

May 8<sup>th</sup>, 2026

**RE: ERO Postings No. 026-0300, 026-0302, 026-0309, 026-0310, 026-0311, 026-0312, 026-0313, 026-0314 and 026-0315**

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Dear Minister Flack,

On behalf of Middlesex County Council, I am writing to provide comments regarding the Bill 98 and the following consultations published on the Environmental Registry of Ontario (ERO): 026-0300, 026-0302, 026-0309, 026-0310, 026-0311, 026-0312, 026-0313, 026-0314 and 026-0315.

Middlesex County recognizes the government's intent to promote consistency, growth, and housing supply through the proposed legislative and regulatory framework primarily related to land use planning. The County supports continued improvement and modernization of land use planning frameworks and processes. It is important that implementing measures maintain a balanced, locally informed approach, that supports provincial priorities, responds to the needs of rural and small urban municipalities, and upholds sound land use planning principles and municipal decision-making.

Municipalities across Ontario have varied geographic, demographic, and economic contexts. Rural and small urban communities require flexibility in their planning frameworks to address local circumstances related to land use, infrastructure capacity, fiscal considerations, development pressures and long-term growth management. A one-size-fits-all approach may unintentionally limit a municipality's ability to implement Provincial direction, council's vision, and respond to local priorities. While some of proposed changes may streamline the development approvals process, others may reduce municipal autonomy and increase risks related to municipal liability and financial exposure.

The following submission outlines Middlesex County's comments on the proposed changes related to the structure and content of both lower- and upper-tier official plans, site plan control, subdivision and consent conditions, complete application requirements, mandatory minimum lots sizes and the provision of public water and wastewater infrastructure. Additional information can be provided or the submission can be discussed further at your convenience.

## **Proposed Planning Act Reform**

The potential implementation of electronic submission of planning information and materials is acknowledged as a positive step toward improving efficiency and consistency across municipalities. In fact, Middlesex County has worked collaboratively with our eight local municipalities to fully implement an e-permitting system. This experience has identified several technical limitations within the current regulatory framework. For example, the requirement for applicant signatures to be commissioned creates an administrative burden that could be removed. Alignment with building permit application processes in this regard could serve as a useful reference.

Middlesex County recognizes the Province's intent to improve consistency and comparability across jurisdictions through the proposed standardization of the structure and content of official plans, prescribed complete application requirements, and minimum lot sizes. While these changes may support streamlined planning frameworks, they also present implementation challenges for rural and small urban municipalities.

Middlesex County has extensive experience in the preparation and updating of official plans and offers the following comments based on that experience. The County supports the introduction of a combined "Community Areas" designation and recognizes its potential utility for upper-tier official plans as one example. However, should the Province move forward with this designation, it would be beneficial for upper-tier municipalities comprised of rural and small urban communities to have the ability to classify Community Areas into "tiers", based on the availability of municipal water and wastewater services. This tiered classification would more accurately reflect the servicing realities of municipalities at the settlement area level and provide meaningful policy differentiation, in accordance with the direction in the Provincial Planning Statement.

Regarding the standardized table of contents, schedules, and land use designations outlined in ERO 025-1099, it is noted that the current County Official Plan uses a settlement area-based approach, designating all lands outside of settlement areas as Prime Agricultural lands, consistent with the requirements of the Provincial Planning Statement. In Middlesex County, water and wastewater infrastructure, as well as community service facilities, are lower-tier municipal responsibilities. These responsibilities vary across jurisdictions. If the Province intends to standardize Official Plan structure and land use designation frameworks, the proposed requirements should accommodate existing two-tier municipal arrangements where upper-tier planning documents do not address matters within lower-tier jurisdiction at

the same level of detail. Any standardized framework should also be sufficiently flexible to adapt to future changes in the allocation of responsibilities between upper- and lower-tier municipalities, should such changes occur.

Further, there is a need for clarity regarding the timing of when standardized official plans must be implemented and if a provincial guideline document will be made available prior to the commencement of any implementation timeline.

