



Greater Ottawa Home Builders' Association  
Association des constructeurs d'habitations d'Ottawa

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August 4, 2023

The Hon. Steve Clark  
Ministry of Municipal Affairs and Housing  
777 Bay Street, 17th floor  
Toronto, Ontario M7A 2J3

**Re: ERO 019-6813 - Provincial Planning Statement**

Dear Minister Clark,

Please accept the below from the Greater Ottawa Home Builders' Association (GOHBA) and its members as a submission to the government's request for feedback on 'Proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument' (ERO 019-6813).

This follows up on our comments for ERO 019-6177 ('Review of A Place to Grow and Provincial Policy Statement' dated December 23, 2022). We also support the comments provided by our counterparts at BILD-GTA, WEHBA, and OHBA.

GOHBA is supportive of the government's efforts to address our housing affordability and supply crisis by establishing a more streamlined approach to planning in Ontario that is outcome-focused, relevant, and promotes speed and flexibility.

**Context**

From GOHBA's perspective, the City of Ottawa is taking actions that directly hinder and impede the government's efforts to enhance housing affordability and supply. Rather than streamlining and eliminating unnecessary steps to meet the mandated application processing timelines set by the province, the City has introduced a multi-phase pre-consultation requirement prior to considering an application as complete. Unfortunately, this approach has resulted in a longer overall timeframe, stretching from the initial pre-consultation stage to obtaining a building permit, thereby creating inefficiencies instead of achieving a more streamlined process. The City has also discouraged gentle intensification by dragging out zoning bylaw changes to facilitate ADUs under Bill 23.

GOHBA understands that builders throughout the province are facing similar experiences in their jurisdictions. While establishing the new PPS, we strongly encourage the government to consider the existing conditions within the residential construction sector. It is crucial for the PPS (and possible amendments to the *Planning Act*) to align with the government's housing goals while also fostering collaboration and partnership with municipalities in the shared mission of providing 1.5 million new homes to accommodate our growing population. There are

significant economic and social benefits to municipalities that facilitate housing supply and affordability, including talent attraction and retention, mass transit ridership, and development charge revenues.

GOHBA welcomes a single, integrated policy document on land use planning. With many residential construction companies working in multiple jurisdictions, it is very beneficial to have all municipalities and industry operating in the same regulatory environment across the province as we strive to meet the target of 1.5 million new homes by 2031.

GOHBA supports the overall direction of the new Provincial Planning Statement. We provide comments and additional suggestions on the new PPS and ERO 019-6813's specific proposals below, followed by feedback on the government's questions for consideration.

## **Proposals**

### **1. Generate an appropriate housing supply**

- **Identify large/fast-growing municipalities, with specific directions to plan strategically for growth:**
  - **Establish and meet minimum density targets for: major transit station areas, other strategic growth area (e.g., nodes and corridors), urban growth centres (transitioned from A Place to Grow)**
  - **Encourage to plan for transit-supportive greenfield density targets**

The PPS should also clarify how minimum intensification targets apply across the entire municipality, and that intensification is encouraged through the settlement area boundary. This is essential to provide policy support for gentle-density forms of intensification in existing areas which would otherwise be prevented by anti-growth special interests.

It is important to provide clarity as to what constitutes affordable and attainable housing. Additionally, the PPS should clarify that additional dwelling units are encouraged in all single, semi-detached and townhomes (similar to the permissions under the *Planning Act*) and that these units can provide a supply of purpose-built attainable rental housing.

The PPS delineates specific boundaries for major transit stations and higher order transit corridors, aiming to set minimum density targets in their proximity. However, the City of Ottawa has presented challenges by suggesting that many of the municipality's new light rapid transit stations do not fall under the definition of key transit station, and thus would not warrant greater height permissions in the vicinity – eg, as opposed to having a 800 metre radius for a major transit station area, the radius is 500 metres or less.

The City contends that these stations, either built, under construction, or planned, do not trigger greater heights because they are not "key transfer stations". Key transfer station does not exist in a single policy document of the City of Ottawa. This interpretation and the lack of

inclusion in City policy documents challenges the province's intention to meet minimum density targets.

There may be conflict between provisions for significant density around transition stations and in PMTSAs, and protections against development in proximity to railway lines. GOHBA spoke to this item in its submission for ERO 019-6822:

GOHBA appreciates that there may be extremely specific circumstances where applying site plan control may be appropriate for residential developments of 10 units or less – eg, along some shorelines and/or active heavy railway lines.

In order to provide uniformity in requirements, GOHBA recommends that the setbacks be set at 30 metres for both shoreline and rail lines. Currently, rail companies only demand 30 metre setbacks.

There is also a danger that municipalities could abuse this loophole to apply site plan control inappropriately – eg, in neighbourhoods where NIMBYism is strong or along light rail lines, thereby limiting housing supply, especially in terms of intensification where it should be located.

