

Re: Comment from the City of Kawartha Lakes in Response to ERO No. **019-8369**

May 10, 2024

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch

13th Floor, 777 Bay St.
Toronto ON M7A 2J3
Canada

Dear Minister Calandra:

Thank you for the opportunity to provide comments on Schedules 4, 9, and 12 of Bill 185, which contain proposed changes to the Planning Act, City of Toronto Act, and Municipal Act. These comments relate to some of the proposed changes to the Planning Act.

The proposal to limit third party appeals to only Public Bodies and Specified Persons could have the positive effect of speeding up Planning Act approvals. However, the City is concerned about the public's involvement and citizens' right to engage in planning decisions. We would prefer to see narrower parameters of what justifies an appeal, and perhaps stronger consequences for frivolous appeals. Should the province limit third party appeals as proposed, we suggest a greater opportunity for public consultation be required earlier in the application process. Currently, the only requirement is a 'public meeting' which is typically held near the end of the application process when it is difficult to make significant changes. Perhaps a public meeting, public notice, or open house be required when an application is received. Perhaps, dove-tailing on the municipal data reporting requirements (O. Reg. 73/23), information about applications should be posted on municipal websites when they are received and updated as they are processed through the approvals process so the public is aware of on-going

applications and given the opportunity to meaningfully participate in the planning process.

The City of Kawartha Lakes has concerns with the proposal to make pre-application consultation voluntary and we request it remain that municipalities may, by by-law, require pre-application consultation (i.e., mandatory). The pre-application consultation is a valuable tool that helps establish what is required by the municipality and the applicant. Providing a pre-application checklist of required documents for a complete application sets expectations and significantly speeds up the approvals process to create complete communities and creates an agreed upon record of requirements for applications to proceed to a decision. All parties find this valuable. The City of Kawartha Lakes has related concerns about the proposal to allow applicants to challenge complete application requirements at the OLT at anytime during the approvals process. Applicants should have the right to appeal a municipality's determination of an incomplete application at the beginning of the approvals process. However, giving an applicant this right "at any time" will have the effect of causing unnecessary delays and slowing down the approvals process which runs counter to the spirit of many of these proposed changes. Furthermore, these types of adversarial regulations lend themselves to creating conflict between applicants and municipalities when both are working to reach approvals as quickly as possible.

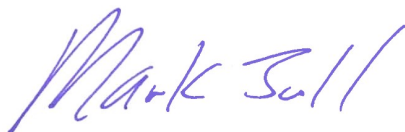
Further amendments to the Planning Act would allow applicants to appeal settlement boundary expansion decisions. The proposed 2024 Provincial Planning Statement outlines a series of criteria or tests that planning authorities "shall consider" when considering an application for a settlement boundary expansion (or the establishment of a new settlement area). We request these criteria be brought into the Planning Act and, rather than be "considered," that these criteria or tests be "demonstrated." Lindsay, the largest urban settlement area in the City of Kawartha Lakes, has been subject to a number of MZOs that have given zoning approval to approximately 10,500 new units outside the current settlement boundary. While these units will accommodate growth for decades, we still receive numerous boundary expansion requests. Without firm standards by which settlement boundary expansions are to be decided, we anticipate lengthy and expensive appeals and, if so ordered, inefficient development that will ultimately be an unsustainable burden on taxpayers.

The City of Kawartha Lakes has significant concerns about exempting universities and community service facilities from the Planning Act. While the City of Kawartha Lakes does not have a university, we do host a Fleming College campus and anticipate the proposed exemption will in short order apply to publically funded colleges. Post-secondary institutions and facilities such as long term care homes are large and integral components of all communities. To permit these institutions to build what they want, where they want without a comprehensive plan seems premature and may have long-term implications. Municipalities work with these large institutions and often provide them some flexibility in recognition of their importance with the community. The City of Kawartha Lakes recently sought to designate lands near Fleming College in Lindsay to allow student housing but efforts like this should be collaborative efforts.

Exempting post-secondary institutions from the Planning Act would mean they could build high-density student housing on lands it owns and not have regard for the existing community, immediate neighbours, traffic impacts or any other variable regulated by the Planning Act. And, once built, there would be little else preventing the institution from re-purposing or selling these new builds to private landowners. Rather than an outright exemption, which will cause a host of issues for municipalities and residents, we suggest the cause of the student housing shortage be clearly identified and specific solutions be advanced. This is particularly relevant as Fleming most recently announced program cuts without consultation with the City.

Should you wish to discuss this matter further, please reach out at your earliest convenience.

Sincerely,



Mark Jull, PhD, RPP, MCIP

Supervisor, Policy Planning