

Sent electronically

May 31, 2023

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
College Park, 17th Floor  
777 Bay Street  
Toronto, ON M5G 2E5

Subject: Review of a new Provincial Planning Policy Instrument  
Comments from City of Pickering – ERO Posting 019-6813  
Proposed Provincial Planning Statement  
File: A-2200-007

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Please find attached comments from the City of Pickering for Environmental Registry Ontario Posting 019-6813, regarding the proposed Provincial Planning Statement. Pickering's submission includes Council Resolution #206/23 and the corresponding staff Report PLN 16-23 outlining Council's endorsed comments.

Please note that Council Resolution #206/23 also includes a request to the Province of Ontario to protect significant employment lands in Pickering, reflected in Appendices II, III, IV to Report PLN 16-23, from conversion requests.

Thank you for your consideration.

Yours truly



Marisa Carpino, M.A.  
Chief Administrative Officer

MC  
Attachments

Copy: Chief Planner  
Principal Planner, Policy

Legislative Services Division  
Clerk's Office  
**Directive Memorandum**

May 29, 2023

To: Kyle Bentley  
Director, City Development & CBO

From: Susan Cassel  
City Clerk

Subject: Direction as per Minutes of the Meeting of City Council held on  
May 23, 2023

Director, City Development & CBO, Report PLN 16-23  
Environmental Registry of Ontario Posting 190-6813:  
Proposed Provincial Planning Statement  
City of Pickering Comments on the new draft Provincial Planning  
Statement

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**Council Decision**

**Resolution #206/23**

1. That Council endorse the comments contained in Report PLN 16-23, and as detailed in Appendix I to Report PLN 16-23, as the City of Pickering Detailed Comments on the proposed Provincial Planning Statement;
2. That Council requests the Province of Ontario to protect the Pickering employment areas identified on Appendices II, III and IV of Report PLN 16-23 from conversion to residential or mixed use, as they represent significant employment lands within Pickering;
3. That Council requests the Province of Ontario to provide a minimum two-year transition period for municipalities to amend the Employment Areas policies of their Official Plan to align with the new Provincial Planning Statement, and that, until such time as that conformity amendment is completed, all Employment Area lands remain subject to the existing policy requirements for "conversion" to non-employment uses; and,
4. That a copy of Report PLN 16-23, and Council's resolution thereon, be submitted to the Environmental Registry of Ontario posting (ERO 019-6813) as the City of Pickering's comments on the draft Provincial Planning Statement.

Please take any action deemed necessary.

Susan Cassel

Copy: Chief Administrative Officer

**From:** Kyle Bentley  
Director, City Development & CBO

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**Subject:** Environmental Registry of Ontario Posting 190-6813:  
Proposed Provincial Planning Statement

- City of Pickering Comments on the new draft Provincial Planning Statement
- File: L-1100-016

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**Recommendation:**

1. That Council endorse the comments contained in Report PLN 16-23, and as detailed in Appendix I to Report PLN 16-23, as the City of Pickering Detailed Comments on the proposed Provincial Planning Statement;
  2. That Council requests the Province of Ontario to protect the Pickering employment areas identified on Appendices II, III and IV of Report PLN 16-23 from conversion to residential or mixed use, as they represent significant employment lands within Pickering;
  3. That Council requests the Province of Ontario to provide a minimum two-year transition period for municipalities to amend the Employment Areas policies of their Official Plan to align with the new Provincial Planning Statement, and that, until such time as that conformity amendment is completed, all Employment Area lands remain subject to the existing policy requirements for “conversion” to non-employment uses; and
  4. That a copy of Report PLN 16-23, and Council’s resolution thereon, be submitted to the Environmental Registry of Ontario posting (ERO 019-6813) as the City of Pickering’s comments on the draft Provincial Planning Statement.
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**Executive Summary:** The Province of Ontario is seeking comments on a proposed Provincial Planning Statement, through the Environmental Registry of Ontario, by June 5, 2023. A copy of the proposed Provincial Planning Statement can be found on the Environmental Registry of Ontario website under posting number 019-6813.

The proposed Provincial Planning Statement would combine various policies of A Place to Grow and the Provincial Policy Statement, 2020, plus introduce new policies, to form a new land use policy document. If approved, the Province would revoke the Provincial Policy Statement, 2020, and A Place to Grow, as well as amend regulations (O. Reg. 416/05 and O. Reg. 311/06) under the *Places to Grow Act, 2005*.

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The Provincial Planning Statement proposes a number of significant changes to land use policy, including for employment areas. Given the significance of the changes, staff is recommending that Council request the Province to protect the three major employment areas in Pickering for the long term, as identified in Appendices II, III and IV to this Report.

Further, staff is recommending a minimum two-year transition period to implement the Employment Area definition, without threat of conversion applications.

City staff have reviewed the proposed Provincial Planning Statement, and the proposed Approach to Implementation, and prepared comments for Council's consideration and endorsement, as the City's comments. Staff from Sustainability, Economic Development & Strategic Projects, and Engineering Services were consulted in the preparation of these comments.

Staff will submit a copy of Report PLN 16-23, and City of Pickering's Council resolution thereon, to the Environmental Registry of Ontario posting 19-6813, by the June 5, 2023 comments deadline.

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**Financial Implications:** The recommendations of this report do not present direct or immediate costs to the City of Pickering.

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## Discussion

### 1. Purpose

On April 6, 2023, the Province released Bill 97: *Helping Homebuyers, Protecting Tenants Act, 2023*, for comments on the Environmental Registry of Ontario (ERO). The proposed changes to various Provincial Statutes through Bill 97 included the release of the proposed Provincial Planning Statement (Planning Statement) and a proposed Approach to Implementation. The proposed Planning Statement would create a new province-wide land use planning policy document. The document integrates policies from A Place to Grow (Growth Plan) and the Provincial Policy Statement (PPS), and introduces new policies. This report contains a review of the draft document, identifying possible implications, and recommendations for Council to endorse.

The purpose of this report is to provide formal comments to the Province on the proposed draft Planning Statement.

### 2. Background

#### 2.1 What is the Provincial Policy Statement (PPS)?

The PPS is issued under the *Planning Act* and is the primary provincial land use planning policy document, applying across Ontario. The PPS provides directions on matters of Provincial interest. The PPS also sets the policy foundation that planning decisions shall be consistent with at the local level.

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## 2.2 What is *Places to Grow Act* and the Growth Plan?

A Place to Grow: Growth Plan for the Greater Golden Horseshoe is a Provincial plan issued under the *Places to Grow Act, 2005*. It provides a detailed framework for where and how growth should be accommodated in the Greater Golden Horseshoe (GGH), and it works together with the Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan to address land use planning issues facing specific geographic areas in Ontario.

The Growth Plan provides comprehensive and 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 Growth Plan contains population and employment targets for single and upper-tier municipalities in the GGH to 2051. Municipalities are required to conduct a Land Needs Assessment (LNA), as part of Official Plan reviews, to confirm that the population and employment targets can be met. Municipalities currently use a Provincially-issued methodology when conducting LNA studies to ensure consistency.

