

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2023-0047

**FOR THE CONSIDERATION OF
COUNCIL**

May 17, 2023

SUBJECT: BILL 97 – HELPING HOMEBUYERS, PROTECTING TENANTS ACT, 2023 AND THE REVIEW OF THE PROVINCIAL POLICY STATEMENT AND A PLACE TO GROW – GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

1. RECOMMENDATIONS:

- 1. That Council receive Report No. DS-2023-0047 prepared by the Planning Policy Division, Development Services Department dated May 17, 2023, respecting Bill 97 – Helping Homebuyers, Protecting Tenants Act, 2023 and the Review of the Provincial Policy Statement and A Place to Grow – Growth Plan for the Greater Golden Horseshoe; and,**
- 2. That the Clerk forward a copy of Report No. DS-2023-0047 and Council’s Resolution thereon to the Province of Ontario and The Regional Municipality of York in response to ERO posting 019-6813 related to proposed changes to the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019.**

2. PURPOSE:

The purpose of this report is to provide Council with background on proposed Bill 97 - *Helping Homebuyers, Protecting Tenants Act, 2023* and the Review of the Provincial Policy Statement and A Place to Grow – Growth Plan for the Greater Golden Horseshoe.

3. BACKGROUND:

In December 2021, the Ontario Housing Affordability Task Force (Task Force) was appointed by the Premier and Minister of Municipal Affairs and Housing to provide actionable and concrete solutions for addressing the current affordable housing crisis and to report back by the end of January 2022. In February 2022, the Task Force released its report (Task Force Report) and associated 55 recommendations to the Government on how to address the affordable housing crisis. On March 23, 2022, Council received Staff Report No. DS-2022-0026 respecting the Task Force Report. See link: [Staff Report](#).

Following the release of the Task Force Report, the Province of Ontario developed a Housing Supply Action Plan intended to deal with the current crisis in the supply of affordable housing in the Province. This includes an initiative to increase housing

supply in Ontario by building 1.5 million new homes in the next 10 years. As part of this initiative, the Province has been implementing a succession of legislative and policy initiatives. See the following URL link to the Ontario Housing Supply Action Plan website: [Ontario Housing Supply Action Plan](#).

An initial major Provincial initiative intended to implement the Housing Supply Action Plan was the introduction of Bill 109 *More Homes for Everyone Act, 2022* in March 2022. The Bill received Royal Assent in May 2022. Bill 109 amended five pieces of legislation and is most notable for *Planning Act* amendments which require that municipalities refund fees on a graduated schedule over time, up to 100% refunds, if they fail to meet statutory deadlines for decisions on certain development applications. These new refund requirements came into force on January 1, 2023. In addition, Bill 109 also mandated the delegation of Site Plan approval authority to an officer, employee or agent of the municipality. On December 22, 2022, the Minister of Municipal Affairs and Housing wrote Ontario Municipalities to advise that he intended to amend legislation to defer the imposition of the fee refund provisions of Bill 109 until July 1, 2023.

On November 28, 2022, Bill 23, the *More Homes Built Faster Act, 2022*, received Royal Assent. Bill 23 can be viewed at the following link: [Bill 23](#). On November 22, 2022, Council received a staff Briefing Note on Bill 23 and its implications on the Town as they were understood at the time. See link: [Briefing Note](#). This was followed by a Staff report following the passage of Bill 23 on March 29, 2023. See link: [Staff Report](#).

On April 6, 2023, the Province introduced Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023* (Bill 97). This is an “omnibus” piece of legislation that amends seven separate Provincial Acts to facilitate Ontario’s Housing Supply Action Plan. Bill 97 has been posted on the Environment Registry of Ontario (ERO) for a thirty-day commenting period ending on May 5, 2023. See link: [ERO 019-6821](#).

Also on April 6, 2023, the Province released proposed changes to the Provincial Policy Statement, 2020 (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan) on the ERO for a sixty-day commenting period ending on June 5, 2023. See link: [ERO 019-6813](#).

4. ANALYSIS:

4.1 BILL 97, HELPING HOMEBUYERS, PROTECTING TENANTS ACT, 2023

The following is a summary of key elements in Bill 97, primarily focused on *Planning Act* changes that are relevant to the Town organized by theme and followed by staff comments.

