

May 30, 2023

File: 12-03-3564

Hon. Steve Clark, Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
Sent online via ERO posting 019-6813

Re: City Comments on the Proposed Provincial Planning Statement and Summary of Changes Resulting from Bill 97, the "Helping Homebuyers, Protecting Tenants Act, 2023"

Please be advised that City Council at a meeting held on May 29, 2023 dealt with the above-noted matter and adopted the following recommendation of the Economic and Development Services Committee:

- “1. That Report ED-23-112 dated May 3, 2023, including Attachment 3, be endorsed as the City’s comments on the proposed Provincial Planning Statement.
2. That Report ED-23-112 dated May 3, 2023, including Attachment 4, be endorsed as the City’s comments on Bill 97.
3. That Economic and Development Services staff be authorized to submit the comments contained in Report ED-23-112 dated May 3, 2023 related to the proposed Provincial Planning Statement and Bill 97 in response to the associated proposal posted on the Environmental Registry of Ontario website under Notice 019-6813 and under Notice 019-6821.
4. That staff be authorized to forward a copy of Report ED-23-112 dated May 3, 2023 and the related Council resolution to the Region of Durham, Durham area municipalities, and Durham area M.P.P.s.”

Please find enclosed a copy of Report ED-23-112 for your consideration in response to the above-noted ERO posting.

If you require further information or clarification, please contact Laura Brown at the address shown or by telephone at (905) 436-3311, extension 2125 or by email to labrown@oshawa.ca.



Meaghan Harrington, MCIP, RPP, Manager
Policy

LB/k

Attachment

- c. Region of Durham
Durham area municipalities
Durham area M.P.P.s

To: Economic and Development Services Committee

From: Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-23-112

Date of Report: May 3, 2023

Date of Meeting: May 8, 2023

Subject: City Comments on the Proposed Provincial Planning Statement
and Summary of Changes Resulting from Bill 97, the "Helping
Homebuyers, Protecting Tenants Act, 2023"

Ward: All Wards

File: 12-03-3564

1.0 Purpose

The purpose of this Report is to:

1. obtain Council's endorsement of City comments regarding a proposed new Provincial Planning Statement (the "P.P.S."); and,
2. to provide a summary of changes resulting from Bill 97, the "Helping Homebuyers, Protecting Tenants Act, 2023" ("Bill 97").

The proposed P.P.S. was posted on the Environmental Registry of Ontario's ("E.R.O.") website under Notice 019-6813 on April 6, 2023, with comments requested by June 5, 2023.

The proposed Bill 97 was posted on the E.R.O. website under Notice 019-6821 on April 6, 2023, with comments requested by May 6, 2023.

Attachment 1 is a copy of the proposed P.P.S., which was released on April 6, 2023. Owing to the size of the document, it is not attached to this Report but a copy of the proposed P.P.S. can be viewed at the following link: <https://ero.ontario.ca/notice/019-6813>.

Attachment 2 is a copy of Bill 97, which was introduced into the Ontario Legislature with first reading on April 6, 2023. Owing to the size of the document, it is not attached to this Report but a copy of the proposed Bill 97 can be viewed at the following link: <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-97>.

Attachment 3 presents staff comments on the proposed P.P.S.

Attachment 4 presents staff comments on Bill 97.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That Report ED-23-112 dated May 3, 2023, including Attachment 3, be endorsed as the City's comments on the proposed Provincial Planning Statement.
2. That Report ED-23-112 dated May 3, 2023, including Attachment 4, be endorsed as the City's comments on Bill 97.
3. That Economic and Development Services staff be authorized to submit the comments contained in Report ED-23-112 dated May 3, 2023 related to the proposed Provincial Planning Statement and Bill 97 in response to the associated proposal posted on the Environmental Registry of Ontario website under Notice 019-6813 and under Notice 019-6821.
4. That staff be authorized to forward a copy of Report ED-23-112 dated May 3, 2023 and the related Council resolution to the Region of Durham, Durham area municipalities, and Durham area M.P.P.s.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

Not applicable.

5.0 Analysis

5.1 Background

The Provincial Policy Statement, 2020 (the "Provincial Policy Statement") and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the "Growth Plan") both provide comprehensive, integrated policy direction on land use planning matters including:

- Growth management, housing and economic development;
- Infrastructure planning, including sewage, water and stormwater management services, transportation, transit, energy supply and corridor protection;
- Protection and management of resources, including prime agricultural areas, aggregates, natural heritage, water, and cultural heritage; and,
- Protection of public health and safety, such as mitigating potential risks due to natural and human-made hazards.

The Provincial Policy Statement is issued under the Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") and is the primary, Province-wide land use planning policy document. The Growth Plan is issued under the Places to Grow Act, 2005 and provides a more detailed framework for where and how growth should be accommodated in the Greater Golden Horseshoe. To the extent that the policies contained in the Growth Plan differ from those in the Provincial Policy Statement the policies of the Growth Plan are paramount.

In 2022, the Provincial government undertook a review on approaches for leveraging the housing supportive policies of both the Provincial Policy Statement and the Growth Plan through a streamlined province-wide framework.

As directed by Council on November 21, 2022, the City submitted comments to the Province pursuant to Report CNCL-22-78 dated November 16, 2022.