The Growth Plan contains density targets for areas within municipalities based on how they are defined. The Growth Plan defines strategic growth areas, which include urban growth centres and corridors, and greenfield areas, and requires minimum densities in those areas. There are also intensification targets that require municipalities to plan for a specific amount of growth within a defined built boundary, as determined by the Province.

## 2.3 Proposed Provincial Planning Statement (Planning Statement)

On April 6, 2023, the Province of Ontario released the proposed Planning Statement, which integrates the PPS and Growth Plan into a singular, province-wide policy document. The Province believes this will streamline land use planning rules, and encourage more housing, helping achieve the goals of the Provincial Housing Supply Action Plan.

The Planning Statement has been prepared based on five pillars identified by the Province:

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

The five pillars have a clear directive to ensure that the policy framework is housing-supportive. The Planning Statement identifies 29 municipalities as “large and fast-growing municipalities” with the greatest need for housing. Pickering has been identified as a “large and fast-growing municipality”.

The Province has indicated Natural Heritage policies and definitions are still under consideration and have not been included for review at this time. They will be made available under a separate posting on the ERO at a later date.

In addition to the new Planning Statement, the ERO posting indicates the Province is proposing an administrative and housing-keeping amendment to the Greenbelt Plan so that that policies in the current Greenbelt Plan are maintained, should the PPS, 2020 and A Place to Grow be revoked. Details of these amendments have not been provided to date.

City staff have reviewed the proposed Planning Statement and prepared comments based on the major changes proposed to the Provincial policy for Council’s consideration and endorsement.

### **3. Comments on the Proposed Planning Statement**

#### **3.1 Growth Management**

The Planning Statement would repeal the Growth Plan and the PPS. The Planning Statement is not proposing to maintain the following policies and/or appendices currently found in the Growth Plan:

- Population and employment targets to 2051. However, the Province has indicated they “expect” municipalities to continue to use the 2051 targets at a minimum;
- No indication of a Lands Need Assessment Methodology to guide future growth studies;
- No minimum required densities for Strategic Growth Areas, with the exception of Major Transit Station Areas (MTSA’s); and
- No minimum required densities for Greenfield Areas. However, large and fast-growing municipalities are “recommended” to continue using 50 persons and jobs per hectares.

##### **3.1.1 Concerns with Population and Employment Targets and no Identified Lands Need Assessment Methodology**

The Region of Durham, as the upper-tier municipality, currently allocates growth targets to the lower-tier municipalities in Durham, based on Provincial growth targets, with input from area municipal staff and Councils. Bill 23, the *More Homes Built Faster Act, 2022* made changes to the *Planning Act* that, upon proclamation, will remove statutory approval authorities from seven upper-tier municipalities, including Durham Region.

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The draft Planning Statement, and changes through Bill 23, would result in Pickering becoming responsible for carrying out growth forecasting moving forward. This change will require increased staff resources, increased costs associated with the growth studies, and creates uncertainty about the future process, including possible appeals of proposed growth targets and densities for subsequent Official Plan reviews. For the City's next Official Plan Review, the City may be able to draw on the growth management component and land needs assessment of the Region's Official Plan Review, subject to the Province's approval of that Plan. For subsequent Official Plan reviews, the City will be responsible for carrying out local growth forecasting.

The City will require staff and/or consultants to conduct a Land Needs Assessment (LNA) and a Growth Management Study, as part of future Official Plan reviews. Previously, these studies were undertaken by the Region. Also, in the absence of uniform growth forecasting methodology, forecasts could be skewed or inflated depending on the approach.

The allocation of population and jobs by the Region to the lower tier municipalities in Durham created a balanced approach to how growth was to be allocated across the Region. The approach of individual municipalities creating their own growth forecasts could create competition between municipalities within the Region of Durham for infrastructure including, water, sanitary and transit.

In addition, recent changes to the *Development Charges Act* through Bill 23 included removing growth related studies from being eligible for development charge funding. Due to this change, the cost of these additional studies will need to be budgeted for each Official Plan review going forward.

### **3.1.2 Concerns with no required minimum densities for Strategic Growth Areas and Greenfield Areas**

The concept of strategic growth areas and greenfield areas have been carried forward into the Planning Statement. Large and fast-growing municipalities shall identify appropriate minimum density targets for each strategic growth area, based on the local context, with the exception of MTSA's which have a minimum density of 150 people and jobs per hectare. Large and fast-growing municipalities are "encouraged" to set a minimum density of 50 persons and jobs per hectare for designated greenfield areas.

The removal of "required" minimum densities for most of the strategic growth areas, and greenfield areas, could have impacts on existing and planned infrastructure. Planning and infrastructure investments in communities over the past twenty years have been made in accordance with Provincially set minimum densities in strategic growth areas and promoted intensification in these areas. While municipalities can still apply minimum densities, they will now be appealable. This could lead to applicants seeking to downzone specific lands or areas. If appeals are permitted, it could result in inefficient use of existing or planned infrastructure that has been developed or designed based on current planning policy. This could also result in less housing in these areas that have been planned to support specific densities.

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**Staff recommend the following revisions to the policies to address the concerns outlined above:**

- **That the Province identify the basic parameters for a future Land Needs Assessment. This will provide clarity regarding how they are to be conducted for municipalities and the development community;**
- **That the *Development Charges Act* be further amended to reinstate growth related studies related to Land Needs Assessment, official plan reviews, secondary planning and other growth planning studies, to be eligible for funding through development charges;**
- **That the Planning Statement require “large and fast-growing municipalities” to identify minimum intensification targets, and provide criteria for municipalities to identify built-up areas where intensification targets would apply; and**
- **That the Planning Statement indicate that, where municipalities identify minimum densities for strategic growth areas and greenfield areas to address local conditions, they shall not be appealable.**

### **3.2 Removal of Municipal Comprehensive Reviews**

Currently, the Growth Plan restricts the expansion of settlement areas and the conversion of lands within employment areas except during a Municipal Comprehensive Review (MCR). An MCR is an Official Plan review required by the *Planning Act* every five years for existing plans or ten years after passing a new plan.

The Planning Statement removes the MCR process as the required process to consider settlement area expansions, and employment land conversions. While the concept of an MCR has been removed from the Planning Statement, municipalities will still be required to review their Official Plans at regular intervals, as identified above.

Applicants will now be able to submit applications at any time to expand settlement boundary's or convert employment lands. This approach will result in piecemeal planning, uncertainty and unpredictability in terms of infrastructure planning and priorities, could lead to an increase in urban sprawl, and will place more strain on staff resources.

The benefit of directing settlement boundary expansions and employment conversion requests to a comprehensive review process is that all requests can be reviewed and assessed collectively. There can be a methodology applied to all the requests and the evaluations would be applied across the City's land base. By removing the review of these conversion requests from a comprehensive review process, Council may be faced with multiple applications for expansion or conversion that would need to be reviewed based on their individual merits, but those applications may have larger collective impacts on Pickering over the medium to long term.



Furthermore, the permission to apply for an employment area conversion at any time is more concerning as the proposed Planning Statement does not identify “Provincially Significant Employment Zones” (PSEZs), and it is changing the definition of “area of employment”. These changes are discussed in Sections 3.3 and 3.4 below.