4.1.1 Employment Areas

Bill 97 proposes to amend Section 1(1) of the *Planning Act* to add a new definition of “*areas of employment*” that removes “institutional uses” and “commercial uses”

(including retail and office uses) from the definition, provided these uses are not related to manufacturing research and development in connection with manufacturing and warehousing uses. This includes uses related to the movement of goods. This will allow *Planning Act* applications that propose to remove lands from areas planned for institutional and office uses.

In addition, a new provision would provide that an area of employment with institutional or non-associated commercial uses would be considered an “area of employment” for the purposes of the *Planning Act*, provided the following two conditions are satisfied:

- (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 definition of “area of employment” came into force.

These amendments will come into force on a day to be named by proclamation of the Lieutenant Governor.

Staff Comments:

The proposed changes to the definition of “area of employment” would essentially relate to other provisions of the *Planning Act*, the PPS and the Growth Plan related to employment lands and employment land conversions. The removal of commercial and institutional uses and lands from the definition of “areas of employment” would essentially facilitate the conversion of these lands and buildings for non-employment uses. Conversely, these changes serve to clarify that commercial, institutional and retail service uses do not constitute employment uses which reduces the ambiguity that often occurs on the nature of permitted employment area uses. This will provide some assistance in resisting the introduction of non-employment uses into the Keswick Business Park which is now in the initial stages of development. This change is proposed in conjunction with proposed changes to the PPS which seek to permit such conversions outside the scope of a Municipal Comprehensive Review and subject to less stringent criteria than previously permitted. It is unclear why the proposed changes to the *Planning Act* are being released for comment now for a commenting period ending on May 5, 2023 as they would be implementing changes in the proposed new PPS that are under review and subject to a commenting period that ends on June 6, 2023.

4.1.2 Parcel of Urban Residential Land

Bill 97 proposes to amend Sections 17(24.1)(c), 17(36.1), 22(7.2)(c)(iii) and 34(19.1)(c) of the *Planning Act*, expands the prohibition on rights of appeal to Official Plan policies and Zoning By-laws adopted to authorize one additional residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a “parcel of land”. Currently, these sections of the *Planning Act* do not allow for such appeals in the case of a “parcel of urban residential land”, whereas Bill

97 to expand to scope to any “parcel of land”. These amendments will come into force upon Royal Assent.

Staff Comments:

The basic intent of the *Planning Act* amendments is to broaden the applicability of the appeal protection to situations where Official Plans or Zoning By-laws are adopted to permit additional residential units outside the areas addressed by a “Parcel of Urban Residential Land”. More specifically, these amendments are related to lands outside of settlement areas, not serviced by municipal sanitary and water supply services. The proposed amendments would lead to the implementation of provisions in the proposed new Provincial Planning Statement to allow additional dwelling units to be permitted in Prime Agricultural Areas. See Section 4.3.10 of this report.

4.1.3 Planning Act Fee Refunds

Bill 97 proposes to amend the *Planning Act* to provide that the effective date for planning application fee refunds, as originally required by Bill 109, for Official Plan Amendment, Zoning By-law Amendment and Site Plan applications submitted after January 1, 2023, be extended to July 1, 2023. Municipalities are now required to provide fee refunds on a sliding scale for any application that was received on or after July 1, 2023, and where a decision within the statutory timeframes has not been rendered by the municipality. Furthermore, Bill 97 adds Ministerial power to exempt municipalities from application fee refunds in the future. These amendments will come into force upon Royal Assent.

Staff Comments:

In 2022, Development Services Staff commenced participation in a process led by the Region of York to streamline and standardize the development application process and applicable data standards with other York area municipalities and agencies referred to as the Collaborative Application Preparation (CAP) process. The CAP process establishes processes and standards for pre-consultation on development applications intended to ensure quality submissions, complete applications and other process improvements designed to achieve the required Council decision on development applications by the mandatory deadlines in the *Planning Act* established by Bill 109. Staff continue to work with the Region and other partners to refine the process and establish its effective implementation at the Town to improve customer service and to avoid the necessity to refund development application fees as prescribed under the *Planning Act*. On April 13, 2023, Regional Council considered a report of the Commissioner of Corporate Services and Chief Planner on the CAP process and adopted the recommendations contained therein. See link: [Regional Report](#). Staff will be bringing forward a report to Council at an upcoming meeting to describe the process and its implications to the Town, including resources and work programs.