The City of Ottawa has made Light Rail Transit (LRT) the critical spine of its existing mass transportation system, as well as the foundation for future service in the suburbs. As LRT will connect critical high density and mixed-use hubs, as well as travel adjacent to neighbourhoods and employment and commercial zones, it is critical that residential intensification not be unduly limited along LRT lines.

As well, site plan control should not be applicable near inactive or abandoned railway lines. The City of Ottawa generally enforces rail line setbacks for former rail lines, limiting the potential for residential units. As well, currently GOHBA members are still being requested to provide Noise and Vibration Studies for sites that abut or are near a "railway line", even if the railway line has been decommissioned / inactive, with some not even having tracks anymore.

Therefore, we recommend that the regulations only apply to active heavy railway lines, and not mass transit LRT lines or decommissioned/inactive railway corridors. This distinction will need to be explicitly outlined in the regulations to ensure that municipalities provide sufficient intensification opportunities.

- **Require municipalities to provide a range and mix of housing options with an expanded definition to include multi-unit types (laneway, garden suites, low and mid-rise apartments) and typologies (multi-generational, student)**

While the range and mix of housing options with a broader definition may be intended to be permissive, there is a possibility that this language could be misinterpreted and lead to more rigid and prescriptive applications. The government needs to ensure this policy won't be misapplied by municipalities and exploited to withhold permits for housing types that differ from those preferred by the municipality.

The "range and mix of housing options" must also reflect market-based demand. Demand for single and semi-detached homes is not the same as demand for a multi-unit form of housing. Assuming these options are interchangeable and that residents and the market view them as equivalent would be an erroneous approach.

Housing projections undertaken by municipalities must be grounded in real time data and evidence about demographics. Generally, current population forecasts have assumed that the aging population is downsizing and occupying smaller homes. However, in reality, a significant portion of this age group is choosing to remain in their family homes, leading to reduced turnover rates in the housing market.

Other vital market factors, such as age, family status, and economic circumstances, can provide valuable insights into the potential future housing needs that population statistics alone may not capture. It is important to include these considerations in the proposed new PPS's overall approach to achieving efficient and resilient land development and land use patterns. Related, we would also urge the government implement our submitted recommendations for 23-MMAH001 / ERO #019-6619 "Municipal Reporting on Planning Matters - Proposed Minister's Regulation under the Planning Act."

GOHBA recommends making population and employment forecasts a mandatory component in determining additional housing requirements, with other discretionary factors considered to justify further additions. This balanced approach will ensure that the policy instrument considers both objective data and relevant contextual factors, leading to a more comprehensive and effective strategy for housing development in the future.

At the same time, the province needs to require application of a consistent methodology for net-to-gross land use analysis by municipalities, and institute a statutory timeline for updating these analyses to monitor how municipalities are using land.

To ensure effective, municipal Official Plans should not only build on established growth projections but also commit to updating these projections at least once every five years. In Ottawa, for example, to ensure that the Official Plan is fulfilling its obligation to provide a sufficient amount of housing for our population, we need to do more than just check our progress in 2024 against housing targets set in 2019. Our population, household and dwelling projections need to be recalculated as well to ensure that we are working towards the correct goals.

- **Require all municipalities to implement intensification policies**

GOHBA supports minimum housing targets for all municipalities, not just those with the fastest or largest growth. There is a lack of coordinated and shared responsibility for housing among municipalities in Eastern Ontario, particularly in “bedroom communities” outside Ottawa’s borders, such as Rockland, Kemptville, Carleton Place, Perth, Arnprior, etc.). This creates divergent approaches adopted by different municipalities regarding population growth and housing demand. While some municipalities are proactively planning to accommodate the spillover of population growth and housing demands that cannot be met within Ottawa’s boundaries, others are deliberately restricting housing opportunities within their own jurisdictions. This results in an uneven distribution of the housing burden, with some communities shouldering a disproportionate share of the pressure.

To foster increased cooperation and integration across municipalities, it is essential that the PPS strengthen the current description and understanding of “regional market areas”. Although the term is included in *Section 8: Definitions*, there remains considerable uncertainty regarding its precise purpose, application, and how it can support effective coordination of multiple municipalities. It may also be beneficial to map out the regional market areas.

- **Provide flexibility for municipalities to allow for more residential development in rural settlements and multi-lot residential development on rural lands, including more servicing flexibility (e.g., leveraging capacity in the private sector servicing**
- **Require municipalities to permit more housing on farms, including residential lot creation subject to criteria, additional residential units and housing for farm workers**

GOHBA supports policy directions that respond to local circumstances and provide increased flexibility to enable more residential development in rural areas.

## **2. Make land available for development**

- **Provide flexibility for municipalities to use government or municipally established forecasts (at minimum), with a transition phase for municipalities in the Greater Golden Horseshoe**
- **Require municipalities to plan for a minimum 25-year horizon, maintain a 15-year residential land supply and maintain land with servicing capacity for a 3-year supply of residential units**

GOHBA supports the above policies to require all municipalities to plan for growth and maintain a minimum supply of readily available land to support housing development. This should include long-range land use planning that identifies future growth areas in a long-term urban structure plan to accommodate growth beyond the 30-year planning horizon. Municipalities should establish phasing policies linked to the cost effective and efficient extension of services to guide future settlement expansions.