In addition to removing the MCR process as the means to deal with the expansion of settlement areas and the conversion of lands within employment areas, the Planning Statement makes significant changes to the criteria when reviewing settlement area expansions.

### **3.2.1 Concerns with Settlement Area Expansion policies**

The Growth Plan identifies criteria that municipalities must meet before a settlement area boundary may occur. The criteria essentially result in demonstrating there is a “need” to expanded the settlement area boundary. The criteria include:

- opportunities to accommodate forecasted growth cannot be accommodated through intensification;
- expansion will make available sufficient lands not exceeding the horizon of the Growth Plan; and
- the proposed expansion of the designated greenfield area will not adversely affect the achievement of the minimum intensification and density targets.

The Planning Statement does not include criteria that would demonstrate a “need” to expand a settlement area. The Planning Statement states the planning authorities “should consider”:

- 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.

The change from the “need-based” approach can impact the long-term viability of agricultural operations and will promote urban sprawl. This direction does not appear to be consistent with the stated vision of the Planning Statement to promote efficient land use patterns, and protect the long-term viability of rural areas and local food production.

Beyond demonstrating the need to expand a settlement area in the Growth Plan, the PPS requires proposed expansions into prime agricultural areas to evaluate alternative locations for expansion to determine whether reasonable alternatives exist. The

Planning Statement only requires expansions give consideration to avoidance, or where avoidance is not possible, minimizing and mitigating impacts to the extent feasible on agricultural lands, and on operations adjacent or close to the settlement area.

**Staff recommend the following revisions to the policies to address the concerns outlined above:**

- **That the Province require settlement area expansions and employment area conversions to occur through an Official Plan review; and**
- **That the Province maintain the criteria for settlement area expansions that requires demonstrating a “need” to expand settlement areas.**

### **3.3 Provincially Significant Employment Zones (PSEZs)**

The Province is not proposing to maintain the existing mapping for PSEZs that appear in the Growth Plan. The lands in Pickering currently identified as PESZs are the lands in the Brock Industrial Neighbourhood, Appendix II. The PESZ does not include the Pickering Nuclear Station, Durham Water Pollution Treatment Plan, or Durham Live lands.

When the Province introduced PSEZs in 2019, Pickering requested that the following two additional areas be included as PSEZs: Whites Road Prestige Employment Area in the West Shore Neighbourhood at Highway 401 and Whites Road; and the Seaton Employment Lands (Innovation Corridor) adjacent to Highway 407.

The Province has indicated, that notwithstanding the proposal to revoke the PSEZs, the government is seeking feedback on the need to identify select PSEZs, or portions of PSEZs, for the sole purpose of protecting lands exclusively for employment uses through an alternative approach.

**Staff recommend:**

- **That the entirety of the existing PSEZs in the Brock Industrial Neighbourhood, the Whites Road Prestige Employment Area in the West Shore Neighbourhood, and the lands within the Seaton Innovation Corridor be identified for protection for employment uses (see Appendices II – IV).**

These employment lands are strategically located next to major transportation infrastructure, Highways 401 and 407, and the CN main rail line. These lands represent an integral part of the City’s employment lands base, and should be protected for employment uses for the long term.

### **3.4 Defining Employment Areas**

Under the current PPS, an “Employment Area” is broadly defined as “Those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities”.

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Through Bill 97, *Helping Homebuyers, Protecting Tenants Act*, the definition of “Area of Employment” in the *Planning Act* is proposed to be amended to focus on: heavy industry; manufacturing; research and development in connection with manufacturing; warehousing; goods movement; associated retail and office; ancillary facilities; and other employment uses that cannot be located near sensitive uses, (i.e., not suitable for mixed use). Specific uses that are currently permitted but will **no longer** be permitted within employment areas include institutional uses, and retail and office uses that are not associated with the primary employment use. The Planning Statement definition is consistent with the amended *Planning Act* definition.

Additional policies in the Planning Statement encourage light industrial uses, and small-scale warehousing to be located on non-employment lands. Other uses to be accommodated on non-employment lands, include: residential; public service facilities; offices; and institutional uses. A policy in the Planning Statement prohibits municipalities from being more restrictive than the Planning Statement, except for the purpose of public health and safety.

This change could result in greater choice of location for employers to locate their businesses in a community, resulting in reduced distances between work and home, or in areas better served by existing or planned transit. However, it could also result in less desirable uses, such as those that generate significant truck traffic locating within or near, residential, commercial and mixed-use areas, where roads were not designed for that type of traffic.

Staff is also concerned that there may be an immediate uplift in land value should certain areas no longer meet the new definition of an employment area. Existing businesses may see it profitable to relocate, in fact displacing existing businesses.

Staff believe there is merit in allowing some institutional uses, such as places of worship, and that offices servicing the businesses in the employment area, are appropriate on a limited scale.

**Staff recommend that the following revisions be made to the proposed policy:**

- **A specific amount of employment area land, i.e., 15%, be allowed to be used for office and institutional uses, or that municipalities be authorized to consider limited office and institutional uses within employment areas, subject to criteria. This will give municipalities more flexibility in planning employment areas while protecting majority of the lands for manufacturing, and other permissible uses.**

### **3.5 Land Use Compatibility for Employment Uses**

The Planning Statement contains proposed changes to the land use compatibility policies that would make it easier to establish sensitive land uses, (such as residences, daycare centres, and educational and health facilities), in the vicinity of existing or planned industrial, manufacturing or other major facilities, that are vulnerable to encroachment.

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Currently, the PPS requires an applicant to demonstrate:

1. an identified need for the proposed use;
2. that alternative locations have been evaluated, that there are no reasonable alternative locations;
3. that adverse effects to the proposed sensitive land use are minimized and mitigated; and
4. potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

The proposed Planning Statement would require that, where it is not possible for major facilities and sensitive land uses to avoid locating near each other, the introduction of the sensitive land uses would only be required to meet criteria 3 and 4 above.

The Planning Statement encourages industrial, manufacturing and small-scale warehousing uses, which could be situated adjacent to sensitive land uses without adverse effects, to locate in strategic growth areas, and other mixed-use areas. These policies, combined with the change in the definition of employment areas outlined above, may result in a greater mix of uses outside of employment areas that previously may not have been permitted due to land use compatibility concerns.

**Staff are opposed to the loosening of criteria required when locating sensitive land uses adjacent to employment areas. Staff recommend:**

- **That the Planning Statement be revised to include the same criteria as the current PPS, on compatibility when introducing sensitive uses adjacent to industrial, manufacturing or other major facilities that are vulnerable to encroachment.**

### **3.6 Development in Rural and Agricultural Areas**

The Planning Statement introduces policies that will allow for additional development within the rural and prime agricultural area. The Planning Statement would allow up to three severances from each parcel of land where agriculture is the principal use. There are policies to limit the size of the lots created. However, the introduction of non-agricultural uses in the rural area will only increase the potential for conflict between uses, and limit the ability of current or future agricultural operations to expand and grow in the future. The severances could also include additional dwelling units provided they met the same requirements of any other severance.

The introduction of policies that permit severances in the rural and prime agricultural areas does not appear to meet the stated goals of the Planning Statement identified in the vision statement. Allowing more development in the rural area will create additional conflicts, would further fragment farmland, and could impact the ability of agricultural operations to continue to function or expand in the future.

