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To Whom It May Concern:

Re: Proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024

Thank you for the opportunity to provide feedback on the proposed Bill 185, **Cutting Red Tape to Build More Homes Act, 2024**. Please find herein the City of Peterborough's comments to the following Environmental Registry notices:

- ERO019-8366 – Removing Barriers for Additional Residential Units;
- ERO019-8369 – Proposed **Planning Act** and **Municipal Act, 2001** Changes;
- ERO019-8370 – Newspaper Notice Requirements and Consequential Housekeeping Changes; and,
- ERO019-8371 – Changes to the **Development Charges Act, 1997**.

For notice ERO019-8366, our comments have been structured to address the specific discussion questions posed in the notice.

ERO019-8366 (Removing Barriers for Additional Residential Units)

- 1. Are there specific zoning by-law barriers standards or requirements that frustrate the development of ARUs (e.g., maximum building height, minimum lot size, side and rear lot setbacks, lot coverage, maximum number of bedrooms permitted per lot, and angular plane requirements, etc.)?**

The City has amended its Comprehensive Zoning By-law to implement the existing Planning Act requirements for ARUs and has experienced an increase in permits for



ARUs within both the existing housing stock and in new purpose-built units. The City's requirements are flexible, taking into consideration local context and proximity to transit routes. The City is considering further amendments to facilitate up to 3 ARUs on a property in response to the Federal request to eliminate exclusionary zoning and provide further opportunity to increase housing supply through intensification of existing residential neighbourhoods.

The City recognizes the value and importance of introducing ARUs into existing neighbourhoods to facilitate a scale and variety of housing types that can readily be accommodated within existing neighbourhoods and encourages missing middle housing forms that will address affordable housing options as well as assisting the City in achieving its housing targets. To ensure proper function of ARUs and their seamless integration within neighbourhoods, the City believes it is important for municipalities to retain the ability to review lot grading and drainage implications related to lot coverage and setbacks, as well as clear paths of travel for emergency services, in accordance with legislation.

Zoning By-law requirements that could pose a barrier to ARUs include minimum parking and fire access requirements – there have been instances of parking spaces preventing the creation of a suitably wide (0.9 metres – Ontario Building Code requirement) unobstructed path of travel to the primary ARU entrance for emergency services. Notwithstanding this potential barrier, the City encourages the Province to continue to allow municipalities flexibility in developing local approaches to ARUs rather than establishing firm Provincial regulations.

2. Are there any other changes that would help support development of ARUs?

Post-Bill 23, the creation of ARUs will create greater deficiencies in neighbourhood parkland. The City requests the reinstatement of pre-Bill 23 parkland dedication requirements and financial assistance from the Province to assist with the lost revenue of Development Charges and parkland exemptions for ARUs. Financial assistance from the Province would enable the City to create financial incentives for the creation of these units. Further, the City recommends that the Province facilitate the creation of a public education program that provides resources and tax incentives for Ontarians who are becoming small landlords.

ERO019-8369 (Proposed Planning Act and Municipal Act, 2001 Changes)

Elimination of Third-Party Appeal Rights

The City is concerned about the proposed limitation of third-party appeals, as previously expressed through comments on ERO 019-6163 for Bill 23, regarding the potential for decline in public participation and trust. Without an appeal right, members of the public may be less inclined to participate in the planning process or may place more pressure on Council and City staff to refuse planning applications. The latter still has the potential to bog down the Ontario Land Tribunal. The City encourages the Province to create an alternative process that expedites determination of whether third-party appeals should



be considered and enhanced mechanisms to identify appeals that are frivolous, vexatious or are commenced in bad faith.

New Appeal Rights for Settlement Area Expansion Applications

Although the City's municipal boundary coincides with its settlement area boundary, the City is concerned with the proposed changes which restore the ability to appeal settlement area boundary expansions. Coupled with the proposed changes in the updated Provincial Planning Statement, the proposed framework for settlement area boundary expansions, particularly as it relates to privately initiated settlement area boundary expansions, has the potential to contribute to fragmented growth and sprawl and has negative implications on municipal growth management strategies and infrastructure planning.

Use It or Lose It / Lapsing of Approvals

The City supports the proposed lapsing provisions for approved subdivisions and site plans. This provision is consistent with the City's Official Plan policies for the lapse of draft plan approvals. The City also supports the proposed amendments to the Municipal Act to enable municipalities to adopt a policy providing for the allocation of water supply and sewage capacity.

Pre-Consultation and Refunds

The City does not support proposed changes to remove the ability for municipalities to require pre-consultation and to enable the applicant to appeal the requirements of a complete application to the Ontario Land Tribunal at any time after the application fee has been paid or after pre-consultation has begun. Pre-consultation is a value-added service provided by the City which has improved the quality of submissions, streamlined the development approvals process, and enhanced certainty for all stakeholders. The City's pre-consultation process has also enabled early and more meaningful consultation with the public and First Nations, consistent with the strengthened policy language in the proposed Provincial Planning Statement. The City has also established a Service Delivery Model for the review of land use planning applications, which includes the expected decision-making timelines for Pre-consultation to provide a predictable and transparent process.