As re-iterated from GOHBA's submission for ERO 019-6177 in December 2022, the extreme polarization surrounding infrastructure capacity considerations and decisions is significantly impeding the growth and prosperity of municipalities. The province could remove political drivers in infrastructure planning by:

- Requiring Secondary Plans to be completed with over-sized and over-depth infrastructure, protecting the next development from facing the challenge of increasing capacity for future growth.
  - Encouraging municipalities to conduct capacity analyses that extend beyond the immediate planning horizon, which will avoid the need to repeat detailed MOE studies every time an upgrade is required.
  - Encouraging municipalities to strategically locate infrastructure outside of urban boundaries to optimize the net-to-gross use of urbanized lands
  - Eliminating MOE Risk Assessments on neighbouring lands that are not responsible for contamination.
  - Creating a provincial "infrastructure bank" which would provide low-interest loans to developers or municipalities to fund critical infrastructure projects; loans would be repaid through development charges, which distributes the financial burden appropriately and supports the bank to generate returns on completed projects.
- **Provide a simplified and flexible approach for municipalities to undertake settlement area boundary expansions. Municipalities would be allowed to create new Settlement Areas and would not be required to demonstrate the need for expansion**

The language advocating a simplified and flexible approach for municipalities to undertake settlement area boundary expansions is susceptible to exploitation. Some municipalities may be manipulating population and employment projections during the initial boundary expansions to restrict future housing demand, ultimately limiting upzoning and further expansions. It is crucial to establish clear and unequivocal guidelines to prevent such misuse and ensure a transparent and accountable process.

The Ontario Housing Affordability Task Force's called for improvements to the quality of housing data that inform decision making. Recommendation #51 of the February 2022 report states:

*Require municipalities and the provincial government to use the Ministry of Finance population projections as the basis for housing need analysis and related land use requirements.*

GOHBA would like to see the PPS explicitly direct municipalities to use the Ministry of Finance projections for their growth management strategies. This ensures consistency in the source data and the process used across all municipalities in the province and reduces the risk of political interference.

For example, the Ontario Ministry of Finance’s population growth forecast for Ottawa is 530,000-560,000 new residents by 2046. However, the City’s new Official Plan adopted in November 2022 has a growth of 400,000 people based on outdated projections from the 2019 Growth Management Strategy. With the province’s addition of 550 hectares of residential lands in November 2022, the provincial government is clearly signaling that the City needs its policies to accommodate more growth - 530,000-560,000 new residents – rather than what Ottawa projected in the Official Plan.

Relying on the wrong data will have trickle down impacts over the next number of years, especially for our collective ability to achieve housing targets, and adequately fund infrastructure upgrades and new projects. Shortfalls in industrial/employment use lands will also create significant pressure on residential lands near 400 series highways or in economic development areas as private developers will be rezoning residential lands for employment uses. A combination of using the wrong population data, a significant shortfall of employment lands and the likelihood of rezoning residential land to meet market conditions will add to infrastructure pressures and timing to market to meet the intensification targets of the province.

While the new PPS allows municipalities to consider urban boundary expansions at any time, the PPS may be inconsistent with the *Planning Act* which continues to prohibit appeals regarding settlement area boundary expansions. Proposed amendments to the appeals process in Bill 23 have not been approved by the government and need to be resolved before the PPS comes into effect.

GOHBA supports the general policies outlined in the new PPS regarding Settlement Areas, Settlement Area Boundary Expansions, and Strategic Growth Areas. In particular, the policies that require minimum densities in major transit station areas and other strategic growth areas will ensure that opportunities for higher-density housing forms can be realized in areas that benefit from existing or planned transit.

It would be beneficial to affirm that municipalities cannot impose additional restrictions or criteria beyond what is outlined in the PPS. Currently the City of Ottawa imposes additional requirements on such considerations as:

- Required components of municipal infrastructure that are planned or available, have sufficient capacity, are financially viable over their life cycle, and protect health, safety and the natural environment. (This is not done now. It would be a very cumbersome undertaking that cannot be completed by a private proponent. This review requires many details that only the City knows).
- The adjustment supports the ability to meet intensification targets identified (How does urban regeneration come into play when assessing existing reserve capacity for growth lands?).
- New or additional lands within the urban boundary or within a village have appropriate municipal services, and enough existing reserve capacity.

Settlement Area Boundary Expansions should be permitted outside of a comprehensive review without a limitation as to the size. The new policy should also promote the use of alternative servicing solutions to permit development in areas where typical full municipal servicing solutions are not viable.

GOHBA further supports the use of alternative servicing solutions to enable development in areas where typical full municipal servicing solutions are not viable. The province should prepare guidance material regarding the minimum densities and size of developments appropriate for different servicing solutions.

