with the public realm and surroundings, assess site safety (e.g. lighting, CPTED, etc.), ensure functional design (e.g., parking and turn movements), or address spatial conflicts (e.g. placement of inground refuse collection bins to overhead hydro services). Site Plan is the critical bridge between regulatory zoning by-laws and the physical reality of construction.
- Ontario requires more housing, but it should not be advanced at the cost of well-designed communities, safety and environmental protections. The cumulative and long-term negative impacts of this suggested reform would be profound on all cities and communities across Ontario and quality of life of residents.

*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.*

- City staff are supportive of gaining efficiencies through collaborative meetings intended to resolve design and technical issues. Currently, at the City of Waterloo, meetings are already being scheduled with relevant parties, as required, throughout the process. Standardizing this approach, at a specific time (when it may or may not be warranted), seems unnecessary and overly prescriptive. In the alternative, similar to preapplication

consultation, if a proponent requests a meeting, the municipality could be required to accommodate the request.

*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.*

- The proposed reform seems overly prescriptive and removes that ability for municipalities and applicants to collaboratively work together to achieve the best planning outcome for the site. In our opinion, Section 41 is sufficiently clear on the matters that are within the scope of site plan control, and what conditions may be applied – a checklist is not necessary.
- The City has qualified professionals for acceptance and approval of reports and studies. However, professionals may disagree on technical aspects of the analysis or recommendations, requiring constructive dialogue to resolve.
- It is unclear if the standard site plan checklist would be created by the municipality (i.e. municipal specific) or the Province (i.e. province wide). If the Province elects to require a standard site plan checklist, it should be created by the municipality based on its local context, unique attributes, and planning framework, but guided by Section 41 of the Planning Act.
- The City is concerned with the line that states: *“If technical and drawing requirements identified in the checklist are met, site plan approval is issued”*. This would require very sophisticated requirements to be established – for example, the provision of a required loading space is insufficient to achieve site plan approval; rather approval should be contingent on where/how the required loading space is located, positioned and designed on the lands to be functional, safe, minimize negative impacts, efficiently use the lands, etc. It is unclear how a checklist will establish a complete list of all “requirements” to address all relevant and appropriate nuances of site design, knowing that lands, designs, contexts and constraints are varied.
- Sustainable design is important for future-proofing communities. As previously stated, it is recommended that sustainable site design elements be retained as an element that municipalities can require and assess through the planning process, including site plan control. As the ERO states, Bill 17 clarified to municipalities that

building standards / requirements that exceed the Building Code (e.g., green building standards) are not permitted – in our view, this clarification is sufficient and should address most concerns of the development industry. The City often uses conditions to secure items like bioswales in order to meet infiltration targets given our reliance on aquifers for drinking water, and native vegetation planting as a good environmental practice and in response to First Nations input on development applications – these types of sustainable site design elements should remain within the scope of site plan control. Further, as acknowledged within ERO-0300, the Provincial Planning Statement 2024 (“PPS”) requires that municipalities plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate, including through the promotion of green infrastructure, low impact development, and active transportation, protection of the environment and improvement of air quality. It is unclear how municipalities can align with the PPS if they lack the authority to incorporate sustainable site design elements into Section 41 approvals.

- Site Plans are coordinated with engineering reviews of grading, drainage, servicing, accessibility, stormwater management, and construction management which are site-specific and influence the quality of a site, the context of the site, and constraints (e.g. hydrogeological conditions like perched water tables). Removing the ability to request additional studies creates unquantified risks for municipalities.
- Standardizing a checklist across all 444 Ontario municipalities ignores the geographical and environmental diversity of the Province. The proposed shift to a standardized “checklist-only” model diminishes the City’s capacity to identify and mitigate site-specific technical conflicts. A multi-departmental site plan process is not just an administrative tool but a mechanism to ensure all elements of a site function in harmony.
- Site plan control should not be viewed as a procedural step; it is a critical risk management and design integration tool that manages the interaction of a private property and public space. Standardizing it to functional aspects eliminates the ability to ensure better planning outcomes, achieve local planning objectives such as enhanced tree canopies, address negative impacts (e.g. wind mitigation), and ensure active transportation links and design elements that are critical for improving micro-climate, protecting public health, and achieving provincial interests. If reform is advanced, it must retain municipal authority to require studies, apply conditions, and exercise professional judgment based on context. To protect the long-term health of the community, any reform must preserve municipal authority to require site-specific studies and the ability to apply conditions related to same.