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**Staff are opposed to the introduction of policies that permit additional severance potential in the rural and prime agricultural areas. Staff recommend:**

- **That the Planning Statement be revised to delete these severance permissions.**

### **3.7 Transition to New Provincial Planning Statement**

The Province has not indicated a date for the implementation of the proposed Planning Statement. However, the ERO posting indicates a targeted timeframe of Fall 2023 for implementation. The draft Planning Statement includes the following policy:

“Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with this Policy Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with this Policy Statement.”

When implementing previous versions of the Growth Plan, the Province has provided adequate time, typically a couple of years, for municipalities to conduct Official Plan reviews and incorporate any required changes. The Province has indicated the final Planning Statement will be released for a short period of time before it takes effect, with no specific amount of time identified for transition. Essentially, if approved as currently stated, there may not be a transition period and any decision on a planning matter made on, or after, the effective date of the Planning Statement, would be subject to the new policies. Where a conflict exists between current Official Plan policies, and the Planning Statement, Council would be required to make a decision consistent with the Planning Statement.

A key, time-sensitive, transitional matter the Province has identified is with respect to implementing the Employment Land designation policies in local official plans, to be consistent with the new policy document. Municipalities will be required to explicitly authorize the site-specific permissions for any existing use that is not in keeping with the new employment policies in the Planning Statement, for example, recognizing existing office and institutional uses in employment areas.

As explained in the Proposed Approach to Implementation document posted with the Planning Statement, the Minister of Municipal Affairs and Housing is looking for feedback on Official Plan updates related to the change in definition of “Area of Employment”. As currently outlined, once the proposed legislative and policy updates (if approved) take effect, areas that do not meet the definition of Area of Employment are no longer subject to the policy requirements for conversion to a non-employment use. This approach could significantly undermine existing employment areas.

The proposed legislative and policy changes will require significant work to update municipal official plans. The work to amend the employment areas will be time consuming. Staff will require time to work with and implement the approved Planning Statement, as it may be revised. **The City does not want to be faced with a series of conversion applications, or the need to enact an Interim Control By-law. Accordingly, staff recommends the following:**

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- **That the Province amend Bill 97: *Helping Homebuyers, Protecting Tenants Act, 2023*, or use another appropriate legislative mechanism, so as to delay, by a minimum period of two years from proclamation, the effective date after which an application for conversion could be submitted on lands no longer meeting the new definition of Employment Area.**

### **3.8 Definition of Affordable, and Affordable Housing Targets**

The draft Planning Statement does not include a definition of “Affordable” or “Low- and moderate-income households”. These definitions are included in both the current PPS and Growth Plan.

In addition to the definition of affordable, the current PPS includes policies that planning authorities shall establish minimum targets for the provision of housing which is affordable as defined. There is no requirement for planning authorities to include targets for affordable housing in the proposed Planning Statement.

**Staff strongly disagrees with the Province’s removal of the definitions for “Affordable” and “Low- and moderate-income households”, and the removal of the requirements for minimum affordable housing targets.** The Planning Statement provides policy direction on matters of Provincial interest related to land use planning and development. The removal of the definition of affordable, and the minimum affordable housing target requirements, would appear to indicate that housing affordability is **not** a Provincial interest.

The Province has introduced sweeping changes to legislation, including the current proposal, with the goal of creating more housing. Many of those changes have reduced a municipality’s ability to collect development charges, and provided exemptions from parkland contributions for affordable and attainable dwelling units, and placed limits on the number of affordable units municipalities can require through inclusionary zoning in MTSA’s. All of these changes have a direct impact, and adverse financial implications, on municipalities trying to address affordable housing issues within their communities. The proposed changes may have a negligible impact on making housing more affordable, and the series of recent legislative changes places even more responsibility and pressure on municipalities to address the affordable housing crisis, while limiting their resources.

#### **Staff recommend the following:**

- **That the definitions for “Affordable” and “Low- and moderate-income households”, and minimum affordable housing target requirements be reinstated. Staff also recommend the existing definition of “Affordable” in the PPS remain, as it is consistent with the definition of the Canadian Mortgage and Housing Corporation.**

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### 3.9 Natural Heritage

The proposed approach to natural heritage has not been finalized, and is not included in the Planning Statement at this time. The Planning Statement and ERO posting indicate that the posting will be updated with a link to the relevant ERO posting once it is available.

**Staff has concerns with the Province’s approach to initiate the consultation period for the Planning Statement, with a significant and important section of the document not available for review.**

Within the introduction section of the Planning Statement, the document states “The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use”. The document also identifies that “This Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together”.

Municipalities are being asked to provide comments on a new province-wide policy statement, with a significant piece (Natural Heritage policies) missing. Providing policies at a later date, under a separate ERO posting, does not allow municipalities to provide coordinated and comprehensive comments on the entire Planning Statement.

### 3.10 Minister’s Additional Powers

Bill 97 proposes a number of amendments to the *Municipal Act*, *Planning Act* and *Ministry of Municipal Affairs and Housing Act* that would provide the Minister additional decision-making powers. There is also a new policy proposed in the Planning Statement that would allow the Minister to take on a more direct and involved role in the planning process. The Planning Statement states that where a zoning order has been made, the resulting development potential shall be in addition to projected needs over the planning horizon established in the official plan.

The changes proposed in the Planning Statement include municipalities being required to maintain an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 25 years. Municipalities must also maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development.

Staff recognize that the Minister has the right to issue Zoning Orders. However, staff believe they should have regard for Official Plans or be supported by Council, and not undermine the local planning process. Issuing Zoning Orders not in conformity with Official Plans could require the municipality to divert infrastructure investments to accommodate them. This diversion could impact planned and approved areas for development, which would be counter to the objective of building housing quicker.

**Staff recommends that the issuance of a Minister’s Zoning Order should have regard for the Official Plan, and be supported by City Council.**

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### 3.11 General Concerns with the Vision, and Housing “at all costs” Approach

There are a number of Policy directions in the current Growth Plan and PPS the new Planning Statement does not emphasize, or address, specifically:

- the protection of ecological systems, including natural areas, features and functions;
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- a full range of housing, including affordable housing;
- the protection of the agricultural resources;
- the orderly development of safe and healthy communities;
- sustainability and climate change; and
- the protection of the financial and economic well-being of the Province and its municipalities.

It is recognized the proposed Planning Statement is intended to simplify Provincial planning directions in order to create more housing. However, the omission, or diminishment, of these important policy objectives from the new Provincial policy direction will have negative impacts on current and future communities. Planning policy and direction must consider the impacts of current needs while protecting for future needs.

## 4. Conclusion

Staff have reviewed the draft Planning Statement and prepared comments for Council’s consideration and endorsement. Staff have identified significant concerns with the fundamental shift in land use planning policy the Province is proposing. The proposed changes represent major departures from the very structured, top-down approach to land use planning that has been in place for nearly 20 years. That system focused on: intensification in existing built-up areas and in strategic growth areas; integration of higher order transit with high density development; meeting minimum density and intensification targets; establishing firm urban area boundaries until the ‘need’ for new land was demonstrated region-wide; and protection of employment lands from ad hoc conversions to other land uses.