- **Require municipalities to plan for and protect industrial and manufacturing uses that are unsuitable for mixed use areas, using a more narrowly scoped definition of “area of employment” limited to these uses and preserving large, contiguous areas of land**
- **Encourage municipalities to preserve employment areas close to goods movement corridors, coordinating across administrative boundaries and consider opportunities to densify**
- **Provide municipalities with greater control over employment area conversions to support the forms of development and job creation that suit the local context**

The proposed policies for employment lands may be suitable for the lands around the GGH but may not be as appropriate for Ottawa. The proposed definition may be too narrow to facilitate the type of mixed-use lands permitted under Ottawa’s Official Plan.

GOHBA fully supports policies that would provide municipalities with the option to convert land in employment areas to non-employment and mixed uses to support the kind of development and job creation that is relevant to their local context. Employment projections should be closely evaluated to ensure adequate employment areas are provided, while also allowing for intensification opportunities in areas of underutilization or lower densities.

Policy 2.2.5.12 of the Growth Plan provides that the Minister “may identify provincially significant employment zones and may provide specific direction for planning in those areas to be implemented through appropriate official plan policies and designations and economic development strategies”. If there are going to be distinctions in provincial-wide policies between conversions of employment areas and provincially significant employment zones, more clarity is required regarding what factors are significant. All stakeholders will benefit from clarity regarding which lands within employment areas can be converted to new residential and mixed-use development, where appropriate.

Section 2.8.2(1) of the PPS states that planning authorities shall “protect and preserve” employment areas for current and future uses. However, the words “protect and preserve” are often used to inhibit a diversified use of lands in employment areas. Ultimately, settlement areas should be vibrant, mixed-use areas. There are instances where it makes sense to locate a



particular land use in an employment area due to its land or operational needs, for example an indoor tennis/racquet facility, but the PPS as currently worded is too rigid in its protection of employment lands.

Finally, in conjunction with the PPS, the D-Series guidelines should be updated for compatibility.

### **3. Provide infrastructure to support development**

- **Require municipalities to plan for stormwater management, water and wastewater infrastructure, and waste management systems to accommodate growth**

Many municipalities are facing challenges with both stormwater and wastewater infrastructure. In Ottawa there is a particular concern around stormwater capacity, and the City is considering a new requirement for onsite stormwater management for new infill projects because the City's existing infrastructure is at capacity.

If the City doesn't know the capacity of its stormwater infrastructure or what upgrades are required, it cannot make fair assessments about which lands can support intensification?

If land use and infrastructure are going to be successfully integrated, the IMP and other master plans need to extend the planning horizon to match the OP planning horizon of 25 years and its land use planning principles.

Another challenge is that many decisions about residential intensification are being controlled by the IMP rather than planning policies or zoning. The current system relies on development charges to fund infrastructure, but often, the infrastructure is not in place when needed and the City is planning to use the status of existing infrastructure to possibly withhold or withdraw building permits. Consequently, desirable and needed housing projects will be put on hold due to the lack of timely infrastructure.

GOHBA's significant concern is that the infrastructure capacity is or will become the major determining priority for potential intensification over all other considerations, such as proximity to transit.

- **Require municipalities to protect corridors for major infrastructure, such as highways, transit, transmission systems and encourage municipalities to provide opportunities for the development of energy supply to accommodate current and projected needs**

The PPS should offer clear direction for technical revisions and amendments to a municipality's Official Plan, especially concerning road reclassification. Currently, municipalities can make technical revisions to an Official Plan or Zoning By-law without adopting an amendment and without the need for notification. However, the planning process must be followed when

adding or removing roads from various categories to address planning and development charge implications.

In the City of Ottawa, an Official Plan amendment is necessary when adding an Arterial or City Highway, but not when removing either. This discrepancy is not appropriate, and it is essential to require an Official Plan Amendment when removing a road to ensure procedural fairness and consider planning and development charge implications fully.

- **Require the integration of land use planning and transportation with encouragement for freight-supportive and transit-supportive development to move goods and people**

As described above, GOHBA is concerned about the definitions for higher orders of transit, major transit stations, and expanding protected major transit station areas. The PPS defines the radius of major transit stations as 500-800 meters or about a 10-minute walk, while Ottawa's current OP uses an 800-900 meter radius. Additionally, the City has classified the light rail transit stations at different orders. The PPS needs to make sure that all stations in an LRT system like this are treated equally, as well as ensuring that all municipalities are using the same radiuses to define major transit station areas.

The PPS should set a radius of 800 meters for stations or stops on planned or existing higher-order transit routes and Urban Growth Centres (UGC). Moreover, the province should establish guidance material for a typology of major transit station areas and UGCs, identifying the minimum heights and densities that could be planned in relation to varying surrounding urban development and the form of transit service. Municipalities must plan for transit supportive density focused on major transit station areas and UGCs with minimum height and density permissions, and where maximum heights or densities should be discouraged.

The PPS should also prioritize development approvals around major transit station areas to facilitate expedited housing growth, in line with Bill 109. GOHBA would like to see more alignment between IMPs, Transportation Master Plans, and provisions around Development Charge Bylaws in the *Planning Act*, which can support updates to the zoning bylaws and eliminate the need for time-consuming application submissions that delay building activities.

