

May 10, 2024

Honourable Minister Calandra
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, Ontario M7A 2J3

Dear Honourable Sir,

**Re: Written Submission on Bill 185, Regulation Changes and the Proposed Provincial Planning Statement, 2024
– ERO Posting #019-8368, #019-8369, #019-8370, #019-8371 and #019-8462**

Thank you for the opportunity to provide comments on the ERO postings released on April 10, 2024. The Town has reviewed the posted materials and offer the following comments.

The Town of Niagara-on-the-Lake (“NOTL”) appreciates the Province's commitment to providing more housing across Ontario and recognizes the need for more affordable and attainable housing for all. However, we also need to consider a balanced approach to providing housing with conserving and protecting our natural, agricultural and cultural resources.

The comments provided below summarize Staff's report to NOTL Town Council on May 7, 2024. Council endorsed the report and directed Staff to submit comments on the noted ERO posting. Our comments focus primarily on Bill 185 and the proposed Provincial Planning Statement, 2024 (PPS, 2024).

Bill 185 - Proposed Changes

Removal of fee refunds

Originally introduced through Bill 109 (More Homes for Everyone Act, 2022), and timing amended through Bill 97, Bill 185 proposes the removal of the application fee refund provisions for zoning by-law amendments and site plan control applications. The Town supports this change.

Pre-submission Consultation

Currently under the *Planning Act*, municipalities have the authority to require applicants seeking planning approval to consult with the municipality prior to submission of their application. This process allows the Town, and other agencies, to identify what is needed to comprehensively review a proposed development or change to land use. Through Bill 185, the Province is proposing to make pre-submission consultations with municipalities voluntary.

The Town does not support this change. The pre-consultation process is important to ensure that Staff and agencies are receiving the information needed to make informed recommendations on an application. If pre-consultation is removed, it may result in delays in approval, denials, additional holding provisions to zoning or conditions for draft plan of subdivisions, and consents to ensure all technical items are resolved.

Limits to Third Party Appeals

The Town believes public participation is important part of the planning application process. Bill 185 has introduced legislation that would limit or eliminate appeals from third parties for official plans and official plan amendments, and zoning by-laws and zoning by-law amendments. The Town understands some appeals may be lodged without proper justification; however, this is not always the case. It is recommended that the Province reconsider the elimination of third-party appeals and consider other options for streamlining or finding efficiencies in the OLT process.

Settlement Area Boundary Expansions

Proposed revisions to the *Planning Act* would permit applicants to appeal a refusal or failure to make a decision on a private request to amend a local municipality's settlement area boundaries provided the lands are outside of the Greenbelt. As the Town's urban settlement area boundaries are set by the surrounding Greenbelt Special Crop Area designation, it is not anticipated that there will be any impacts to lands as a result of this proposed change; however, in principle, the Town has concern with boundary expansions outside of a comprehensive review process.

"Use it or Lose it" Provisions

Bill 185 introduces a series of "use it or lose it" tools within the *Planning Act* and *Municipal Act*, which are intended to be used to address issues with stalled housing developments. Currently, Town Staff apply a 3-year lapsing period to all draft plans of subdivision and/or condominium; a lapsing condition has not been applied to site plan applications.

Provisions introduced under Bill 185 also include a new municipal servicing management tool where a municipality, through the *Municipal Act*, may pass a by-law to establish a tracking system for servicing capacity and set criteria to allocate, remove and/or re-allocate servicing capacity for development. These changes demonstrate a recognition of the commitment needed from the development industry to support building more homes faster.

Minister's Zoning Orders (MZO)

The Province released a new framework for requesting an MZO on April 10, 2024. The framework sets out criteria for requesting an MZO, including how the project delivers on provincial priorities, receipt of local Council approval, and why the normal municipal process cannot be used. This new framework follows the direction of the Community Infrastructure and Housing Accelerator (CIHA) tool introduced through Bill 23. As a result, Bill 185 proposes to eliminate the Community Infrastructure and Housing Accelerator (CIHA) tool.

While the normal planning application process is preferred, the Town appreciates steps taken by the Province to ensure transparency and engagement with the community, the requirement for Council support and demonstration of alignment with Provincial priorities.

Proposed Regulation Changes

The Province also released several proposed regulation changes, along with other housekeeping matters.

Municipal Planning Data Reporting

The Province is now proposing to add the 21 additional municipalities to the O. Reg for reporting. The Town is not included in the list. While not required, the Town intends to prepare a regular monitoring and forecasting program as part of the Official Plan conformity.

Notice Requirements

To address the reduction in options for print media in many communities and the requirements for providing public notices, several regulations under the *Planning Act* and *Development Charges Act* are proposed to be updated. The Town currently has one print newspaper and two online newspapers which have general circulation in the municipality. Information on applications and notices are posted to the website and individuals regularly visit the website to stay informed. The Town is supportive of the Province's proposed changes to ensure community engagement, as well as providing opportunities to address diversity, equity and inclusion in engagement activities.

Additional Residential Units

The Province is also seeking feedback on enhancing and standardizing requirements for additional residential units ("ARU"). Bill 185 proposes provisions for the Minister to regulate ARUs in an existing home or ancillary structure to continue to encourage these units. The Town has seen increased interest in ARUs since Bill 23 was passed. The Town has a significant tourism draw, so it is important to note that ARUs are not meant for short term rental ("STR") and would not receive a STR license from the Town. The Town supports ARUs as a way of creating attainable housing options and addressing housing affordability; however, requests that the Minister consider that not all communities are the same and that blanketing provisions may not be appropriate.