The proposed Planning Statement forms part of the Province’s continued steps to make sweeping changes to Provincial Legislation, and planning policy, with the intent to create more housing. Staff does not oppose the Province’s goals to create more housing, but the changes proposed appear to be an attempt to create more housing “at all costs”. The Planning Statement does not provide enough direction or emphasis to additional Provincial interests outlined in the *Planning Act* including the natural environment, sustainability and climate change, public health and safety, protection of employment lands, protection of agricultural resources and the efficient use of infrastructure.

Staff have prepared comments and recommendations for Council’s endorsement which, if endorsed, will be submitted as the City’s formal comments to the ERO by June 5, 2023.



Subject: Environmental Registry of Ontario Posting 19-6813:  
Proposed Provincial Planning Statement

**Appendices:**

- Appendix I City of Pickering Detailed Comments on Environmental Registry of Ontario posting (ERO 019-6813)
- Appendix II Brock Employment Lands Request for protection
- Appendix III West Shore Employment Lands Request for protection
- Appendix IV Seaton Employment Lands Request for protection

**Prepared By:**



Brandon Weiler, MCIP, RPP  
Principal Planner, Policy



Dean Jacobs, MCIP, RPP  
Manager, Policy & Geomatics

BW:ld

**Approved/Endorsed By:**



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Recommended for the consideration  
of Pickering City Council



Marisa Carpino, M.A.  
Chief Administrative Officer

**City of Pickering Detailed Comments on  
Environmental Registry of Ontario posting (ERO 019-6813)**

City of Pickering Detailed Comments for ERO Posting 019-6813 (Closing June 5, 2023)

Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument.

Proposed Policy Change	Concern with the Proposed Policy	Recommendations
<p><b>Growth Targets</b>                      The proposed repeal of the Growth Plan, including the population and employment targets, will require municipalities to undertake growth forecasting, including a Land Needs Assessment (LNA) and a Growth Management Study (GMS) as part of their future planning.</p> <p>The Province expects that municipalities will continue to use the 2051 targets at a minimum. Over time, municipalities will be expected to carry out their own forecasting.</p>	<ul style="list-style-type: none"> <li>Local municipalities will be responsible for carrying out local growth forecasting, including a Land Needs Assessment (LNA) and a Growth Management Study (GMS). Downloading these to local municipalities will require more resources.</li> <li>Increased burden on tax payers due to recent changes to the <i>Development Charges Act</i>, through Bill 23, removing growth related studies from being eligible for development charge funding.</li> <li>Lack of uniform growth forecasting methodology identified.</li> </ul>	<ul style="list-style-type: none"> <li>That the Province identify basic parameters for future Land Needs Assessments, including recognizing where municipalities have established minimum densities for strategic growth areas and where minimum intensification targets have been included in local official plans; and</li> <li>That the <i>Development Charges Act</i> allow for studies related to a Land Needs Assessment and growth planning, to be eligible for cost recovery through development charges.</li> </ul>
<p><b>Intensification Targets</b>                      The Planning Statement supports intensification generally. Municipalities will be required to identify intensification targets and the area those intensification targets would be allocated to.</p> <p>The concept of mandated minimum intensification targets and a delineated built-up area contained in the Growth Plan has not been carried forward.</p>	<ul style="list-style-type: none"> <li>Municipalities have been planning and investing in intensification areas, including strategic growth areas, that have been required for intensification for the last twenty years.</li> </ul>	<ul style="list-style-type: none"> <li>That the Provincial Planning Statement provide stronger language to require large and fast-growing municipalities to identify minimum intensification targets, and provide criteria for municipalities to identify built-up areas to which intensification targets would apply.</li> </ul>

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<p><b>Strategic Growth Areas</b> The concept of strategic growth areas has been carried forward into the Planning Statement.</p> <p>Minimum densities requirements by area, (i.e., urban growth centres), have been removed. Large and fast-growing municipalities shall identify appropriate minimum density targets for each strategic growth area based on the local context.</p>	<ul style="list-style-type: none"> <li>• Staff do not object to the removal of Provincially mandated minimum densities for strategic growth areas.</li> <li>• Given investments, in infrastructure, transit, etc., in strategic growth areas, and the need to provide housing in those areas, staff believe that where minimum densities are approved in local Official Plans they should not be appealable.</li> </ul>	<ul style="list-style-type: none"> <li>• That the Province strengthen policy language to indicate where municipalities identify minimum densities in Official Plans, that address local conditions, they shall not be appealable.</li> </ul>
<p><b>Greenfield Development</b> The Planning Statement does not provide a minimum density for greenfield development but recommends large and fast-growing municipalities continue using 50 persons and jobs per hectare as a minimum density target.</p>	<ul style="list-style-type: none"> <li>• Creating minimum densities for greenfield areas, in large and fast-growing municipalities, will ensure more efficient use of land, infrastructure, lead to more homes quicker, and reduce the consumption of rural and agricultural areas.</li> </ul>	<ul style="list-style-type: none"> <li>• That the Province include a minimum density of 50 persons and jobs per hectare for designated greenfield areas for large and fast-growing municipalities.</li> </ul>
<p><b>Comprehensive Reviews</b> The concept of municipal comprehensive reviews of official plans has not been carried forward into the 2023 PPS.</p>	<ul style="list-style-type: none"> <li>• Municipalities are still required to review Official Plans at 5 or 10 year intervals, per the <i>Planning Act</i>. However, applications for employment conversions and boundary expansions can be brought forward at any time.</li> <li>• This results in piecemeal planning, uncertainty and unpredictability in terms of</li> </ul>	<ul style="list-style-type: none"> <li>• That the Province does not allow urban boundary expansions and employment land conversions outside of a comprehensive process, i.e. Official Plan reviews.</li> </ul>

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	<p>infrastructure planning and priorities, and could lead to an increase in urban sprawl, and will place more strain on staff resources.</p>	
<p><b>Settlement Area Expansions</b>                      With no requirement for municipal comprehensive reviews, municipalities have the ability to consider, and applicants can apply for, settlement area expansions at any time.</p> <p>The tests to be applied are not as stringent as they currently are and do not need to demonstrate a “need” to expand the urban boundary.</p>	<ul style="list-style-type: none"> <li>• The tests to expand an urban boundary should be very strict as municipalities are now required to have land available for a minimum of 25 years under the Provincial Planning Statement.</li> <li>• There should be a very clear need to expand an urban boundary to prevent urban sprawl, protect agricultural lands and promote efficient use of infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>• That the Province include criteria that requires demonstrating a “need” to expand settlement areas.</li> <li>• That the Province does not allow urban boundary expansions outside of a comprehensive process, i.e., Official Plan reviews.</li> </ul>
<p><b>Employment Land Conversions</b>                      With no requirement for municipal comprehensive reviews, municipalities have the ability to consider, and applicants can apply for, employment land conversions at any time.</p>	<ul style="list-style-type: none"> <li>• This approach could lead to a significant increase in multiple, private applications, submitted at any time rather than received and considered in a comprehensive or holistic manner.</li> <li>• This approach could have a serious impact on Pickering’s employment land base and existing employers.</li> </ul>	<ul style="list-style-type: none"> <li>• That the Province not allow employment land conversions outside of a comprehensive process, i.e. Official Plan reviews.</li> </ul>
<p><b>Provincially Significant Employment Zones (PSEZs)</b>                      The Province is not proposing to maintain PSEZs in the Provincial Planning Statement.</p>	<ul style="list-style-type: none"> <li>• The culmination of changes to conversion of employment lands, removal of PSEZs and amendments to the definition of area of employment will make it harder for</li> </ul>	<ul style="list-style-type: none"> <li>• That the Province protect the entirety of the existing PSEZs in the Brock Industrial Neighbourhood, the Whites Road Prestige Employment</li> </ul>