The Provincial government received feedback on the following six themes:

- Residential land supply
- Attainable housing supply and mix
- Growth management
- Environment and natural resources
- Community infrastructure
- Streamlined planning framework

The Province is now seeking input on a proposed P.P.S. that would replace both the existing Provincial Policy Statement and the Growth Plan.

5.2 Proposed Provincial Planning Statement

The purpose of the proposed P.P.S. is to combine the elements of the Growth Plan and the existing Provincial Policy Statement into a new land use policy document.

Through the proposed P.P.S. the Provincial government is proposing policies grouped under five pillars:

- Generate an appropriate housing supply
- Make land available for development
- Provide infrastructure to support development
- Balance housing with resources
- Implementation

If the proposed P.P.S. is adopted, the Provincial government would consequentially revoke the existing Provincial Policy Statement and the Growth Plan as well as amend regulations under the Places to Grow Act, 2005.

In addition, the Provincial government is proposing an administrative amendment to the Greenbelt Plan in order that the policies in the Greenbelt Plan are maintained should the existing Provincial Policy Statement and the Growth Plan be revoked.

The following subsections provide additional information pertaining to the five pillars. Staff note that the various bullets identifying the purpose and effect of the policies under the various pillars replicate the exact language used by the Province in the E.R.O. posting (i.e., Notice 019-6813). In cases where this language lacks clarity or appears erroneous, staff have provided commentary.

5.2.1 Pillar 1: Generate an Appropriate Housing Supply

The first pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to generate an appropriate housing supply. The proposed policies would:

- Identify large/fast-growing municipalities, with specific directions to plan strategically for growth:
 - Establish and meet minimum density targets for: major transit station areas, other strategic growth area (e.g., nodes and corridors), urban growth centres (transitioned from the Growth Plan).
 - Encourage to plan for transit-supportive greenfield density targets.
- Require municipalities to provide a range and mix of housing options with an expanded definition to include multi-unit types (laneway, garden suites, low and mid-rise apartments) and typologies (multi-generational, student).

[Staff comment: It should be noted that the reference to laneway homes and garden suites as examples of multi-unit housing types appears erroneous.]

- Require all municipalities to implement intensification policies.
- Provide flexibility for municipalities to allow for more residential development in rural settlements and multi-lot residential development on rural lands, including more servicing flexibility (e.g., leveraging capacity in the private sector servicing).
- Require municipalities to permit more housing on farms, including residential lot creation subject to criteria, additional residential units and housing for farm workers.
- Require municipalities to align land use planning policies with housing policies, including addressing homelessness and facilitating development of a full range of housing options and affordability levels to meet local needs.

5.2.2 Pillar 2: Make Land Available for Development

The second pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to make land available for development. The proposed policies would:

- Provide flexibility for municipalities to use government or municipally established forecasts (at minimum), with a transition phase for municipalities in the Greater Golden Horseshoe.

- Require municipalities to plan for a minimum 25-year horizon, maintain a 15-year residential land supply and maintain land with servicing capacity for a 3-year supply of residential units.
- Provide a simplified and flexible approach for municipalities to undertake settlement area boundary expansions. Municipalities would be allowed to create new Settlement Areas and would not be required to demonstrate the need for expansion.
- Require municipalities to plan for and protect industrial and manufacturing uses that are unsuitable for mixed use areas, using a more narrowly scoped definition of “area of employment” limited to these uses and preserving large, contiguous areas of land.
- Encourage municipalities to preserve employment areas close to goods movement corridors, coordinating across administrative boundaries and consider opportunities to densify.

[Staff comment: It is uncertain as to whether the three directives contained herein relate collectively to just employment areas, or whether they are three separate directives that do not necessarily relate to one another.]

- Provide municipalities with greater control over employment area conversions to support the forms of development and job creation that suit the local context.

5.2.3 Pillar 3: Provide Infrastructure to Support Development

The third pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to provide infrastructure to support development. The proposed policies would:

- Require municipalities to plan for stormwater management, water and wastewater infrastructure, and waste management systems to accommodate growth.
- Require municipalities to protect corridors for major infrastructure, such as highways, transit, transmission systems and encourage municipalities to provide opportunities for the development of energy supply to accommodate current and projected needs.

[Staff comment: with respect to providing opportunities for the development of “energy supply”, it is unclear if this is intended to relate to energy supply facilities and infrastructure.]

- Require the integration of land use planning and transportation with encouragement for freight-supportive and transit-supportive development to move goods and people.
- Require municipalities and school boards to integrate planning for schools and growth.

5.2.4 Pillar 4: Balance Housing with Resources

The fourth pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to balance housing with resources. The proposed policies would:

- Require municipalities to designate specialty crop areas and prime agricultural areas, eliminating the requirement to use the provincially-mapped Agricultural System.
- Require municipalities to protect specialty crop areas and maintain minimum separation distances between livestock operations and houses, and promote an agricultural systems approach to support the agri-food network.
- Require municipalities to facilitate access to aggregate resources close to market and to protect minerals, petroleum and mineral aggregate resources.
- Require municipalities to protect water resources and features and encourage watershed planning.
- Update the cultural heritage policies to align with Ontario Heritage Act amendments through Bill 108 and Bill 23, with a focus on conserving protected heritage properties.
- Require municipalities to prepare for the impacts of a changing climate and develop approaches to reduce greenhouse gas emissions and improve air quality.
- Require municipalities to direct development outside of hazardous lands and sites.