4.1.4 Appeal of Interim Control By-laws

Section 38 of the *Planning Act* currently permits a municipality to pass an Interim Control By-law (ICB) without notice, which has the effect of prohibiting the use of land, buildings or structures for the purposes set out in the ICB for up to two years. ICBs are typically used in situations where issues arise based on existing Zoning By-law provisions, and the ICB provides time for the municipality to study the issue and determine the appropriate policy and regulatory response.

Bill 97 proposes to amend Section 38(4) of the *Planning Act* to allow appeals of an ICB by persons or public bodies who were given notice of the passage of the by-law. Appeals can be filed within 50 days of the passage of the By-law or the extension of the initial By-law. These amendments will come into force upon Royal Assent.

Staff Comments:

The *Planning Act* has been changed a number of times related to the appeal of ICBs, previously to Bill 97, to prohibit appeals. Bill 97 now seeks to restore the right of appeal to an ICB. The allowance for the appeal of an ICB is consistent with the theme of other changes to legislation by the Province to reduce regulatory burden on land owners. The change will complicate the ICB process for municipalities in situations where this power is used. These situations are relatively rare and accordingly, the change is not a major area of concern for the Town.

4.1.5 Parking for Additional Dwelling Units

Bill 97 proposes to amend Sections 16(3.1) and 35.1(1.1) of the *Planning Act* to specify that, other than for the primary residential unit, an Official Plan or Zoning By-law may not require the provision of more than one parking space for each additional residential unit. These amendments will come into force upon Royal Assent.

Staff Comments:

This amendment serves to reduce confusion created by the introduction of Bill 23 and the incorporation of the additional residential unit provisions in the *Planning Act*. The *Planning Act* authority to pass a Zoning By-law does not include the authority to pass a by-law requiring more than one parking space to be provided and maintained in connection with an additional residential unit in a building. The result of the amendment is that municipalities may maintain separate parking provisions for the primary residential unit in a building but can only require one parking space for each of a second and third dwelling unit. In the case of Zoning By-law 500 where three parking spaces are required for a single detached dwelling and an accessory dwelling unit, only one additional parking space would be required for a third additional dwelling unit, for a total of four required on-site parking spaces. Given the Town's predominant built form and context, this change is considered to be a more realistic adjustment to the additional residential unit provisions initially introduced by Bill 23.

4.1.6 Ministerial Powers

Bill 97 proposes to add a number of new powers to the Minister including the power to make regulations providing for transitional matters which, in the opinion of the Minister, are necessary or desirable to facilitate the implementation of the proposed Provincial Planning Statement (or other new policy statements issued pursuant to the *Planning Act*). The section will come into force upon Royal Assent.

Furthermore, Section 47 of the *Planning Act* is proposed to be amended to include provisions establishing that the Minister in issuing a Minister's Zoning Order (MZO) may provide that policy statements, Provincial Plans and Official Plans do not apply in respect of a licence, permit, approval, permission or other matter required before a use permitted by the order may be established. This provides that the Minister can exempt lands subject to an MZO from having to comply with provincial or municipal policy to obtain other land use planning approvals. This allows the Minister to effectively override any provincial or municipal Official Plan prohibition that would frustrate the implementation of an MZO. The section will come into force upon Royal Assent.

Bill 97 also requires that when a Provincial Land and Development Facilitator is appointed the Minister may order landowners to enter into agreements with municipalities or the Minister to address matters that the Minister considers necessary for the development of the affected land. The Minister is authorized through such agreements to require a landowner to pay for or provide contributions that are more than the *Planning Act*, the *Development Charges Act, 1997*, or any other legislation would otherwise require. These sections will come into force upon Royal Assent.

Staff Comments:

Extending the authority to make regulations concerning transition that are necessary or desirable to facilitate the implementation of the proposed Provincial Planning Statement (or other new policy statements issued pursuant to the *Planning Act*) appears to be a logical extension of the Minister's powers that was not previously in place.

Provisions that allow for the Minister to exempt lands subject to an MZO from having to comply with provincial or municipal policy represents an overall strengthening of the power under the Act.

Furthermore, the provisions allowing the Minister to require landowners to enter into agreements with municipalities or the Minister to address matters that the Minister considers necessary serves to provide enhanced flexibility to implement the provisions of MZOs and further signals the Province's intent to expand the role of MZOs as part of the Ontario planning system.

4.1.7 Site Plan Control

Bill 97 proposes to amend current provisions of the *Planning Act* exempting residential developments with 10 or fewer residential units from Site Plan control and would provide that the Minister could prescribe circumstances where such development would constitute “development” and therefore be subject to Site Plan control if the lands are in an area so prescribed by regulation, specifically citing examples such as development within 120 metres of a shoreline and within 400 metres of a railway line. These amendments will come into force upon Royal Assent.