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Proposed Policy Change	Concern with the Proposed Policy	Recommendations
	<p>municipalities to protect employment lands for the long term.</p> <ul style="list-style-type: none"> <li>Staff recommend Council request the Province to protect specific existing and planned employment areas in Pickering from conversion requests.</li> </ul>	<p>Area in the West Shore Neighbourhood, and the lands within the Seaton Innovation Corridor from conversion requests.</p>
<p><b>Defining Employment Areas</b> The definition in the Provincial Planning Statement for “area of employment” has been amended to generally reflect heavy industrial uses not compatible with sensitive land uses.</p> <p>The new definition also clearly identifies office and institutional uses as not permitted in employment areas.</p>	<ul style="list-style-type: none"> <li>The removal of office uses and institutional uses from employment areas will increase the demand for land uses in mixed use and commercial areas.</li> <li>Limiting institutional uses could limit the ability of places of worship to locate in employment areas.</li> </ul>	<ul style="list-style-type: none"> <li>That the Province permit a specific amount of employment area land, i.e. 15%, be allowed to be used for office and institutional uses, or that municipalities be authorized to consider limited office and institutional uses within employment areas, subject to criteria.</li> </ul>
<p><b>Definition of Affordable and Affordable Housing Targets</b> The definitions “Affordable” and “Low and moderate income households” have not been included in the Provincial Planning Statement.</p> <p>There is no requirement for planning authorities to include targets for affordable housing in the proposed Planning Statement.</p>	<ul style="list-style-type: none"> <li>The removal of the definition of affordable and the minimum affordable housing target requirements will make it difficult for Official Plans to include achievable affordable housing targets.</li> <li>The Province should take a leading role in promoting and encouraging affordable housing for all residents.</li> </ul>	<ul style="list-style-type: none"> <li>That the Province include definitions for “Affordable” and “Low and moderate income households”, and that the existing definition of “Affordable” in the PPS remain, as it is consistent with the definition of the Canadian Mortgage and Housing Corporation.</li> </ul>

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Proposed Policy Change	Concern with the Proposed Policy	Recommendations
		<ul style="list-style-type: none"> <li>That the Province include minimum affordable housing target requirements.</li> </ul>
<p><b>Land Use Compatibility for Employment Uses</b> The policies make locating sensitive land uses in the vicinity of existing or planned industrial, manufacturing or other major facilities easier.</p>	<ul style="list-style-type: none"> <li>The criteria for demonstrating the need for the sensitive land use in the location has been removed.</li> <li>The requirement to demonstrate there are no reasonable alternative locations has been removed.</li> </ul>	<ul style="list-style-type: none"> <li>That the Province maintain the existing criteria required when locating sensitive land uses adjacent to employment areas.</li> </ul>
<p><b>Transition Policy</b> The targeted date for implementation of the new Provincial Planning Statement is Fall 2023. It is unclear if this is the effective date or when the final policies will be released.</p>	<ul style="list-style-type: none"> <li>The changes proposed in the Provincial Planning Statement represent a fundamental shift in how Planning is to be conducted in the GTA. Current planning documents have been drafted and refined to reflect the current Provincial Documents (Growth Plan included). Providing no or very little transition period will place extra burden on municipalities as many existing Official Plan policies will need to be reviewed and updated based on the proposed policies in the draft Planning Statement.</li> <li>Municipalities will be required to fast track Official Plan reviews or amendments to avoid applications submitted that do not meet current Official Plan policies that Council may be required to approve based on the new Planning Statement.</li> </ul>	<ul style="list-style-type: none"> <li>That the Province provide a meaningful transition period, a minimum of two years, to allow municipalities to amend local planning documents to reflect the substantive changes required.</li> </ul>

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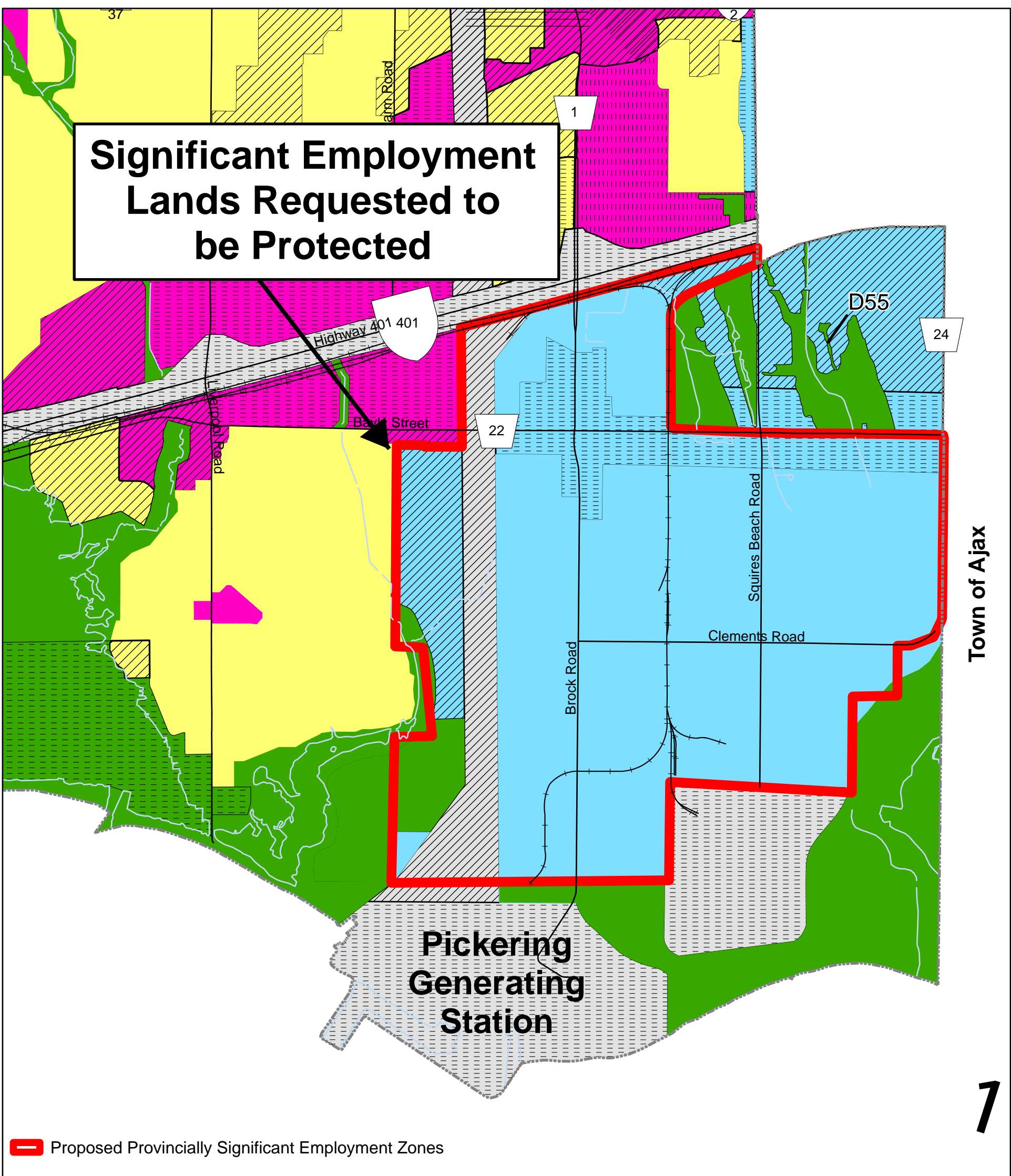
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<b>Proposed Policy Change</b>	<b>Concern with the Proposed Policy</b>	<b>Recommendations</b>
<p><b>Development in Rural and Agricultural Areas</b>                      The Planning Statement introduces policies that will permit additional dwellings and lot creation on farm properties (up to two additional on one parcel and up to three additional residential parcels).</p>	<ul style="list-style-type: none"> <li>• The introduction of non-agricultural uses in the rural area will increase the potential for conflict between uses and limit the ability agricultural operations to expand and grow in the future.</li> <li>• This is counter to the vision statement which states: “Growth and development will be focused within urban and rural settlements that will, in turn, support and protect the long-term viability of rural areas”.</li> </ul>	<ul style="list-style-type: none"> <li>• That the Province not permit additional severances in rural and prime agricultural areas.</li> </ul>
<p><b>Natural Heritage</b>                      The proposed approach to natural heritage has not been finalized and is not included in the document at this time.                       A future ERO posting will introduce the relevant Natural Heritage policies when available.</p>	<ul style="list-style-type: none"> <li>• Natural Heritage is a significant section of a Provincial planning policy. Initiating a comment period on a policy document that is not complete does not allow for coordinated and comprehensive comments on the entire Provincial Planning Statement.</li> </ul>	<ul style="list-style-type: none"> <li>• That the Province provide the ability for comments on the entire Provincial Planning Statement once the Natural Heritage section, and definitions, have been provided.</li> </ul>