As of April 6, 2023, natural heritage policies and related definitions remain under consideration by the government. Once proposed policies and definitions are ready for review and input, they will be made available through a separate posting on the E.R.O. This posting (E.R.O. Number 019-6813) will be updated with a link to the relevant posting once it is available.

5.2.5 Pillar 5: Implementation

The fifth pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. relates to implementation. The proposed policies would:

- Align with recent legislative amendments.
- Require municipalities to undertake early engagement with Indigenous communities and coordinate with them on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.
- Affirm that efficient land-use patterns contribute to increased equitable access to housing, employment, parks and transportation, and encourage municipalities to apply an equity lens on planning matters and engage stakeholders early in the process.

- Encourage coordination, particularly on inter-municipal topics.

5.3 Proposed Bill 97

In addition to combining the Provincial Policy Statement and Growth Plan into a proposed single document, the Province is also introducing new legislation under Bill 97, asserting that it will make life easier for both renters and home buyers.

The proposed amendments to the Planning Act under Schedule 6 of Bill 97, if passed, would, among other matters, address:

- **Fee Refund Provisions:**
 - Delay the requirement for municipalities to refund zoning by-law and site plan application fees so that it only applies to applications submitted on or after July 1, 2023.
 - Create Minister's regulation-making authority to be able to exempt municipalities from the fee refund provisions in the future if needed (no exemptions are being proposed at this time).
- **Consequential Changes to Support Implementation of the More Homes Built Faster Act, 2022 (Bill 23):**
 - Clarify that the existing provisions regarding parking spaces for additional residential units apply only to the second and third units on a property.
 - Make various minor housekeeping edits to support implementation, including the use of consistent terminology.
- **Regulation-Making Authority for Site Plan Control for 10 Units or Less:**
 - Create regulation-making authority to prescribe specific circumstances where site plan control could be used for residential developments of 10 units or less.
- **Appeals of Interim Control By-laws:**
 - Enable an individual who received notice of the passing of an interim control by-law to appeal the by-law at the time of initial passing (rather than only at the time of extension).
 - Amend the notice and appeal timelines to provide 20 days for municipalities to give notice of the passing of an interim control by-law or a by-law extension (instead of the current 30 days) and for appeals to be made within 50 days of the by-law being passed.

- New Authority for Minister's Zoning Orders:
 - Provide the Minister of Municipal Affairs and Housing with the authority to exempt certain subsequent approvals required to establish uses permitted by Minister's zoning orders from having to align with Provincial plans or policies.
- Ministerial Authority to Require Development Agreements:
 - Provide the Minister of Municipal Affairs and Housing with the authority to require landowners to enter development agreements in relation to lands that have been assigned to the Provincial Land and Development Facilitator.
- Changes to Employment Area Protections:
 - Modify the definition of "area of employment" to only include heavy industry and other employment uses that cannot be located near sensitive uses, (i.e., not suitable for mixed use) to scope the applicability of existing provisions which limit appeals of municipal refusals and non-decisions.
- Regulation-making Authority for New Provincial Policy Document:
 - Create regulation-making authority to modify the application of Provincial policy statements to decisions on particular matters to support the implementation of provincial policies on a case-by-case basis.

In addition, proposed changes to the Ministry of Municipal Affairs and Housing Act, R.S.O. 1990, c. M.46 under Schedule 4 of Bill 97 would provide for the appointment of up to four Deputy Provincial Land Development Facilitators.

The Province released Bill 97 on April 6, 2023 and only provided a 30 day comment period ending on May 6, 2023. For this reason staff were unable to provide City Council endorsed comments for Council's endorsement prior to the comment deadline. However, staff have submitted the comments contained in Attachment 4 to the Province with the provision that they represent staff comments and will only be endorsed by Council on May 29, 2023. In the event that the comments are not supported by City Council, staff will ask the Province to consider the comments as withdrawn.

In addition, further discussion and staff comments concerning the proposed changes to the Planning Act under Bill 97 involving employment areas is also contained in Attachment 3 and discussed further in Section 5.4 of this Report, given that these particular changes reflect amendments that are proposed as part of the Province's approach to implement the P.P.S.

5.4 Proposed Approach to Implementation of the Proposed Provincial Planning Statement

As part of the proposed P.P.S. (under Notice 019-6813), the Province released a document outlining their proposed approach to implementation of the P.P.S., including

proposed effective dates, transition and timing of amendments to area municipal official plans including amendments as a result of Bill 97 concerning areas of employment.