The PPS defines frequent transit as public transit service that runs at least every 15 minutes. In Ottawa, there is a very small proportion of the public transit system that would qualify for frequent transit under this definition, which could have significant limitations on development opportunities. This is a potential impediment that should be removed from the PPS.

- **Require municipalities and school boards to integrate planning for schools and growth**

GOHBA supports new policies to require collaboration between municipalities and school boards in planning for schools to meet growth. Municipalities should be required to conduct

the proper planning studies and secondary plans once the new population projections are allocated to them to ensure sufficient schools and other community amenities are properly planned for to meet future housing demands.

This can include innovative measures like integrated schools and associated childcare facilities into high rise developments, provided there is agreement with the developer. The policies should specifically speak to the minimization of school sites when co-located with parks and should encourage the provision of schools in mixed use formats, including within multi-storey residential buildings. Details would have to be worked out and should not require space to be set aside in a high-rise in the same fashion as a sub-division.

Additionally, the government should consider the alternative scenario where intensification should be mandated in areas with excess school capacity. Typically, these are older, low-rise neighbourhoods within a city's core. This would promote the integration of young families into an established neighbourhood, fulfilling the Ontario Housing Affordability Task Force Recommendation #7 (Encourage and incentivize municipalities to increase density in areas with excess school capacity to benefit families with children).

#### **4. Balance housing with resources**

- **Require municipalities to designate specialty crop areas and prime agricultural areas, eliminating the requirement to use the provincially-mapped Agricultural System**
- **Require municipalities to protect specialty crop areas and maintain minimum separation distances between livestock operations and houses, and promote an agricultural systems approach to support the agri-food network**

Rather than assessing the quality or capacity of land for agricultural areas, municipalities should be assessing lands – including those proximate or adjacent to the boundary should be assessed - to maximize efficiencies of existing infrastructure and future investments.

- **Require municipalities to protect water resources and features and encourage watershed planning**

The current definition of “surface water features” may be interpreted to include artificially created water features, like “lakes” created by historic dams. To reduce and remove interference with development rights, surface water features in the PPS should exclude those created by human intervention.

Floodplain mapping and associated modelling in urban areas should be prepared to account for proposed growth, including stormwater management facilities and flood mitigation work in these areas. It is not appropriate to assume a no-mitigation approach to flood plain modelling in an urbanizing area. This approach should be incorporated into the policies of the new PPS and in related guidance material from the province.

Policies supporting the location of trails and other passive recreation activities within hydro and gas corridors should be added to the PPS. Moreover, when trails and/or recreational opportunities can be provided in these corridors, such areas should be eligible for parkland contribution under the *Planning Act*.

Additionally, the policies of the PPS should provide direction to utility providers to integrate their planning with the growth planning of municipalities, and to account for these plans in their future service planning. Utilities should be strongly encouraged to ensure that sufficient service is available in accordance with planning to support designated growth and the delivery of housing. Where required, the province should consider legislative and policy changes to ensure that both utilities and regulators provide sufficient services for both existing and future housing to achieve municipal growth plans.

- **Natural heritage policies and associated definitions were added to the proposed Provincial Planning Statement on June 16, 2023. The proposed policies would require municipalities in central and southern Ontario to identify natural heritage systems and protect natural heritage features and areas as they currently do under the existing policies in the Provincial Policy Statement, 2020. For accuracy, an update is proposed to the definition of “significant” as it relates to wetlands, coastal wetlands, areas of natural and scientific interest and woodlands to remove/replace the reference to the “Ontario Ministry of Natural Resources and Forestry” with the “province”.**

GOHBA provided extensive comments on Natural Heritage in its submissions to ERO 019-6160 (Proposed Updates to the Ontario Wetland Evaluation System), ERO 019-6141 (Legislative and regulatory proposals affecting conservation authorities), and ERO 019-6161 (Conserving Ontario’s Natural Heritage).

The industry had previously put forward comments requesting a net benefit approach to environmental protection. There are quite a lot of sites that are bifurcated by marginal or semi-marginal environmental features. If some of those could be removed and then replaced with a better overall ecological output and benefit, it would provide much more efficient and desirable urban form at the same time as protecting the natural environment. Many conservation authorities allow informal compensation methods now. The province should provide clear and formalized direction on the approach to create certainty on how to proceed.

To minimize potential conflicts with agricultural uses and existing or new residential areas, municipalities should designate rural lands abutting residential areas and settlement area boundaries.

The proposed environmental protection policies should be provided in the context of a *Housing First* policy goal and objectives which should be added to the PPS in settlement area boundaries. An urban lens should be provided for environmental protection in settlement areas, generally directing that preservation of features should have the object of maintaining

green infrastructure in urban areas to preserve natural functions and the protection of provincially significant features. Such policies would support the provision of housing through the efficient use of land is essential and a priority over other competing policy objectives.