- We fear that a ‘standardized checklist’ may become a static tool in a rapidly evolving development landscape, thereby removing the ability of municipalities to remain agile to the advancements / innovations in the development and construction industry.
- Shifting to consultant certifications may create a conflict of interest, and reduces accountability to the public. It can create inconsistent interpretation of standards and relying solely on ‘certified professionals’ hired by the developer removes the critical layer of unbiased public oversight. Municipalities must retain the right to peer-review any report that directly impacts the public. Staff do not support this proposal and believe the proposed reform will create unintended risks and long-term failures in our communities. The Province is encouraged to consider if the proposed reform could hinder municipalities’ ability to secure other desired outcomes that are in the public interest, such as urban design and environmental performance.

*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.*

- The City of Waterloo does not support this proposed reform.
- This proposed reform will create unintended risks and costs in the process. The proposed municipal arbitration process/site plan review panel to implement the 60-day timeline risks creating a shadow OLT at a municipal level. This will inevitably have cost implications to municipalities already struggling with limited costs and resources. As the Province is aware, many aspects of process timelines are beyond municipal control – requiring arbitration where the applicant desires more time to make a resubmission, critical agency comments (including Federal and Provincial) are outstanding, a minor variance is required to achieve zoning compliance before final site plan approval can be granted, etc. is not an effective use of time or resources, nor will it achieve faster approvals. This reform would likely result in additional legal expenses. It removes the current “collaborative approach” to problem solving in favour of creating another administrative layer. As previously discussed, a more productive approach would be to require municipalities to accommodate the request of a proponent for a meeting to work through outstanding matters and ensure clarity of process.

- Site plan control is a proactive risk management tool whereas arbitration, by nature, is reactive and can lead to compromised design standards.

*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.*

- Establishing differentiated site plan streams is a pragmatic and acceptable reform. The City of Waterloo already categorizes site plans as ‘standard’ and ‘major’ based on the nature of the proposal. We also enable site plan amendments through an expedited process, and permit redline revisions to site plans without a process or fee.
- One of the potential risks of triaging less complex development is the assumption that smaller projects are inherently simpler. Expediating files by nature of size (e.g., number of units) may be misleading, as a small ‘standard’ file in a sensitive environmental zone may be more complex than a large ‘major’ file on a pre-serviced lot. The City of Waterloo already exempts the following from the site plan process:
  - a) Low Density Residential Development
  - b) Development of 10 units or less in accordance with the Planning Act
  - b) Educational Institutional Development (including post-secondary institutions)
  - c) Farm-Related Development
  - d) Extractive Use
  - e) Portable classrooms
- In City staff’s opinion, municipalities should have discretion to categorize site plan applications based on their nature, scope and complexity, having regard to ensuring developments are safe, accessible, orderly, aesthetic/functional, and a positive contribution to the area, and to mitigate undesirable impacts related to wind, shadows, and uncompleted sites. This is particularly true for infill development.
- The City has proactively reduced administrative friction by implementing scoped circulations and expedited reviews for amendments to existing site plan approval applications. In addition, applications which have undergone a pre-consultation review are typically expedited through the review process. Pre-consultation allows municipal staff, the applicant, and relevant agencies to identify major issues before a formal

application is submitted. Applications that follow the pre-consultation review are statistically more likely to be complete upon first submission.

- Review of the site plan applications at the City of Waterloo indicates that the review cycles generally reduce from 3-5 to 2-3 submissions when an application undergoes pre-consultation review. Preconsultation helps resolve major red flags early in the process, and reduces back and forth corrections. The Province may wish to re-evaluate the merits of preconsultation as a measure to streamline site planning review. To this end, the City recommends mandating pre-consultation and improving it by creating a scoring matrix which helps determine if the project can be expediated or not, as sometimes standard files are as complex as major ones.

The City also wishes to use this opportunity to continue to identify a conflict between the PPS and the *Planning Act* as it relates to sensitive uses in the floodplain. While not included in Bill 98, staff believes this matter requires attention by the government.

- Through Bill 17, subsections 16(3.2.1) and 35.1.1(1) of the Planning Act were added to include restrictions that would prevent official plan policies and zoning by-laws from prohibiting the use of a parcel of urban residential land for an elementary school or secondary school of a school board (or any ancillary uses to such schools, including the use of a child care centre located in the school), but per policy 5.2.6 of the Provincial Planning Statement 2024 (“PPS”), development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:  
a) an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools. To be consistent with the PPS, Official Plans and Zoning By-laws need to restrict these uses in the floodplain.