Staff Comments:

This allows Ministerial discretion to be applied in certain situations to require developments with ten or fewer residential units to be subject to Site Plan control. The specific instances where regulations would be developed to make this stipulation are unclear. The amendment would further strengthen the discretion the Minister would have in this instance concerning the application of Site Plan control that up to recently was entirely a matter of local discretion.

4.2 REVIEW OF THE PROVINCIAL POLICY STATEMENT AND A PLACE TO GROW – GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The PPS and Growth Plan both provide comprehensive 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 PPS is issued under the *Planning Act* and provides the primary Provincial land use planning direction in Ontario. A Place to Grow - Growth Plan for the Greater Golden Horseshoe is a growth plan issued under the Places to Grow Act, 2005. It provides more detailed direction on where and how growth should be accommodated in the Greater Golden Horseshoe (GGH). The Growth Plan works with other Provincial Plans such as the Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan. The Provincial Plans complement the PPS and provide specific land use policy direction addressing specific geographic areas.

Under the *Planning Act*, planning decisions are required to be consistent with policy statements such as the PPS and are required to conform with Provincial plans like the Growth Plan.

The Province has embarked on a review of the PPS and Growth Plan with a specific emphasis on land use planning policy that is housing-supportive, integral to the implementation of the Housing Supply Action Plan, and meeting the target to construct 1.5 million new homes by 2031.

In 2022, the Province initiated a review of the PPS and Growth Plan with a specific focus on housing supportive policies and requested input on six specific themes:

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

The input and recommendations received from that consultation are available at: [ERO 019-6177](#). The Town did not provide input through that posting.

4.2.1 Proposed Changes to the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe

The Province is now proposing to integrate the PPS and Growth Plan into a new Province-wide planning document that would, according to the Province, “enable municipalities to accelerate the development of housing and increase housing supply through a more streamlined, Province-wide land use planning policy framework”, being the proposed Provincial Planning Statement. The proposal would effectively eliminate the Growth Plan.

The proposed new Provincial Planning Statement is outlined below by major theme area followed by Staff comments.

4.2.2 Relationship to Provincial Plans – Greenbelt Plan, 2017

The Province has indicated that it is proposing an administrative and housekeeping amendment to the Greenbelt Plan so that that policies in the current Greenbelt Plan are maintained should the PPS and Growth Plan be revoked. This scoped policy change would maintain the existing Greenbelt Plan standards and clarify that the existing policy connections in the Greenbelt Plan to the PPS and Growth Plan remain in effect.

In all other respects, the relationship between the PPS and Provincial plans is not proposed to be altered by the proposed new Provincial Planning Statement. In this respect, the proposed new PPS provides overall policy directions on matters of Provincial interest related to land use planning and development in Ontario. It applies Province-wide, except where the PPS or another Provincial plan provides otherwise. Provincial plans, such as the Greenbelt Plan and the Growth Plan for Northern

Ontario, provide additional land use planning policies to address issues facing specific geographic areas.

Provincial plans are to be read in conjunction with the PPS. They take precedence over the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. Where the policies of Provincial plans address the same, similar, related, or overlapping matters as the PPS, the more specific policies of the Provincial plan satisfy the more general requirements of the PPS. In contrast, where matters addressed in the PPS do not overlap with policies in Provincial plans, the policies in the PPS must be independently satisfied.

Staff Comments:

The amendment to the Greenbelt Plan identified by the Province has yet to be released so no comment can be offered on impacts and consistency with other policy. However, by maintaining the existing relationship between the PPS and Provincial plans as set out in the proposed new Provincial Planning Statement, the primacy of Provincial plans on specific areas of policy prevails over the PPS. The Town of Georgina is entirely within the limits of the Greenbelt Plan. Accordingly, some of the new policy directions being advanced by the proposed new Provincial Planning Statement would not have effect in the Town where the Greenbelt Plan which has specific policies to the contrary. These are identified below where they are understood at this time.

4.2.3 Building Homes, Sustaining Strong and Competitive Communities – Planning for Homes and People

The proposed new Provincial Planning Statement would require Official Plans to accommodate land uses for projected needs of a time frame of at least 25 years and makes allowance for strategic growth areas and employment areas beyond this time horizon. With the proposed repeal of the Growth Plan, municipalities will no longer be required to plan for specific population and employment targets for a planning horizon year.