In all areas, the policies related to the natural environment, and environmental protection should allow a net benefit approach through the development process. Such policies should facilitate logical settlement patterns by allowing feature removal or relocation with off-setting opportunities for on- and off-site compensation on a 1:1 basis.

The environmental policies could encourage the preservation of non-provincially significant features if it is clarified that such features should be treated as social elements that offer passive recreational opportunities to residents and that they would form part of the parkland dedication requirements under the *Planning Act*.

### Natural Heritage Policies

The implementation of natural heritage policies has presented persistent challenges, impacting both the timely delivery of communities and homes and the ability to achieve positive and sustainable outcomes for nature.

Given the diverse municipal interpretations of the provincial natural heritage policies, the conservation of the most important natural heritage features and functions has often become caught in polarized, lengthy, and expensive arguments about the ecological importance (or lack thereof) of the smallest and isolated patches of nature. In many cases, for example, natural heritage protections are being applied by municipalities to features that are small, disturbed, young on the landscape, and sometimes human created. The created features that have been defined as significant, for instance, include:

- young plantations;
- hedgerows;
- wetland areas in ditches;
- backed up drainage systems;
- naturalizing golf course ponds;
- closed aggregate extraction ponds; and
- naturalized farm ponds.

This overly cautious approach has created inefficiencies in the development of “complete communities”, which may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations (PPS definition). Our recommended changes to the natural heritage policies will introduce much-needed flexibility, that will also generate more nature positive outcomes, more quickly. We understand that viable and functioning natural heritage systems are important to the integrity of the environment, and to the well-being of citizens who live near and interact with them.

In addition, we will continue to work with the province and municipalities to achieve natural heritage outcomes that are practical, viable, and sustainable, whether they occur in settlement areas, rural areas, or agricultural areas. We will continue to offer ideas and solutions that will lead to increased and appropriately targeted investments in our natural heritage systems.

In the following, we propose minor, but important modifications to the natural heritage policies to enable our industry to create healthier communities more efficiently and effectively. At the same time, our industry will continue to accelerate the establishment of natural heritage systems that will thrive in areas where communities are developing. We will continue to work with our municipal partners to create communities that enable citizens to interact with nature in respectful and sustainable ways.

To achieve these ambitious and positive outcomes, Ontario needs a degree of smart flexibility in the natural heritage policies and their implementation.

Smart flexibility will best be achieved through the two following distinct, but related changes:

- 1) Shift from the no negative impact test to a no **net** negative impact test for natural heritage features and associated functions; and
- 2) Formally adopt an ecological **offsetting** approach to allow for the selective removal of generally smaller and degraded natural heritage areas with limited functions. The removed features would be replaced, achieving a net ecological gain (i.e., nature positive outcomes).

In the following, additional comments are provided regarding these two proposed changes. Then, specific suggested wording changes are proposed for the PPS natural heritage policies and for a few associated definitions. Some final thoughts are also offered, regarding key next steps to ensure that background materials and guidelines are updated and can support the policy changes.

### Net Negative Impact Test

The current test under the PPS related to natural heritage features and functions (excluding fish habitat) is the no negative impact test. That test specifies, that a “... negative impact is: degradation that threatens the health and integrity of the natural features or ecological functions”. Health and integrity are not defined terms, in the PPS.

Requirements to achieve no negative impact on any aspect of natural heritage features or functions have proven to be challenging and impractical. It is likely that any development or site alteration activity will have some, often minor or immeasurable impact on one or more aspects of natural heritage features or functions.

The definition of “functions” further complicates the use of the no negative impact test. The PPS defines ecological function as follows “... means the natural processes, products or services

that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical, and socio-economic interactions.” The complexity of the term ecological function includes undefined biological, physical, and socio-economic interactions.

The implementation of a slightly modified test, a no **net** negative impact test, will allow for minor adjustments to natural heritage features and associated functions. This approach would encourage, not discourage, more innovative forms of mitigation, with simpler impact assessment considerations and with net positive outcomes for nature.

Where a development or site alteration could impact larger and more overtly important natural heritage features and associated functions, the no **net** negative impact test would involve a special form of compensatory mitigation, commonly referred to as offsetting.

Ecological & Biodiversity Offsetting

The province’s release of the Discussion Paper, *Conserving Ontario’s Natural Heritage*, presents an important, forward-looking approach that could significantly improve the use of, and outcomes associated with, natural heritage policies in Ontario.

Ecological biodiversity (also known as biodiversity offsetting) is an impact assessment tool used globally in over 100 countries. These offset programs allow for the compensation of impacts to the natural environment in ways that restore or improve the quality and/or quantity of the impacted natural heritage features. Unlike a no **net** negative impact test, which minimizes and neutralizes impacts, offsetting programs require achieving net positive or nature positive outcomes. This approach could be used when predicted impacts surpass what might be considered to be the most minor immeasurable predicted impacts addressed above.