The Province's proposed approach to implementation of the P.P.S. and Bill 97 changes is generally as follows:

- Effective date and transition:
 - The effective date would be the date specified through an order in council approved by the Lieutenant Governor in Council pursuant to section 3 of the Planning Act.
 - The Ministry is proposing to release the final policies in fall, 2023.
 - Any planning matter decision made on or after the effective date of the new policy document would be subject to the new policies except if a transition regulation were made.
- Timing for official plan updates:
 - The Planning Act requires official plans to be revised every five (5) years or every ten (10) years after a new official plan.
 - The intention is that official plans would be updated as necessary to implement these new policies at the time of their ordinary review cycle.
- Employment area changes:
 - If the proposed changes are passed, the definition in the Planning Act for 'area of employment' would be changed. An area of employment would only include those areas that cannot locate in mixed-use areas and require protection against conversion (i.e. heavy industrial). This change is proposed to take effect on proclamation of the new document.
 - Many municipalities' existing employment areas currently allow a range of uses which means time sensitive official plan updates will be needed to align with the new definition.
 - If the proposed changes are approved, areas that do not meet the definition of area of employment would no longer be subject to policy requirements for conversions to non-employment uses.
 - To maintain the integrity of employment areas, that are intended to remain protected over the long term, municipalities are encouraged to update their official plans to explicitly authorize the site-specific permissions of any existing uses that do not align with the new definition.
- Various matters specific to the Greater Golden Horseshoe:
 - The Growth Plan currently requires municipalities in the Greater Golden Horseshoe to plan specific population and employment forecasts to 2051. If the municipalities'

official plan is still in progress, it is expected that the municipality would continue to use the 2051 forecasts provided by the province. Lower-tier municipalities would be expected to meet or exceed the growth forecasts allocated to them by the upper-tier. As time passes and forecasts need to be updated, it is expected that municipalities in the Greater Golden Horseshoe would do their own forecasting of population and employment growth.

- Bill 23, made changes to the Planning Act that upon proclamation will remove statutory approvals authority from seven (7) upper-tier municipalities. It is anticipated that the change will not take effect until winter 2024 at the earliest.
- In 2019, the Province established thirty-one (31) Provincially Significant Employment Zones for the purpose of long-term planning for job creation and economic development. The government is seeking feedback on the need to identify Provincially Significant Employment Zones through an alternative approach. Protections would be consistent with the proposed definition of areas of employment.

If the proposed changes are passed, there is the potential for the revocation of the Growth Plan and the changes made to the P.P.S. to affect the implementation of policies in the Greenbelt Plan. An amendment is being proposed to the Greenbelt Plan that would indicate that the previous policies in the P.P.S and the Growth Plan would continue to apply in those cases where the Greenbelt Plan refers to them.

5.5 Next Steps

Staff are seeking Council's endorsement of the staff comments contained in Attachments 3 and 4 of this Report as the City's comments regarding the E.R.O. postings (i.e., Notice 019-6813 and Notice 019-6821) concerning the proposed P.P.S. and Bill 97.

Staff have already submitted comments contained in Attachment 4 to the Province with the provision that they represent staff comments and will only be endorsed by Council on May 29, 2023. In the event that the comments are not supported by City Council, staff will ask the Province to consider the comments as withdrawn.

If endorsed by Council, City staff will share the City's comments in Attachment 3 with the Province through the respective posting on the E.R.O. website.

Staff will continue to monitor the progression of the proposed new P.P.S. and resulting changes to the Planning Act as a result of Bill 97, and will report back at the appropriate time if deemed necessary (i.e. employment area conversions).

6.0 Financial Implications

There are no financial implications associated with the recommendations in this Report.

7.0 Relationship to the Oshawa Strategic Plan

The Recommendations advance the Accountable Leadership goal of the Oshawa Strategic Plan.

A handwritten signature in blue ink, appearing to read "Tom Goodeve".

Tom Goodeve, M.SC.PI., MCIP, RPP, Director,
Planning Services

A handwritten signature in blue ink, appearing to read "Warren Munro".

Warren Munro, HBA, MCIP, RPP, Commissioner,
Economic and Development Services Department

Staff Comments on the Proposed Provincial Planning Statement

	Question (as posed in E.R.O. Posting Number 019-6813)	Staff Comments
1.	What are your thoughts on the policies that have been included from the Provincial Policy Statement and the Growth Plan in the proposed policy document, including the proposed approach to implementation?	<ul style="list-style-type: none"> ▪ Staff note that the current Provincial Policy Statement is two years old and the current Growth Plan was issued in August 2020 following previous significant revisions in 2019 and 2017. Both the Provincial Policy Statement and the Growth Plan are proposed to be replaced by a single proposed Provincial Planning Statement (“P.P.S.”) <p>These frequent revisions and issuances of Provincial land use planning policies have created uncertainty regarding land use planning policy direction and require implementing bodies to continually revise their work plans for effective local implementation.</p> <p>The Province should commit to policy certainty for a defined period of time following the issuance of the proposed P.P.S. to allow municipalities and others the ability to focus on implementation with certainty. It would also provide time to analyze the implementation of the P.P.S. rather than undertaking what appears to be a rushed approach to implementation.</p> <ul style="list-style-type: none"> ▪ Subject to the foregoing, staff support the integration of the Provincial Policy Statement and the Growth Plan into one new Province-wide planning policy document. However, the goal of increasing housing supply and supporting a range and mix of housing options needs to be balanced with the goal of protecting and managing resources, the natural environment and public health and safety. Increasing the supply of housing and supporting a diversity of housing types is important, but should not come at the expense of the environment, or other important planning considerations. ▪ Staff support the idea of streamlining and simplifying policy direction, as well as policy direction that allows for flexibility and takes into account local circumstances.

