

**Community Development Department**

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November 23, 2022

The Hon. Steve Clark  
Minister of Municipal Affairs and Housing  
17th Floor - 777 Bay St  
Toronto, ON  
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**Re: Proposed Planning Act Changes (Schedule 9 of Bill 23)  
ERO Number 019-6163**

Dear Minister Clark,

The City of Cambridge administration is providing this submission in response to the proposed amendments to the Planning Act posted for comment on the Environmental Registry of Ontario by the Ministry of Municipal Affairs and Housing.

Our comments are:

**Missing Middle/Gentle Density:**

The proposed changes to the Planning Act would permit as-of-right three residential units on a lot. Municipalities are prohibited from requiring minimum unit sizes or requiring more than one parking space per unit. The City of Cambridge is currently completing a new comprehensive zoning by-law, and through this update will be recommending that all urban low-density zones permit single detached, semi-detached, and triplex dwellings. In addition, the City has already enacted a zoning by-law amendment to permit up to three dwelling units on a lot in the form of additional

residential units (ARUs). Staff consider the changes proposed to the Act regarding three units as being consistent with decisions that the City is already making towards providing missing middle housing. Therefore, staff is supportive of the change, provided that a municipality maintains the ability to apply appropriate zoning standards such as building height, setbacks, coverage, minimum lot frontage and area to developments with three-unit housing (e.g. triplex, accessory residential units etc.).

### **Mandatory Zoning Updates to Major Transit Station Areas:**

Staff understand that the proposed changes to the Planning Act require that a municipality implement Official Plan policies relating to Major Transit Station Areas (MTSAs) in zoning within one year of the MTSA policies coming into effect. The Region of Waterloo, through Regional Official Plan Amendment (ROPA) No. 6 (adopted by Regional Council but not approved by the Minister at this time) has identified the geographic boundaries of seven MTSAs in the City of Cambridge. Staff understand that the proposed time frame to implement the MTSAs in zoning is one year from the date of approval by the Minister of ROPA No. 6. The City of Cambridge has been advancing secondary plan studies for the MTSAs that are within the Hespeler Road corridor (representing four of the seven MTSAs identified by the Region) and believe that the zoning can be in place for these four MTSAs within one year of the Minister's decision on ROPA No. 6. The three remaining MTSAs (located in Galt and Preston) require further study (e.g. floodplain and built heritage considerations) and therefore zoning may not be in effect within the one-year time frame. Cambridge staff are supportive of the objective of expediting as-of-right zoning in MTSAs, however; suggest more flexibility regarding the timelines for implementation of MTSAs in zoning due to the complexities of specific MTSA geographies.

### **Removal of Upper-Tier Municipalities' Planning Authority:**

The proposed Planning Act changes will result in the removal of the Region of Waterloo as a land use planning authority. The Region would no longer have the authority to adopt a Regional Official Plan (ROP), approve lower tier Official Plans, amendments, and draft plans of subdivision. Cambridge staff understand that under these proposed changes the in force ROP would constitute the Official Plan of the City of Cambridge and the recently adopted ROPA No. 6 would be deemed to be adopted by the City. The Minister would become the approval authority of any future City Official Plan and/or amendments, subject to any delegation regulations.

Cambridge staff is not supportive of the removal of the Region of Waterloo as a Planning authority, particularly as it relates to the ability of the Region to adopt and maintain the ROP. The City of Cambridge and Region of Waterloo have a close and collaborative working relationship on land use planning matters. The Region of Waterloo

applies a "Region-wide" lens to planning and is responsible for the overall growth management framework that all area municipalities in this Region plan for. This includes determining and planning for Regional and local land needs, servicing and major cross border infrastructure, the central transit corridor including public transit and future stage 2 light rail transit (LRT) which will serve the City of Cambridge, the establishment of the countryside line and protected countryside, protection of water supply, the Regional environmental framework and protection of prime agricultural areas. These Region-wide planning matters are too broad and significant to be delegated to the responsibility of individual area municipalities whose interests are primarily limited to the geography of their corporate boundaries. Therefore, it is recommended that the Region of Waterloo remain an approval authority with the ability to adopt and maintain the ROP to which area municipalities plan their own respective Official Plans under.