In the City's opinion, the level of effort required of municipal staff and applicants at the application stage will increase significantly without pre-consultation and has the potential to increase the timeframes associated with deeming an application complete. Furthermore, motions to the Ontario Land Tribunal to have applications deemed complete in the absence of pre-consultation will only bog down and exacerbate the backlog at the Tribunal and lengthen the development approvals process. The draft language and associated timing for a motion at any point in the process is too ambiguous and leads to uncertainty in processing an application.



Additionally, the removal of mandatory pre-consultation represents a significant setback on the City's progress on to implement our new Official Plan (approved with modifications by the Minister April 2023 and further modified by Bill 150 and the proposed Bill 162), review and update planning application fees, and efforts to streamline and modernize the development application review and intake process. Correspondingly, the proposed changes to pre-consultation also have significant cost implications for the City. For example, the City has incurred over \$300,000 to date for the implementation of an electronic AMANDA portal, including the integration of the new pre-consultation process into AMANDA and review/update of planning application fees. Further, any disputes regarding application completeness at the Ontario Land Tribunal introduces uncertainty in the City's ability to achieve cost recovery from application fees, which goes against the principle of growth paying for growth.

While the City supports of the elimination of the refund provisions introduced under Bill 109, the **More Homes for Everyone Act, 2022** for zoning, site plan and combined official plan and zoning amendment proposals, the proposed changes ultimately do not address the City's previous comments to Bill 109 (ERO 019-5284) requesting capability to "stop the clock" where an application is awaiting a response or resubmission from the applicant. Municipalities need a mechanism to stop the clock for the portion of time where application is not in control of the City; notably for site plan applications where approval is required 60 days and there is no option to address non-responsive applicants.

Exemptions from Planning Act Requirements (Post-Secondary Institutions and Community Service Facilities)

The City acknowledges the proposed changes are intended to accelerate supply of student housing however the City is concerned that such broad exemptions will hamper the City's ability to adequately plan for transit, servicing, municipal infrastructure and parkland creation. Further, the City questions how natural heritage features will be maintained, restored or improved considering such exemptions and notes that the properties of post-secondary institutions in Peterborough also comprise of some of the largest areas of natural heritage within the city.

The City requests that the Province refine any proposed exemptions for Post-Secondary student housing by limiting them to lands owned by the Post-Secondary Institution and that it does not extend to development on private land (i.e. off-campus mixed use developments). Additionally, the City requests that any such exemptions be tempered to respect available servicing capacity, significant natural heritage features, and both natural and man-made hazards.

The City further requests that the Province refine the proposed exemptions for community service facilities to facilitate an expedited review process. Again, the City is concerned with implications on it's ability to plan for future infrastructure and growth needs associated with community services facilities that are exempt from municipal consideration early in the design process.



Removal Of the Community Infrastructure and Housing Accelerator (CIHA) Tool

The City supports the repeal of the Community Infrastructure and Housing Accelerator Tool to reduce duplication with Minister's Zoning Orders. While the City welcomes the new Minister's Zoning Order Framework which requires rationale on why the standard municipal process cannot be followed and information regarding consultation with Indigenous communities and the public, it would be encouraging to see these requirements reinforced through legislation and a provision requiring future changes to this Framework be subject to a public process.

ERO019-8370 (Newspaper Notice Requirements and Consequential Housekeeping Changes)

The City supports the proposed options to provide electronic notices and the identification of best practices for public engagement for culturally diverse communities through non-English and French languages.

ERO019-8371 (Changes to the Development Charges Act, 1997)

The City supports the overall proposed changes to the **Development Charges Act**, specifically repealing both the exclusion of growth-related studies' costs and mandatory 5-year phase-in of charges. If passed, Bill 185 will increase Development Charges (DC) revenues and support municipal efforts to deliver growth-related infrastructure while also providing DC rate certainty to developers. However, the list of DC-eligible services continues to exclude municipal parking and housing services. DCs for parking were an important funding source for municipalities. Also, reduced parking requirements through local zoning changes aimed at increasing housing supply may result in increased need for municipal investment in parking, with no support from DC revenues.

With a concerted effort by the provincial government to increase housing supply, the ineligibility of housing services hampers municipal and not-for-profit efforts to provide housing. The objection to using DCs to fund a portion of social and affordable housing overlooks the substantial benefits to existing shares that are paid for by property taxpayers.

Conclusion

The City appreciates the opportunity to work the Province to achieve our shared goals and objectives of increasing the supply and range of housing and is committed to fostering policy and process innovation. If any additional information or clarification is required, please do not hesitate to contact me.



Sincerely,



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