	Question (as posed in E.R.O. Posting Number 019-6813)	Staff Comments
2.	What are your thoughts on the proposed policy direction for large and fast-growing municipalities and other municipalities?	<ul style="list-style-type: none"> ▪ Staff note that under the proposed P.P.S., large and fast growing municipalities including the City of Oshawa will be required to identify strategic growth areas in official plans along with density targets. <p>Staff support identifying strategic growth areas and density targets in official plans. This will ensure that there is a sufficient supply and mix of housing options.</p> <p>Implementing density targets are helpful as they provide a measurable criterion to assist with growth. However, not all communities are the same and one standard density target across the Greater Golden Horseshoe is not realistic, given differing populations, market conditions, etc.</p>
3.	What are your thoughts regarding the proposed policies to generate housing supply, including an appropriate range and mix of housing options?	<ul style="list-style-type: none"> ▪ Staff support increasing the supply of housing and support a diversity of housing types. The following are some land use policies that the government should implement: <ul style="list-style-type: none"> - Permitting more housing types in certain residential areas/contexts and encouraging “gentle density” (while still carefully considering how this will affect neighbourhoods); - Encouraging and planning for growth in strategic growth areas (e.g. Urban Growth Centres, Major Transit Station Area’s, etc.); - Implementing robust intensification and density targets; - Implementing policies to ensure that development of lower density development in Greenfield areas proceeds in tandem with higher density development within Built-up Areas, and giving municipalities the ability to regulate the issuance of approvals for lower density development in the event such development outpaces the delivery of a certain level of medium and high density development; - Encouraging the development of complete communities; and, - Requiring municipalities to undertake intensification studies to determine where new development opportunities may exist to accommodate future growth within already built-up areas.

	Question (as posed in E.R.O. Posting Number 019-6813)	Staff Comments
		<ul style="list-style-type: none"> ▪ Staff note that with an aging population, it is important to also consider the inclusion of policies related to providing accessible and affordable housing for persons with disabilities and for persons who may have mobility challenges, many of whom are seniors. ▪ In addition to land use planning policies, the Province needs to provide financial assistance to municipalities to assist with increasing the supply of housing and supporting a diverse mix of housing types, including associated hard and soft services. With increases to the housing supply and accelerated housing growth comes an increase in demand for public services such as parks, recreation and fire services, etc. ▪ Staff note that the proposed policies concerning settlement area boundary expansions appear to conflict with the intent of other policies in the proposed P.P.S., such as with respect to the protection of prime agricultural lands. The proposed P.P.S. no longer requires a planning authority to demonstrate a need for the expansion (i.e. demonstrate insufficient opportunities to accommodate growth through intensification, redevelopment and/or in strategic growth areas). This may result in premature expansion of settlement area boundaries into prime agricultural areas where opportunities for growth may already exist in already built-up areas.
4.	What are your thoughts on the proposed policies regarding the conservation of agriculture, aggregates, natural and cultural heritage resources?	<ul style="list-style-type: none"> ▪ Staff note that there needs to be a balance between increasing the housing supply and protecting and managing resources and the natural environment. Increasing the supply of housing and the range of housing types is important, but this should not come at the expense of the environment, or other important planning considerations. ▪ Staff also note that under the proposed P.P.S. natural heritage policies have not been finalized or released by the Province. It is unclear when the proposed policies concerning the protection of the natural heritage system will be released and therefore staff are unable to comment at this time.
5.	What are your thoughts on the proposed policies regarding planning for employment?	<ul style="list-style-type: none"> ▪ Staff note that under the proposed P.P.S. municipalities can consider, and landowners can apply for, the removal of land from employment areas. The test to be met includes demonstrating that there is a need for the removal and that the land is not required for employment uses over the long term.

	Question (as posed in E.R.O. Posting Number 019-6813)	Staff Comments
		<p>In the absence of land budgets and targets to be met with the proposed repeal of the Growth Plan, the application of these tests will rely on targets that are contained in the area municipal official plans.</p> <ul style="list-style-type: none"> ▪ The proposed P.P.S. indicates that “planning authorities may remove lands from employment areas...”. Clarity is requested as to whether this ability is limited to municipalities only, or if third parties such as developers may apply to have lands removed from employment lands. ▪ Staff note that given the reciprocal changes to the Planning Act under Bill 97, the definition of ‘areas of employment’ will change and may result in changes to the City’s existing Official Plan policy framework as it relates to Industrial Areas. For example, areas to be designated as ‘area of employment’ will no longer permit public service facilities as a permitted use, such as parks and community recreation facilities. Any areas which are not explicitly designated as ‘areas of employment’ under the new definition as contained in the Planning Act will no longer be subject to any requirement to demonstrate there is a need for conversion to non-employment uses, such as residential or commercial uses. For this reason, it would be appropriate to clarify that such areas are not to be relied upon to meet a municipality’s employment forecast in terms of planning an appropriate land budget.
6.	<p>Are there any other barriers to, or opportunities for, accelerating development and construction (e.g., federal regulations, infrastructure planning and approvals, private/public partnerships for servicing, provincial permitting, urban design guidelines, technical standards, zoning, etc.)?</p>	<ul style="list-style-type: none"> ▪ Staff note that the development community is a key partner in ensuring that housing development is accelerated. Continuing to work closely with the development community will be important, with support from the Province by encouraging developers to advance residential projects that already have approvals in place. ▪ The availability of skilled trades people to undertake construction is critical. Enhanced Provincial support for post-secondary programs involving the trades should be implemented on a go-forward basis. ▪ Staff note that another barrier to the acceleration of the development of housing is the investment that will be needed for infrastructure to support new homes. The Province should provide financial support to assist municipalities in accelerating development, which could include funding for new roads, water and sanitary services, trails, recreation centres, parks, fire services, etc.