Proposed Natural Heritage Policy Modifications

The following are a few specific wording changes to the natural heritage policies and the definitions, that will support our suggested no **net** negative impact test and the recommended offsetting approach. The numbering system used in this section follows the numbering of sections in the June 16, 2023, version of the proposed PPS.

Recommended Specific NHS Policy Wording Modifications

Existing Wording	Proposed Revised Wording
<p><b>PPS section 4.1.4</b></p> <p><i>Development and site alteration shall not be permitted in: ...</i></p>	<p><b><i>Add the word net (underlined below)</i></b></p> <p><i>Development and site alteration shall not be permitted in: ...</i></p> <p><i>... unless it has been demonstrated that there will be no <b><u>net</u></b> negative impacts on the</i></p>

Existing Wording	Proposed Revised Wording
... unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> ...	natural features or their <i>ecological functions</i> ...
<p><b>PPS section 8</b></p> <p><i>Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.</i></p>	<p><b><i>Add the word net (underlined below)</i></b></p> <p><i>Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no <u>net</u> negative impacts on the natural features or on their ecological functions.</i></p>

Recommended Definition Modifications

The following are suggested changes that will match with other recommendations contained within this material.

a) Areas of Natural and Scientific Interest (ANSIs)

One general comment we offer, is related to the ongoing inclusion of Areas of Natural and Scientific Interest (ANSIs) within the natural heritage policies. We understand that this program was important at the time (e.g., 1980s), to determine local, regional, and provincial levels of importance for earth and life science ANSIs. The definition of ANSI refers to “... natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education”. We suggest the relevance of defining significance of ANSIs related to protection, scientific study, or education, be carefully reviewed. Whether these aspects are appropriate for the definition of natural heritage significance is an important question the province should consider. Furthermore, whether the program is current and if the information is updated and reviewed on an ongoing basis. This may be a moment when the identification, ranking, and conservation of some or all of these features, needs a more discerning review for relevance. We also understand that in many cases, ANSIs will be located within and overlap with other natural heritage features.

b) Ecological Function

This definition of ecological function is broad, and it is not clear what is being referred to as, “... biological, physical and socio-economic interactions...”. We recognize that the 2010 Natural Heritage Reference Manual (created to support the 2005 PPS), will require substantial revisions. One area where additional information and guidance could be improved is related to the definition and measurement of ecological functions.



### c) Natural Heritage System

In the definition of natural heritage system, reference is made to, "...The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used." Industry experience has demonstrated that some municipalities have moved thresholds for the determination of significance to a very low level, attaching significance to small, disturbance origin, and non-native plant dominated communities. This appears to move well past municipalities treating provincial policies as minimum standards. Broad municipal approaches that are not rooted in an understanding of the different landscape characteristics across municipalities, can lead to inappropriate designations of significance. Any guidance to municipal approaches needs to ensure that:

- Thresholds for significance are appropriate, based on science, and are adjusted to match varying landscapes and sensitivity; and
- Municipal policies and mapping comply with PPS section 4.1 3, that states, "*Natural heritage systems* shall be identified in Ecoregions 6E & 7E1, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas."

### d) Negative Impacts

The negative impacts definition needs to be adjusted to reflect any changes required, should the province choose to adopt the proposed change to a no net negative impact test for some or all natural heritage features and functions. A definition would also need to be incorporated for net negative impacts.

### On Supporting Materials

The primary reference related to the natural heritage policies is the Natural Heritage Reference Manual (2010), which is now dated, and was specific to the 2005 PPS. Since its publication 13 years ago, much has been learned about natural heritage in southern Ontario. New and important technical information, references, and scientific literature have been produced since 2010. The manual requires updating that would better explain the determination of significance, current landscape ecological practices, and the most current best practices related to Impact Assessment including the use of offsetting. Substantial updates to the appendices of the manual are strongly recommended.

Other manuals and references that would benefit from a critical review and updates include:

- Significant Wildlife Technical Guide (MNR 2000)
- References for Regionally and Locally Significant Plant Species (e.g., Cuddy, 1991; Riley, 1989; Varga et al, 2000; Oldham, 1993).

We encourage all provincial Ministries to work collaboratively on updating these critical documents to help best protect and preserve our province's natural spaces in a smart and thoughtful manner.

### **GOHBA Feedback on ERO Posting's Questions for Consideration**

- **What are your thoughts on the policies that have been included from the PPS and A Place to Grow in the proposed policy document, including the proposed approach to implementation?**

GOHBA is generally supportive of the Proposed Approach to Implementation.

- **What are your thoughts regarding the proposed policies to generate housing supply, including an appropriate range and mix of housing options?**

It is critical that planning policies and municipal Official Plans achieve their most important goal as laid out in the Planning Act – the provision of enough homes to meet market demand.

Currently, a municipality's target for new home production is laid out in its growth management strategy. However, there is no clear connection of housing targets to the Official Plan, and no responsibility for a municipality to have to meet those targets, or make corrections to its planning and development policies if they are barriers to building the needed amount of housing.