The government expects that municipalities will continue to use the 2051 targets at a minimum and conduct their own forecasting. Official Plans will now be required to accommodate and integrate MZO's at the time of the next Official Plan review as well as accommodate the approvals in municipal infrastructure planning.

The proposed new Provincial Planning Statement introduces policies that apply only to 29 municipalities in Ontario which are considered the largest and fastest-growing municipalities with the greatest need for housing. The Statement defines *large and fast-growing municipalities* by reference to the 29 municipalities listed in a schedule to the Statement, and within York Region includes the City of Markham, the Town of Newmarket, the City of Richmond Hill and the City of Vaughan.

The proposed new Provincial Planning Statement would remove the former requirement that planning authorities establish and implement minimum targets for the provision of housing which is affordable to *low- and moderate-income households*, (proposed to be removed as a defined term) and which aligns with applicable housing plans. Instead, *planning authorities* would be required to co-ordinate land use planning and planning for housing with Service Managers to address the full range of *housing options*, including “housing affordability needs”.

Staff Comments:

The Growth Plan contained specific intensification targets which required municipalities to plan for a certain amount of growth within defined built boundaries with a policy framework that created firm and predicable urban boundaries, minimum densities for designated greenfield areas and a consistent approach to managing growth across the GGH. This has been the hallmark of the coordinated and consistent growth management approach to the development of Regional and Local Official Plans since 2006. The policy framework of the Growth Plan has not been carried forward in the proposed new Provincial Planning Statement except, in part, for large and fast growing municipalities where general density targets (50 persons and jobs per net hectare) and policies related to Strategic Growth Areas and Major Transit Station Areas are proposed to apply. These policies do not currently apply to the Town.

4.2.4 Housing

The proposed new Provincial Planning Statement introduces the coordination of land use planning and planning for housing with Service Managers to address the full range of housing options including housing affordability needs. All policy requirements for the establishment and implementation of housing which is affordable to low- and moderate-income households have been removed.

Staff Comments:

The proposed new Provincial Planning Statement supports intensification generally, but establishes no specific targets to be met other than for *large and fast growing municipalities*. It further removes existing policy emphasis concerning the establishment and implementation of minimum targets for the provision of housing which is affordable to low- and moderate-income households and does not place any specific requirements on the private sector to meet public policy objectives related to housing. Alternatively, the responsibility is now placed upon Service Managers. No definition is provided for Service Managers but it is assumed that this represents municipalities and public bodies mandated with the responsibility for the production and management of housing for particular target groups. Staff question the efficacy of an approach which places the burden for the provision of housing which is affordable to low- and moderate-income households on municipal/public sector Service Managers absent any commensurate program funding and legislative authority equivalent to the challenge.

4.2.5 Settlement Areas and Settlement Area Boundary Expansions

The proposed new Provincial Planning Statement dismantles the settlement area policy framework in the PPS and does not carry forward the more specific policy approach of the Growth Plan. In its place is a less rigorous process by which settlement area boundaries can be expanded with a planning approach that emphasizes strategic growth areas and major transit station areas. The proposed new Provincial Planning Statement suggests that Planning Authorities should support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

In so doing the proposed new Provincial Planning Statement removes the requirement for most intensification targets in municipal Official Plans and, most importantly, the requirement that a municipal comprehensive review be undertaken to examine the need for a settlement area expansion. Absent any requirement for municipal comprehensive reviews, municipalities have the ability to consider settlement area expansions at any time. The tests to be applied are not as stringent as they were previously under the Growth Plan, and require consideration of the following:

- that there is sufficient capacity in existing or planned *infrastructure* and *public service facilities*;
- the applicable lands do not compromise *specialty crop areas*;
- the new or expanded *settlement area* complies with the *minimum distance separation formulae*;
- impacts on agricultural lands and operations which are adjacent or close to the *settlement area* are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an *agricultural impact assessment* or equivalent analysis, based on provincial guidance; and,
- the new or expanded *settlement area* provides for the phased progression of urban development.

There is no limitation on the ability of landowners from applying for a settlement area expansion, although the *Planning Act* limits the ability to appeal refusals or non-decisions on any such applications.

Planning authorities are encouraged to establish density targets for new *settlement areas* or *settlement area* expansion lands, as appropriate, based on local conditions.

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 contained in local Official Plans.