General Staff Comments on the Proposed Provincial Planning Statement

	Description	Staff Comments
1.	<p>Growth Targets:</p> <ul style="list-style-type: none"> ▪ Under the proposed P.P.S., municipalities will no longer be required to establish or maintain specific population and employment targets for a horizon year, for areas outside of strategic growth areas and major transit station areas (e.g. no longer required to meet a minimum density in greenfield areas). ▪ Under the proposed P.P.S., the Provincial government expects that municipalities will continue to use the 2051 targets at a minimum. ▪ Under the proposed P.P.S., when updating official plans, municipalities will be required to have enough land designated to meet projected needs for a time horizon of at least 25 years (a change from “up to 25 years”). 	<ul style="list-style-type: none"> ▪ Staff note that this means long term planning decisions will be up to the municipality particularly with respect to where growth is to be accommodated and at what density target (e.g. number of people and/or jobs per hectare). Clarity is requested as to whether a density target for a non-strategic growth area established by a municipality will be subject to appeal. ▪ Staff note that the Envision Durham Regional Official Plan Amendment includes a planning horizon to 2051, in line with the proposed P.P.S. policies in this regard.

	Description	Staff Comments
2.	<p>Strategic Growth Areas</p> <ul style="list-style-type: none"> ▪ Under the proposed P.P.S., large and fast-growing municipalities including the City of Oshawa, will be required to identify strategic growth areas in official plans along with density targets and these areas should be the focus of growth. 	<ul style="list-style-type: none"> ▪ Staff support strategic growth areas being the focus of growth. Staff note that that proposed P.P.S. outlines minimum density targets for Major Transit Station Areas on higher order transit corridors. The minimum density targets are: <ul style="list-style-type: none"> - 200 residents and jobs combined per hectare for those that are served by subways; - 160 residents and jobs combined per hectare for those that are served by light rail or bus rapid transit; or, - 150 residents and jobs combined per hectare for those that are served by commuter or regional inter-city rail. ▪ Staff note that the proposed P.P.S. does not provide minimum targets for strategic growth areas, but does require large and fast growing municipalities to identify appropriate targets in their respective area municipal official plans. Identifying strategic growth areas and density targets in official plans will assist with making sure there is a sufficient supply and mix of housing options and will result in more efficient land use patterns.
3.	<p>Intensification</p> <ul style="list-style-type: none"> ▪ Under the current Growth Plan there are specific intensification targets which requires municipalities to plan for a certain amount of growth within the defined built boundary. ▪ Under the proposed P.P.S. there are no specific intensification targets to be met. 	<ul style="list-style-type: none"> ▪ Staff note that implementing density targets are helpful as they provide a measurable criterion to assist with growth. However, not all communities are the same and one standard density target across the Greater Golden Horseshoe is not realistic, given differing populations, market conditions, etc. ▪ Staff note that with the removal of these intensification targets it may result in more sprawl with a reduction of intensification targets in existing neighbourhoods. This may result in inefficient land use patterns and may also result in increased infrastructure costs to support new homes.

	Description	Staff Comments
4.	<p>Built Boundary</p> <ul style="list-style-type: none"> Under the proposed P.P.S. there is no delineated built-up area. 	<ul style="list-style-type: none"> Staff note that the delineated built boundary assists with measuring intensification targets within a municipality. The proposed P.P.S. no longer requires a municipality to meet minimum intensification targets outside of its strategic growth areas and major transit station areas.
5.	<p>Municipal Comprehensive Reviews</p> <ul style="list-style-type: none"> Under the proposed P.P.S. the concept of municipal comprehensive reviews of official plans has not been carried forward. 	<ul style="list-style-type: none"> Staff note that it is the Province's expectation that a municipality will update its official plan as often as is required to ensure compliance with all applicable provincial plans and policies.
6.	<p>Settlement Boundary Area Expansions</p> <ul style="list-style-type: none"> As mentioned previously, there is no requirement for municipal comprehensive reviews under the proposed P.P.S. It is proposed that municipalities have the ability to consider settlement area boundary expansions at any time. 	<ul style="list-style-type: none"> Staff note that this proposed amendment will allow municipalities to expand their urban boundary at any time since it is proposed that there will no longer be a municipal comprehensive review process. Under the proposed P.P.S., tests for settlement boundary area expansions are not as stringent as they currently are under the Provincial Policy Statement. When evaluating a proposed settlement area boundary expansion request, consideration of adequacy of servicing, phasing and agricultural issues such as minimum separation distances will be required. However, a municipality is no longer required to demonstrate that sufficient opportunities to accommodate growth are not available. Staff note there may be more sprawl with settlement area boundary expansions being considered at any time. This may also have negative impacts on infrastructure costs to support new homes. Staff note that there is no limitation of the ability of landowners from applying for an expansion although the Planning Act continues to limit the ability to appeal the refusal of such an application.