**Brock Employment Lands Request for protection**

# Significant Employment Lands Requested to be Protected



Town of Ajax

7

Proposed Provincially Significant Employment Zones

Excerpt from  
Schedule I of the  
**Pickering  
Official Plan**  
Edition 8

## Land Use Structure

### Open Space System

- Active Recreational Areas
- Marina Area
- Natural Area

### Urban Residential Areas

- Low Density
- Medium Density
- High Density

### Mixed Use Areas

- Local Node
- Mixed Corridor
- Speciality Retailing Node
- City Centre

### Employment Areas

- General Employment
- Prestige Employment
- Mixed Employment

### Freeways and Major Utilities

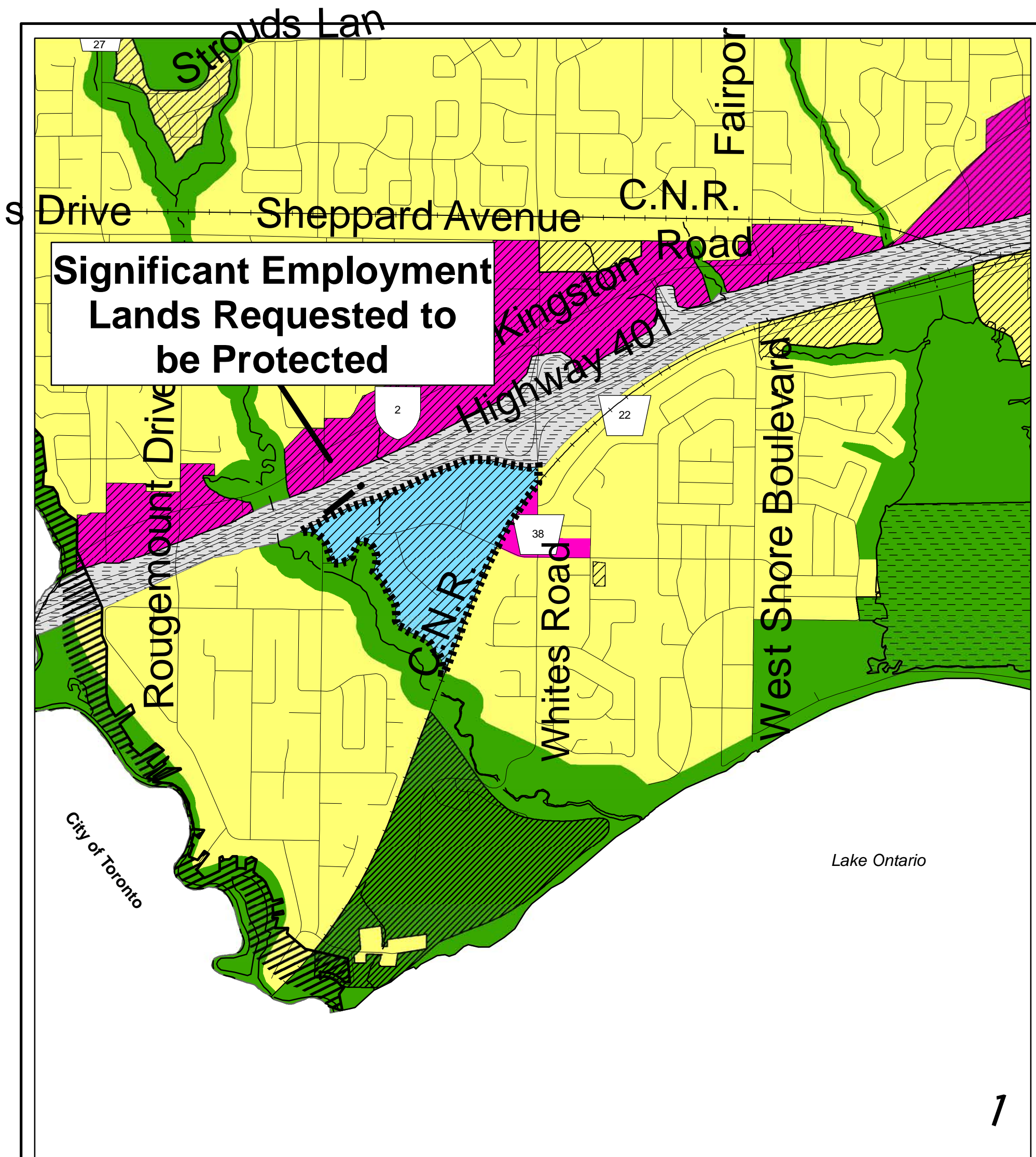
- Controlled Access
- Potential Multi-use Area

### Other Designations

- Deferrals

City of Pickering  
City Development Department  
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This Map Forms Part of Edition 8 of the Pickering Official Plan and  
Must Be Read in Conjunction with the Other Schedules and the Text.