Staff Comments:

The Town is located entirely within the Greenbelt Plan. Outside the limits of established settlement area boundaries are lands that the Greenbelt establishes as the Protected Countryside.

The Greenbelt Plan provides for limited expansion of established settlement areas subject to specific criteria that is set out in Sections 2.2.8.2 and 2.2.8.2 of the Growth Plan that is limited and specific to the Greenbelt context. However, with the proposed repeal of the Growth Plan it is unclear what specific criteria will be applied going forward. As noted in Section 4.2.2 of this report, the Province has indicated that a further amendment would be required to the Greenbelt Plan to maintain the existing Greenbelt Plan standards and clarify that the existing policy connections in the Greenbelt Plan to the PPS and the Growth Plan remain in effect.

Section 5.5 of the Greenbelt Plan provides that through the requirement for a 10-year review, the Province is ensuring that the Greenbelt Plan will remain relevant over time.

Section 5.6 of the Greenbelt Plan establishes that amendments to those areas of the Plan designated as Protected Countryside and Urban River Valley can only be proposed by the Minister of Municipal Affairs and Housing. Amendments are subject to the approval of the Lieutenant Governor in Council. Amendments to the Plan shall not have the effect of reducing the total land area of the Greenbelt Plan.

The Greenbelt Plan could be amended outside the 10-year review timeframe and there have been recent instances where the Minister has advanced amendments to the Greenbelt Plan in other jurisdictions. Nothing in the proposed new Provincial Planning Statement supplants a separate process initiated by the Minister for Amendments to the Greenbelt Plan in relation to any settlement area expansion that might be proposed in the Town.

4.2.6 Rural Areas / Rural Lands in Municipalities

The proposed new Provincial Planning Statement makes a number of organizational changes to provisions related to rural lands in municipalities. Most notably is the permissibility of new multi-lot residential development where site conditions are suitable for the provision of appropriate sewage and water services.

Staff Comments:

This proposed amendment represents a significant departure from current policy and would re-establish the permissibility of the historic form of rural estate development that is present in many communities and which was effectively halted by changes to the planning system starting in the 1980s. The proposed new Provincial Planning Statement reinstates the permissibility of these developments without any new criteria other than suitable site conditions for the provision of sewage and water services. Compliance with the Minimum Distance Separation Formula (MDS) would apply.

Section 3.1.4 (5) of the Greenbelt Plan would explicitly prohibit new multiple lots or units for residential development (e.g. estate residential subdivisions and adult lifestyle or retirement communities), whether by plan of subdivision, condominium or severance.

Accordingly, these provisions would not apply to rural areas in the Town. It is unclear how reversing the long-standing public policy objective on containing multi-unit/lot residential developments within firm settlement area boundaries and restricting major residential development in rural areas addresses the current housing/affordability crisis in a practical way.

4.2.7 Employment Areas

The proposed new Provincial Planning Statement amends the current policy framework for employment areas by:

- (1) emphasizing the need to establish employment areas in proximity to major goods movement facilities and corridors; and,
- (2) requiring Planning authorities to designate, protect and plan for all *employment areas* in *settlement areas* by:
 - (a) planning for *employment area* uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;
 - (b) prohibiting residential uses, commercial uses, *public service facilities* and other institutional uses;
 - (c) prohibiting retail and office uses that are not associated with the primary employment use;
 - (d) prohibiting other *sensitive land uses* that are not ancillary to the primary employment use; and,
 - (e) including an appropriate transition to adjacent non-*employment areas* to ensure land use compatibility.

The definition of *employment area* is proposed to be revised to be consistent with the definition of “area of employment” proposed to be included in the *Planning Act* through Bill 97. The definition explicitly includes manufacturing, research and development in connection with manufacturing, warehousing, and goods movement associated with retail and office and ancillary facilities. The definition would remove institutional and commercial uses from *employment areas*.

The requirement for the consideration for the removal of lands from employment areas through a municipal comprehensive review undertaken by Regions in the Growth Plan has been removed as it has been in relation to settlement area expansion.

Further, the proposed new Provincial Planning Statement establishes that Planning authorities may remove lands from employment areas only where it has been demonstrated that:

- (a) there is an identified need for the removal and the land is not required for *employment area* uses over the long term;
- (b) the proposed uses would not negatively impact the overall viability of the *employment area* by:
 - (1) avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned *employment area* uses in accordance with policy 3.5; and,
 - (2) maintaining access to *major goods movement facilities and corridors*; and,
- (c) existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses.