	Description	Staff Comments
7.	<p>Employment Land Conversions</p> <ul style="list-style-type: none"> ▪ Under the proposed P.P.S. municipalities can consider and landowners can apply for the removal of land from employment areas. ▪ The test to be met includes that there is a need for the removal, and the land is not required for employment uses over the long term. 	<ul style="list-style-type: none"> ▪ Staff note that in the absence of land budgets and targets to be met, the application of these tests will rely on targets contained in official plans. The Planning Act continues to limit the ability to appeal refusals or non-decisions of such applications. ▪ Staff note that as a result of Bill 97 and the changes to the definition of ‘area of employment’ in the Planning Act, regeneration areas in the City’s Official Plan can no longer require studies or applications for conversion of employment uses to non-employment uses in these and other similar areas.
8.	<p>Employment Areas</p> <ul style="list-style-type: none"> ▪ Under the proposed P.P.S. and in the Planning Act through Bill 97, the definition of ‘employment area’ is proposed to be changed. The focus will be on uses that cannot locate in mixed use areas, such as heavy industry, manufacturing and land scale warehousing. 	<ul style="list-style-type: none"> ▪ Staff note that the Province’s expectation is that upon Bill 97 taking effect, the City will have made any appropriate amendments to its official plan to meet the new definition of ‘area of employment’ and address any implications of same. Staff request that the Province provide a sufficient transition period to allow the City to complete a fulsome review of its official plan and make any required amendments.
9.	<p>Provincially Significant Employment Zones</p> <ul style="list-style-type: none"> ▪ In 2019, the Provincial government introduced provincially significant employment zones. These areas will not exist in the proposed P.P.S. 	<ul style="list-style-type: none"> ▪ Staff note that Provincially Significant Employment Zones were introduced without any substantial policy implementation. ▪ Staff also note that the government may consider alternative approaches to protect these lands such as minister’s zoning orders.

	Description	Staff Comments
10.	<p>Agricultural Lot Severances</p> <ul style="list-style-type: none"> Under the proposed P.P.S. additional residences will be permitted on farm properties (up to two additional on one parcel and up to three additional residential parcels). 	<ul style="list-style-type: none"> Staff note that having in place policy direction that provides continued protection of prime agricultural areas and promotes Ontario's agricultural system is important. Depending on the context and purpose of proposed developments, allowing additional residential development in rural settlements and the division of large farms into smaller lots may potentially affect the operational viability of land for agricultural activity. Allowing additional residences for seasonal workers will support growing agricultural businesses and operations.
11.	<p>Climate Change</p> <ul style="list-style-type: none"> Under the proposed P.P.S. there will be general policies requiring municipalities to plan for climate change. 	<ul style="list-style-type: none"> Staff note that there needs to be a balance between increasing the housing supply and protecting and managing resources and the natural environment. Increasing the supply of housing and the range of housing is important, but should not come at the expense of the environment, or other important planning considerations. Staff note that the City of Oshawa has adopted both a corporate and a community greenhouse gas reduction plan under the Partners for Climate Protection under the Federation of Canadian Municipalities.
12.	<p>Natural Heritage</p> <ul style="list-style-type: none"> Under the proposed P.P.S. natural heritage has not been finalized and it is unclear what proposed policies will be brought forward for natural heritage system protection. 	<ul style="list-style-type: none"> Staff have no comments at this time. Given the current lack of material available to review, and that the Province intends to release a separate posting containing the Natural Heritage policies under the proposed P.P.S. for review and comment, staff request that the Province provide an extended comment period to allow for review by the City, being mindful there is only one (1) more Economic and Development Services Committee meeting scheduled in June before summer recess, thereby limiting staff's ability to report through Council for endorsement of staff comments.

	Description	Staff Comments
13.	<p>Coordination</p> <ul style="list-style-type: none"> ▪ Under the proposed P.P.S. there are policies concerning lower-tier municipalities coordinating land use planning matters including population, housing and employment projections based on a regional market area. 	<ul style="list-style-type: none"> ▪ Staff note that it is anticipated that the planning approval authority of the Region of Durham will cease at the end of 2024. Staff note that future population and employment forecasting in coordination with neighbouring municipalities will be a challenge given there are numerous lower-tier municipalities that could be considered to be in the same “regional market area” as the City of Oshawa. The Province should provide more guidance and clarity on how this is achievable without an upper-tier planning authority taking the lead in coordinating such an exercise on such a large geographical scale with numerous stakeholders. ▪ Staff note that there may be issues with individual municipalities making decisions only looking within their municipality as opposed to the Growth Plan which requires there to be a coordinated examination of where growth is going to happen. ▪ Staff note that conservation authorities have not been identified as a party that should be involved in the coordination of planning matters within regional market areas. Staff recommend the proposed P.P.S. include policy language to recognize that conservation authorities also play an important role in planning for growth in environmentally responsible ways.