Cambridge staff are supportive of initiatives to reduce unnecessary overlap and duplication between upper and lower tier municipalities in the Region as it relates to land use planning approvals. This could include delegation of subdivision approval and certain official plan amendments to lower tier municipalities. Cambridge staff question whether the transfer of decision making from the Region to the Ministry (with respect to Official Plans and amendments) will assist in quicker and more responsive local land use planning decisions, which is the stated objective of the proposed legislative changes.

### **Appeal Process:**

Staff understand the proposed changes to the appeal process will eliminate third party appeals to both private and city-initiated Planning changes. Appeal rights would be limited to the applicant, certain public bodies, the Minister and certain public and private infrastructure/utility providers. Staff understand that this would also mean that the Region of Waterloo would not have right of appeal. Staff is supportive of the objective of limiting the appeal process thereby empowering local municipal Council decision making but believes that the Region of Waterloo should have the right of appeal given they are a critical service provider of infrastructure for area municipalities.

The proposed changes will limit the ability of appeal by Conservation Authorities (CAs) to when they are an applicant or on matters relating only to natural hazard policies in the PPS. Cambridge staff is not in support of this proposed change. The City has a collaborative relationship with the Grand River Conservation Authority (GRCA) and relies on the expertise of GRCA staff on a variety of environmental considerations beyond only natural hazard matters, and therefore CAs should maintain the right of appeal. Please see additional comments regarding proposed changes to CAs under our letter to ERO posting No. 019-6141.

## **Site Plan Control:**

Proposed Planning Act changes will result in developments 10 units or less being exempt from site plan approval. Other changes to the site plan approval process include that municipalities would no longer have the authority to regulate matters relating to exterior and sustainable design. Staff fully support the objective of streamlining approvals but is not in support of the proposed changes to the site plan control process for the following reasons:

- Excluding exterior design review from all site plan applications will result in poorly designed developments that are not respectful of the character of an area or development that does not properly interface with the public realm which is important in building strong, connected communities. The City has Official Plan policies and design guidelines which will become redundant if they cannot be implemented through the site plan approval process. The ability to ensure that new development meets high quality urban design objectives is particularly important since the City is expected to see a greater proportion of development in the form of infilling in existing neighbourhoods.
- Eliminating sustainable design from site plan control will mean that green development standards can not be implemented. This will compromise the City's efforts toward meeting our commitments to climate change mitigation, adaptation, and greenhouse gas reduction.
- Removal of site plan control for developments 10 units or less will result in the inability for the City to require land dedication such as road widenings for such proposals.
- Design related standards may be incorporated into zoning by-laws which could result in overly prescriptive zoning standards that lack the flexibility of the negotiated site plan approval process. This could result in more delays in development review and approval which is contrary to the goal of streamlining development approvals.

The proposed legislation will also enable land lease communities to be approved through site plan approval. Staff support this aspect of the proposed legislative changes.

### **Removal of Statutory Public Meeting for Draft Plans of Subdivision:**

Under the proposed legislation a public meeting is no longer required for a draft plan of subdivision. Typically, a draft plan of subdivision has an associated zoning by-law amendment application which will require a statutory public meeting. In this circumstance staff has no concern with the elimination of a public meeting for the draft plan of subdivision. However, in cases where there is only a draft plan of subdivision and no other Planning Act application, staff recommend that the requirement of a public meeting be maintained.

The approvals process would further benefit from provincial coordination to ensure fast and efficient review by other agencies, delivered as the one window approach to planning. This continues to be a challenge in meeting review times.

Thank you for the opportunity to comment.

Yours truly,



Lisa Prime  
Chief Planner