Staff Comments:

Removing the requirement to restrict the consideration of requests for employment land conversions through municipal comprehensive reviews means that local municipalities will be confronted with these requests with greater frequency through the submission of privately-initiated Official Plan Amendment applications. The proposed new Provincial Planning Statement establishes criteria for considering requests that are less rigorous than that which currently exist in the Growth Plan. The net result will be a general reduction in the consistency with which employment conversion requests get addressed in the future in the Province. The change to the definition of employment area will impact larger municipalities with older more established employment districts with a range of office and institutional uses. These areas may be prone to conversion pressure for housing or other uses over time. This is unlikely to pose a significant issue for the Town given the planned uses and character of its employment areas.

4.3.7 Land Use Compatibility

The proposed new Provincial Planning Statement changes land use compatibility policies and would make it easier to establish sensitive land uses (i.e. residential, institutional, etc.) in the vicinity of existing or planned industrial, manufacturing or other major facilities. The proposed new Provincial Planning Statement would eliminate current PPS requirements to demonstrate an identified need for the proposed use; that alternative locations have been evaluated and there are no reasonable alternative locations; and that adverse effects to the proposed sensitive land use are minimized and mitigated. Alternatively, where it is not possible for *major facilities and* sensitive land uses to avoid potential adverse effects from odour, noise and other contaminants, proposed adjacent sensitive land uses would only be required to demonstrate that potential impacts to industrial, manufacturing or

other *major facilities* are minimized and mitigated in accordance with Provincial guidelines, standards and procedures.

Staff Comments:

The Province has developed a series of Environmental Land Use Planning Guidelines. These guidelines identify recommended separation distances and other control measures for land use planning proposals to prevent or minimize adverse effects from the encroachment of incompatible land uses where a facility either exists or is proposed. The proposed new Provincial Planning Statement would significantly alter the onus placed on proposed sensitive land uses (e.g. residential development) seeking to locate in proximity to established industrial/manufacturing or other major facilities. The impacts of this change are unclear at this time although it is anticipated that it will lead to more situations where residential developments (and other sensitive land uses) are located closer to potential conflicting uses than has been the case in the past. This may result in an increased number of complaints from residents and operational issues for industrial operations.

4.3.8 Natural Heritage

As of the date of this report, the Natural Heritage policies are missing from the proposed new Provincial Planning Statement. The EBR posting indicates that “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 to the Environmental Registry of Ontario. ERO# 019-6813 will be updated with a link to the relevant posting once it is available.”

Staff Comments:

The principal framework for Natural Heritage System Planning for the Town is contained in the Greenbelt Plan. As noted in Section 4.2.2, the Greenbelt Plan prevails to the extent of any conflict with policies in the proposed new Provincial Planning Statement. Staff will review the proposed amendments to the Natural Heritage policies in the proposed new Provincial Planning Statement once they are released, and assess their implications as appropriate.

4.3.9 Water

The proposed new Provincial Planning Statement maintains the emphasis of protecting, improving and restoring the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning. In particular, municipalities are encouraged to undertake watershed planning to inform planning for sewage and water services and stormwater management and the protection, improvement or restoration of the quality and quantity of water.

Staff Comments:

Traditionally, watershed planning has been undertaken and led by the Conservation Authorities which are established on the basis of watersheds and are best positioned to carry out these studies, to maintain these plans and provide related advice in the planning process. Watershed planning has been conducted for the lands under the jurisdiction of the Lake Simcoe Region Conservation Authority (LSRCA). Interpreting and implementing these plans through the *Planning Act* process and capital works by individual municipalities without the overall guidance and direction from Conservation Authorities will be problematic and inevitably lead to inconsistencies in outcomes across jurisdictions.

4.3.10 Agriculture

The proposed new Provincial Planning Statement makes a number of adjustments to agricultural policies, most notably in relation to additional residential units and residential lot creation in prime agricultural areas. These are outlined as follows:

Additional Residential Units

Subordinate to the principal dwelling, up to two additional residential units may be permitted in *prime agricultural areas*, provided that:

- (a) any additional residential units are within, attached to, or in close proximity to the principal dwelling;
- (b) any additional residential unit complies with the *minimum distance separation formulae*;
- (c) any additional residential unit is compatible with, and would not hinder surrounding agricultural operations; and,
- (d) appropriate *sewage and water services* will be provided. The additional residential units may only be severed from the lot containing the principal dwelling in accordance with Policy 4.3.3.1.