	Description	Staff Comments
14.	<p>Stormwater Management and Water</p> <ul style="list-style-type: none"> - Section 3.6 of the proposed P.P.S discusses planning for sewage, water and stormwater services. - Section 4.2 of the proposed P.P.S. discusses wise use and management of water through various methods including watershed planning. 	<ul style="list-style-type: none"> ▪ Staff note that the proposed P.P.S. removes water policies that currently require planning authorities to ensure stormwater management practices minimize stormwater volumes, in addition to minimizing contaminant loads. Staff believe that clear policy direction concerning stormwater volumes as a key consideration in stormwater management practices should be retained in the proposed P.P.S. ▪ Staff note that policies in the proposed P.P.S. encourage municipalities to undertake watershed planning to inform planning for sewage and water services, and stormwater management. Staff believe that watershed planning should be undertaken in partnership with the respective conservation authorities, as appropriate. As well, it should be noted that it would be appropriate to undertake watershed planning to prepare for the impacts of a changing climate. ▪ The proposed P.P.S. includes a definition for Watershed Planning. It is recommended that the definition be revised to include consideration of the impacts of a changing climate and severe weather events.
15.	<p>Natural Hazards</p> <ul style="list-style-type: none"> - Section 5.2 of the proposed P.P.S. discusses management of development in areas containing natural and human-made hazards. 	<ul style="list-style-type: none"> ▪ Staff note that conservation authorities have not been identified as a party to consult with when planning authorities are identifying hazardous lands and hazardous sites and managing development in these areas. Staff recommend including policy language that supports collaboration between municipalities and conservation authorities as it relates to identifying natural and human-made hazards.

Staff Comments on Bill 97 (E.R.O. Posting Number 019-6821)

	Description	Staff Comments
1.	<p>Site Plan Control</p> <ul style="list-style-type: none">- Under Bill 23, if a development had less than 10 units, they would be excluded from site plan control. Bill 97 proposes to amend this by allowing site plan control to be applied to developments of less than 10 units where the development is within 120 metres of a shoreline or 300 metres of a railway line.	<ul style="list-style-type: none">▪ Staff note that permitting site plan control to be applied to developments of less than 10 units where the development is proposed within 120 metres of a shoreline or 300 metres of a railway line makes sense in principle. However, it is unclear as to why only these two exceptions were made given that there are other types of conditions/contexts where proximity to feature would also seem to merit site plan review (e.g. proximity to highways, arterial roads or hazard lands).

	Description	Staff Comments
2.	<p>Area of Employment</p> <ul style="list-style-type: none"> - The definition of employment area is proposed to be narrowed. The current definition defines an area of employment as lands designated in an official plan for clusters of business and economic uses including (but not limited to) manufacturing uses, warehousing uses, office uses, associated retail uses and ancillary facilities. Bill 97 proposes to exclude institutional uses and commercial uses which include retail and office uses not associated with primary industrial uses. This exclusion will mean that sites that are currently designated as an 'area of employment' in an official plan may no longer be identified as employment and no longer be subject to the employment area policies, particularly those pertaining to employment conversions. - In addition, a new section is being proposed to the Planning Act that states that an area of employment with institutional or non-associated commercial uses would be deemed an area of employment provided the following two conditions are met: <ul style="list-style-type: none"> 1. The lands in question are subject to official plan policies authorizing the continuation of the use; and, 2. The use was lawfully established on the land before the day the Bill 97 modified area of employment definition came into force. 	<ul style="list-style-type: none"> ▪ Staff note that if Bill 97 is passed the scope of what constitutes an 'area of employment' would be narrowed. <p>The proposed addition of a new section in the Planning Act as it relates to what can be deemed an area of employment appears to allow municipalities to maintain the status quo, provided it adopts official plan policies that specifically authorize the continuation of institutional and non-employment related commercial uses that lawfully existed prior to the modified area of employment definition coming into effect.</p>
3.	<p>Interim Control By-laws</p> <ul style="list-style-type: none"> - Section 38 of the Planning Act allows a municipality to pass an interim control by-law. Prior to 2017, interim control by-laws were appealable within 60 days of passage. This appeal right was removed through Bill 139 which only allowed private appeals of the renewal of the interim control by-law but limited appeals within the first year of the interim control by-law to only the Province. - If the proposed changes are passed, it will shorten the period of time within which the Clerk of a municipality is required to give notice of an interim control by-law (from 30 days to 20 days) and to enable an individual who received notice of the passing of an interim control by-law to file an appeal at the time of initial passing. 	<ul style="list-style-type: none"> ▪ Staff note that if Bill 97 is passed, an appeal can be made at the time of passing an interim control by-law versus at the time of extension.

	Description	Staff Comments
4.	<p>Minister's Zoning Orders</p> <ul style="list-style-type: none"> - Bill 97 proposes to provide the Province with the authority to exempt certain subsequent approvals required to establish uses permitted by Minister's zoning orders from having to align with provincial plans or policies. 	<ul style="list-style-type: none"> ▪ Staff note that if Bill 97 is passed, this will provide additional powers to the Province as zoning orders will not have to align with provincial plans or policies. This would undermine the intent of Provincial plans and policies and does not constitute a good planning practice.
5.	<p>Fee Refund Provisions</p> <ul style="list-style-type: none"> - The Planning Act was previously amended to introduce a requirement that municipalities must refund an application fee if the municipality fails to meet statutory deadlines for decisions on zoning by-law amendment applications, combined zoning-by-law/official plan amendment applications and site plan approval applications. These refund requirements came into force on January 1, 2023. - Under Bill 97, it is proposed that the refund provisions will be delayed until July 1, 2023. In addition, any refund that would have been owing for applications filed before July 1, 2023 are cancelled. In addition, it is proposed that the Minister would have regulation-making authority to be able to exempt certain municipalities from the fee refund provisions in the future if needed (no exemptions are being proposed at this time). 	<ul style="list-style-type: none"> ▪ Staff note that these refunds were anticipated and that only the timeline for implementation has been adjusted.