**West Shore Employment Lands Request for protection**



**Excerpt from  
Schedule I of the  
Pickering  
Official Plan  
Edition 8**

**Open Space System**

- Seaton Natural Heritage System
- Natural Areas
- Active Recreational Areas
- Marina Areas
- Hamlet Heritage Open Space

**Rural Settlements**

- Rural Clusters
- Rural Hamlets

**Land Use Structure**

- Urban Residential Areas**
- Low Density Areas
  - Medium Density Areas
  - High Density Areas
- Mixed Use Areas**
- Local Nodes
  - Community Nodes
  - Mixed Corridors
  - Specialty Retailing Node
  - City Centre
- Employment Areas**
- General Employment
  - Prestige Employment
  - Mixed Employment

**Freeways and Major Utilities**

- Controlled Access Areas
- Potential Multi Use Areas

**Seaton Symbols**

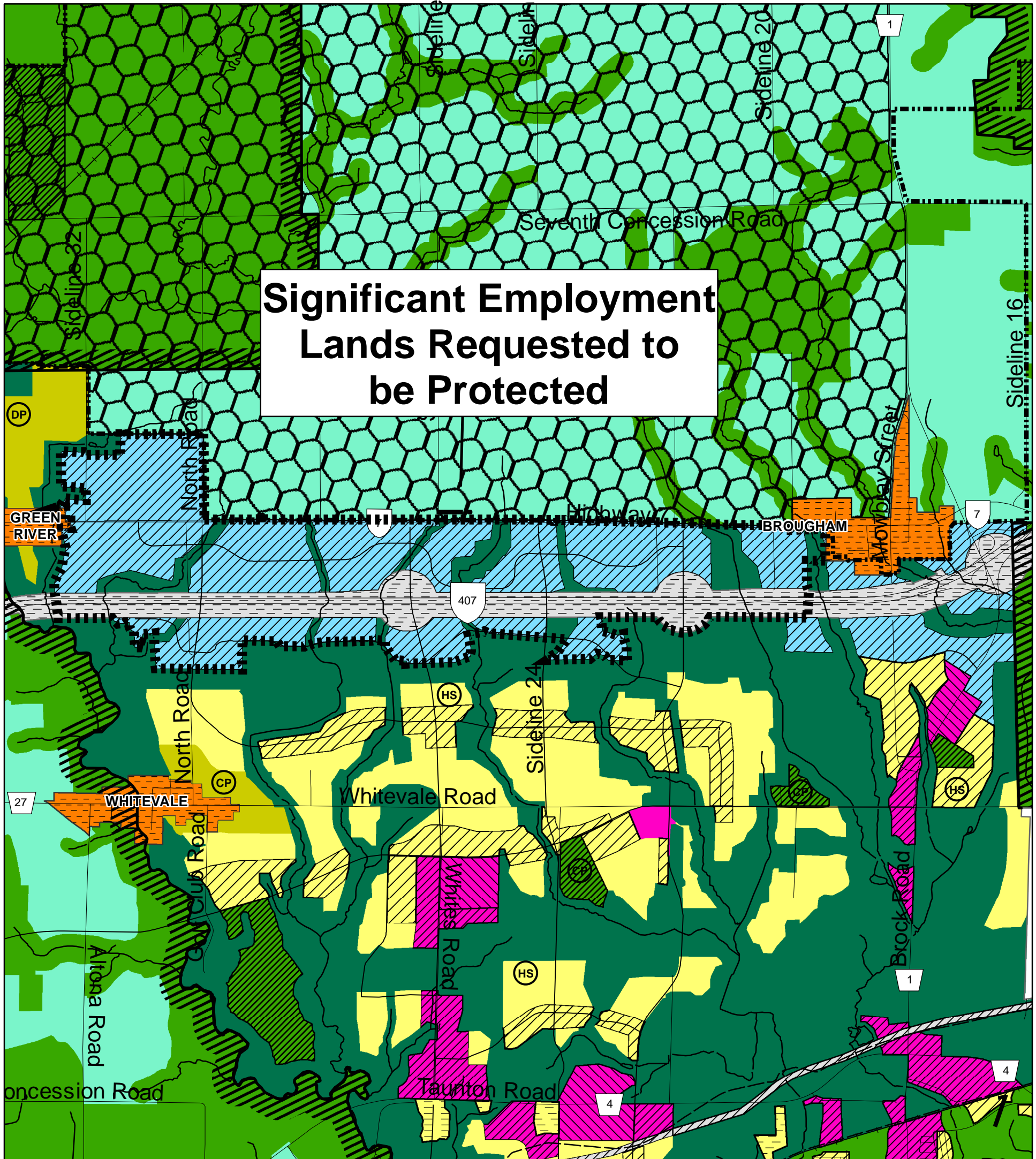
- District Park
- Community Park
- High School

**Other Designations**

- Prime Agricultural Areas
- Deferrals
- Greenbelt Boundary

**Seaton Employment Lands Request for protection**

# Significant Employment Lands Requested to be Protected



Excerpt from  
Schedule I of the  
**Pickering  
Official Plan**  
Edition 8

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| <p><b>Open Space System</b></p> <ul style="list-style-type: none"> <li> Seaton Natural Heritage System</li> <li> Natural Areas</li> <li> Active Recreational Areas</li> <li> Oak Ridges Moraine Natural Linkage Areas</li> <li> Hamlet Heritage Open Space</li> <li> Oak Ridges Moraine Natural Core Areas</li> </ul> <p><b>Rural Settlements</b></p> <ul style="list-style-type: none"> <li> Rural Clusters</li> <li> Rural Hamlets</li> <li> Oak Ridges Moraine Rural Hamlets</li> </ul> | <p><b>Land Use Structure</b></p> <p><b>Urban Residential Areas</b></p> <ul style="list-style-type: none"> <li> Low Density Areas</li> <li> Medium Density Areas</li> </ul> <p><b>Mixed Use Areas</b></p> <ul style="list-style-type: none"> <li> Local Nodes</li> <li> Community Nodes</li> <li> Mixed Corridors</li> </ul> <p><b>Employment Areas</b></p> <ul style="list-style-type: none"> <li> Prestige Employment</li> </ul> <p><b>Seaton Symbols</b></p> <ul style="list-style-type: none"> <li> District Park</li> <li> Community Park</li> <li> High School</li> </ul> | <p><b>Freeways and Major Utilities</b></p> <ul style="list-style-type: none"> <li> Controlled Access Areas</li> </ul> <p><b>Other Designations</b></p> <ul style="list-style-type: none"> <li> Proposed Airport Site</li> <li> Prime Agricultural Areas</li> <li> Prime Agricultural Areas On The Oak Ridges Moraine</li> <li> Oak Ridges Moraine Countryside Areas</li> <li> Rural Study Area</li> <li> Federal Lands</li> <li> Oak Ridges Moraine Boundary</li> <li> Greenbelt Boundary</li> </ul> |
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City of Pickering  
City Development Department  
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