In Ottawa, for example, the city's new Official Plan calls for 92,000 new homes to be built in existing neighbourhoods over the next 25 years. GOHBA is extremely concerned that the Official Plan does not put the city in a place where it will achieve this intensification target. This concern has grown as intensification numbers have become less precise since approval of the Growth Management Strategy (GMS) in May 2020.

Ultimately, the City's intensification targets lack an analysis of market or financial feasibility. The proposed types of dwellings types to achieve targets differ significantly from what has been built locally through intensification during 2015-2019. Furthermore, there is no demonstration of how the growth management strategy projections of housing requirements by dwelling type will be achieved.

Municipalities have an obligation to align their Official Plans, planning policies and implementing zoning by laws to ensure the production of an appropriate number and variety of homes that meet market demand, as per the Provincial Policy Statement which will be produced.

We therefore recommend that the government:

- Verify that a municipality's Official Plan will fulfil its obligations for all its housing supply, not just a 15-year land supply.
- Verify that a municipality's intensification plans are realistic and achievable, and its OP policies support achieving its intensification housing target.

The province could also consider increasing the required supply of land:

- Increase the minimum requirement of a 15-year supply of designated land to a 20-year supply, and increase the requirement for a 3- year supply of zoned land to a 6-year supply.
- Introduce a new requirement for municipalities to have a 3-year supply of land that is draft approved, with all servicing issues resolved (ie., shovel ready). This would ensure that municipalities address issues that are delaying bringing serviced land on-stream.
- **Are there any other barriers to, or opportunities for, accelerating development and construction (e.g., federal regulations, infrastructure planning and approvals, private/public partnerships for servicing, provincial permitting, urban design guidelines, technical standards, zoning, etc.)?**

### Utility Model

The government should encourage municipalities to use a utility model approach when building infrastructure to support development. There is too much reliance and emphasis on development charges in the current model. Developers need the opportunity to start building without relying solely on the development charge bylaw, especially in critical areas close to transit and other infrastructure.

### Community Benefits Charges

Municipalities are adopting Community Benefit Charges by laws with minimal justification for the project lists being funded related to individual projects or demands of growth in general. We request that the Province provide clarity to municipalities ensuring proper background studies are completed like those required for development charges by-laws with a framework that ensures the list of projects are related to the incremental densities otherwise already contemplated in intensification areas and that they be located in those areas benefitting the growth being accommodated.

## Official Plan Appeals

GOHBA, as the representative association of land development, building, trades and supply companies in the Ottawa area, has been very engaged in every Official Plan process before and since amalgamation. GOHBA and its members have spent countless volunteer hours over the years attempting to provide input, and engage in planning processes at every level, in order to create an environment where people have the opportunity to have a home across the City, whether it is freehold or leased.

As stakeholders directly governed by Official Plan policies and responsible for executing its provisions, our input on feasibility and the likelihood of achieving set goals should be given serious consideration by city officials. The significant difference lies in the loss of appeal rights, which has had implications on the overall process and final decisions.

The most recent Official Plan process for Ottawa was unlike previous iterations, and GOHBA is concerned that it has not resulted in a positive outcome. GOHBA invested significant time and effort in meticulously reviewing the latest Official Plan throughout its development. Multiple detailed submissions were provided to the City, resulting in some changes being made in response to our comments. However, it is regrettable that the majority of GOHBA's comments, whether specific change requests or general feedback, were ultimately disregarded.

Throughout the process, GOHBA was regularly reminded by the city officials that the Official Plan is not appealable. We believe this created dismissive attitude towards public comments. However, public input is an invaluable source of feedback and should not be easily disregarded. GOHBA engaged the services of many consultants in addition to its own members' expertise to provide objective comments to the city on the Official Plan. Unfortunately, most of the comments were ignored, resulting in an Official Plan that is unlikely to achieve its housing goals.

Contrary to streamlining the process, the loss of appeal rights has fostered an environment where authorities can proceed without giving full regard and consideration to public input. The loss of appeal rights has not created a more efficient or stream line process, but rather has created an environment where approval authorities are able to proceed without full regard and consideration for public input. This lack of transparency and meaningful engagement hinders the development of comprehensive and inclusive policies.

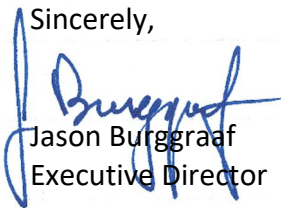
GOHBA calls on the Province of Ontario to restore appeal rights during the Official Plan process. It is essential to fostering a more open, inclusive, and responsive approach where decisions are made with greater accountability to the community's concerns and interests.

## Conclusion

GOHBA is in support of creating a streamlined province-wide land use planning policy instrument. We urge the government to ensure that the policies in the Growth Plan consider the realities of the entire province, and to avoid imposing conditions that may be suitable to the GGH in other geographic regions where they could be inappropriate. Additionally, there should be clear transitional provisions to ensure stakeholders have the ability to properly implement new policies.

Thank you for the opportunity to provide comments on this proposal. We look forward to further consultations.

Sincerely,



Jason Burggraaf  
Executive Director