The proposed reforms to the site plan approval process present several considerations that warrant careful examination. If site plan approval is removed, an alternative mechanism would need to be established to address road dedications and site-related matters such as stormwater management and fire route obligations prior to building permit issuance. The removal of site plan approval would also eliminate a key tool through which agreements are registered on title, and it is unclear how this function would be maintained under the proposed framework.

The ERO posting indicates that municipalities take an average of 23 months to review site plans. Within Middlesex County, local municipalities typically achieve significantly shorter timelines (often just a few weeks) and would be available to provide additional information on their processes and performance.

The ERO posting gives options for proposed reforms and including limiting the number of review circulations to three. The proposed cap of three site plan submissions warrants further consideration, particularly where a proponent is actively revising a proposal which requires municipal review of what is essentially new information. There may be merit in establishing a tiered approach distinguishing minor and major site plan streams, with reduced submission requirements for minor applications and municipal authority to define and regulate those thresholds through Official Plans and site plan control by-laws.

Should the Province move forward with site plan reform, the reinstatement of mandatory pre-consultation meetings warrants consideration. Pre-consultation serves an important role in identifying issues early, establishing complete application requirements, and aligning expectations between municipalities and applicants. Proceeding with site plan reform in the absence of a pre-consultation requirement risks extending timelines where applications are submitted without sufficient information.

Reductions to minimum lot sizes present considerations regarding the buildability of resulting lots and whether compliance with the Ontario Building Code can be practically achieved in all cases. There is also a risk that applicants and potential future purchasers may not adequately account for on-site requirements such as

parking and infrastructure when designing or acquiring these smaller lots. Reductions to driveway and lot size standards may also result in a notable increase in minor variance applications, placing additional demand on applicants and municipalities.

### **Private Communal and Off-Grid Servicing**

Private communal and off-grid systems may introduce significant regulatory, operational, and liability considerations in the absence of a clearly defined oversight model. The current proposal provides some guidance on the conditions and criteria required for municipal consent; however, further clarification is needed prior to implementation. Additional considerations include life-cycle performance, operations and maintenance costs, and staffing implications associated with alternative treatment technologies, which may require municipalities to develop additional technical capacity.

It is noted that all larger settlement areas within the County are serviced by full municipal water and wastewater infrastructure. Any changes to provincial servicing policies, legislation, or governance structure could therefore fundamentally affect how infrastructure is managed and delivered, with direct implications for long-term infrastructure planning. In most cases, the expansion of municipal water and wastewater infrastructure where it exists remains in the long-term interest.

In the absence of a clearly defined provincial oversight framework, there is concern that municipalities could be left to assume responsibility for privately initiated infrastructure systems that may be challenging to operate and maintain over the long term. This could result in potential financial and administrative burdens, particularly for rural and small urban municipalities with limited capacity.

To mitigate these risks, any new servicing model should include clear accountability mechanisms, support public interest outcomes, and preserve municipal oversight. Long-term financial viability, operational clarity, and transparent governance will be important to successful implementation.

### **Conclusion**

Middlesex County offers the following considerations for the Province's review as part of the ongoing consideration of Bill 98:

- Standardized frameworks must account for the realities of rural and small urban municipalities, including asymmetrical service delivery responsibilities between upper and lower tiers.

- The Province should allow upper-tier municipalities to classify Community Areas into tiers based on municipal servicing availability, to reflect local realities and enable meaningful policy differentiation.
- Site plan reform must preserve mechanisms for road dedications, title agreements, and stormwater obligations, and should reinstate mandatory pre-consultation.
- Reductions to lot size standards should be evaluated against Building Code compliance, on-site servicing needs, and minor variance implications.
- Any alternative servicing framework must include clear oversight, accountability, and municipal control provisions to ensure long-term viability.

Middlesex County remains committed to working collaboratively with the Province to address Ontario's housing needs. We are supportive of initiatives that enhance housing supply while ensuring that growth and infrastructure planning are aligned with the characteristics and capacities of our communities. We appreciate the opportunity to provide input and welcome continued dialogue, and would be happy to provide further information or discuss this submission in greater detail at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue Clarke". The signature is fluid and cursive, with a large initial "S" and "C".

Sue Clarke  
Warden, Middlesex County