Lot Creation

The proposed new Provincial Planning Statement introduces the permissibility of residential lot creation in prime agricultural areas in accordance with Provincial guidance for new residential lots created from a lot or parcel of land that existed on January 1, 2023, provided that:

- (a) agriculture is the principal use of the existing lot or parcel of land;
- (b) the total number of lots created from a lot or parcel of land as it existed on January 1, 2023 does not exceed three;
- (c) any residential use is compatible with, and would not hinder, surrounding agricultural operations; and,
- (d) any new lot is located outside of a *specialty crop area* complies with the minimum distance separation formulae.

Staff Comments:

No rationale or basis is provided for the arbitrary permissibility of multiple residential lot creation in prime agricultural areas. Allowances for such scattered strip development were effectively eliminated from permissibility in the planning system decades ago to reduce inefficient settlement patterns, to minimize farm fragmentation and nuisance concerns, and to concentrate new development within settlement areas, towns and villages. It is difficult to understand how this form of development will serve to address the current need for an appropriate range, mix and price of housing for Ontarians. Furthermore, it is unclear how such a policy shift serves to maintain or advance the overall viability of agriculture.

As noted in Section 4.2.2 of this report, Section 3.1.4 (5) of the Greenbelt Plan would explicitly prohibit new multiple lots or units for residential development (e.g. estate residential subdivisions and adult lifestyle or retirement communities) whether by plan of subdivision, condominium or severance. These provisions would currently override and supplant any provisions in the proposed new Provincial Planning Statement to the contrary.

5. RELATIONSHIP TO STRATEGIC PLAN:

This report addresses all four strategic goals:

- GOAL 1: “Grow our Economy” – SUSTAINABLE ECONOMIC GROWTH & EMPLOYMENT;
- GOAL 2: “Promote a High Quality of Life” – HEALTHY, SAFE, SUSTAINABLE COMMUNITIES;
- GOAL 3: “Engage Our Community & Build Partnerships” – COMMUNICATION, ENGAGEMENT, COLLABORATION & PARTNERSHIPS; and,
- GOAL 4: “Provide Exceptional Municipal Service” – ORGANIZATIONAL & OPERATIONAL EXCELLENCE.

6. FINANCIAL AND BUDGETARY IMPACT:

There are no financial or budgetary impacts associated with the recommendations in this report.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

There are no notice requirements associated with this report.

8. CONCLUSION:

Bill 97 is part of a suite of legislative initiatives advanced by the Province to support the goal of increasing the housing supply across Ontario. Despite that, many of the changes to legislation introduced by Bill 97 would apply to all forms of development. Bill 97 also adjusts certain changes to the *Planning Act* that were introduced by Bill 109 (refunds of planning application fees) and Bill 23 (provisions related to additional residential units).

The proposed new Provincial Planning Statement involves the repeal of the Growth Plan. This is considered to be unfortunate and is unsupported. The Growth Plan provides a specific vision and direction coordinating the significant growth in the GGH in a coherent and understandable manner. In much the same way as other Provincial plans provide specific policy direction for a unique geographic area, the GGH is a unique region worthy of a specific vision, direction and coordination. It is the economic engine of the Province and has national significance. The challenges and growth pressures confronting this area are worthy of being addressed in a Provincial plan.

The repeal of the Growth Plan represents the elimination of a consistent framework for community development in an inter-regional context. It is replaced by a Provincial wide planning statement with a more generic focus that will lead to inconsistency in approaches and outcomes across the GGH and the Province generally. The dismantling of the Regional planning function, removal of Conservation Authorities from the much of the planning system and a return of approval authority of local Official Plans to the Minister creates a more centralized control of the planning system by the Province last seen in the mid 1990's.

The policy and legislative program of the Province's Housing Supply Action Plan places a great deal of faith in the development industry to solve the housing crisis through process improvements, policy changes and charge reductions, but places no responsibility on the industry to deliver or perform to produce housing in the locations, tenure and price required by Ontarians. In general, the thrust and direction of the proposed new Provincial Planning Statement supports the development of more low-density suburban residential growth and will make it increasingly difficult for municipalities to provide for a more diverse range and type of affordable and compact housing supportive of community needs.

Staff will continue to monitor the Province's Housing Supply Action Plan and related legislation with consideration to its impacts on the Town and report further as more information becomes available.

APPROVALS

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