Bill 185 – Changes to the Development Charges Act

Similar to some of the changes to the *Planning Act*, Bill 185 proposes to reverse changes to the *Development Charges Act* that were put in place through Bill 23. The changes contemplated would reinstate the Town's ability to fund growth-related infrastructure. The Town supports the removal of the 5-year phase-in of development charge rates, the reinstatement of studies as an eligible cost, the streamlined process for extending DC by-laws and the reduction to the time limit on the DC freeze. The Town believes these changes will assist with proactively addressing growth-related priorities, while encouraging development projects to progress in a timely manner, and ensure that the Town is better positioned financially to meet demands.

Proposed Provincial Planning Statement, 2024

The recent release of the proposed Provincial Planning Statement, 2024, ("PPS, 2024") will significantly change the planning process that has guided growth management and land use planning in the municipality for almost two decades. The proposed PPS, 2024, follows the release of the 2023 draft PPS for consultation. The revised document is meant to address comments received through the engagement process last summer.

Growth Planning

For the past 20 years, municipalities have been required to plan for growth using the forecasts provided by the Province in the Growth Plan. PPS, 2024, will no longer include specific population and employment growth forecasts. It proposes to direct municipalities to use forecasts from the Ministry of Finance 25-year growth projections, which may be modified as appropriate. Notwithstanding this policy, the PPS, 2024 also includes a policy that would permit municipalities to continue to use the forecasts previously issued by the Province for land-use planning purposes. More direction is required from the Province on transition. It is anticipated that over time municipalities will be expected to carry out their own forecasting; however, there is no clear and consistent approach provided.

To properly plan our community, the Town must ensure that growth planning is coordinated with our infrastructure and transportation planning, and investments are made accordingly. PPS, 2024 direction appears to focus growth planning and investment to those identified large and fast-growing communities. NOTL is not listed as a large and fast-growing municipality; however, the Town is still facing growth pressures and will need to ensure that this growth is properly managed and balanced over time. It is expected that investments will be needed to ensure that the Town can properly manage growth.

The Province also intends to abandon the concept of the built boundary or built-up area and designated greenfield areas. The Ministry has not updated the delineated built-up area mapping since 2008. The removal of this concept will allow for local solutions to accommodate growth in appropriate locations through coordinated growth management.

A new policy encourages municipalities to identify and focus growth in strategic growth areas, as well as plan for these areas to become complete communities. Glendale has been identified as a strategic growth area in the Region's Niagara Official Plan. The Town is planning to focus growth to support Glendale as a complete community through the ongoing Secondary Plan work.

Housing

The PPS, 2024 proposes to expand on the definition of "housing options" found in the current PPS. This expansion includes more details in terms of built-form options, as well as ownership of housing arrangements. The Town supports this change.

PPS, 2024, also provides policy direction which would require planning authorities to seek opportunities to permit and facilitate the development and redevelopment of underutilized commercial and institutional sites, such as commercial plazas and shopping malls, for residential development.

Settlement area expansion

PPS, 2024, continues to propose significant changes to the requirements for consideration of urban boundary expansions. Similar to the draft in 2023, the policies appear to respect the lands identified as specialty crop area in the Greenbelt Plan and does not propose any changes that would allow for expansion into this designation. The Town's agricultural area is identified as a specialty crop area (Niagara Peninsula Tender Fruit and Grape Area), and, therefore, the municipality's urban settlement areas would not be permitted expansions. As noted earlier in this letter, generally the Town has concern with boundary expansions outside of a municipal comprehensive review (MCR).

Employment

PPS, 2024 proposes to change the definition (per changes to the *Planning Act* definition through Bill 97), permitted uses, and policies related to protecting lands from employment conversion requests. The proposed policies will remove the requirement for conversion through an MCR and relax the requirements for municipalities to consider conversion.

The Town has two employment areas identified in the Region's Niagara Official Plan, Virgil Business Park and Glendale Business Park. It will be important to ensure economic prosperity and to avoid land use conflict. The Glendale employment area has been identified as a higher density employment area that will seek synergies with Niagara College and other research and development or office type uses. PPS, 2024 may impact the Town's ability to identify this area per the proposed definition and protect employment type uses proposed for this area.

Agriculture and Rural Areas

PPS, 2024 encourages planning authorities to use an agricultural system approach to maintain and enhance a continuous agricultural land base. As part of this land base, prime agricultural lands, including specialty crop areas, shall be designated and protected for agriculture. Specialty crop areas remain the highest priority for protection. The Town supports continued protection of our specialty crop lands.

Of significant interest in the previous PPS, 2023, were policies related to multi-lot residential development on rural lands. These policies have been abandoned in PPS, 2024. The Town supports this direction.

A new proposed policy would encourage municipalities to support long-term viability of rural areas, local food production, facilitate opportunities for urban agriculture, and foster a strong agri-food network. The Town also supports this direction.

Infrastructure

In line with Bill 185's proposed "use it or lose it" changes, PPS, 2024, proposes to include policy which considers allocation and/or reallocation of unused capacity in municipal water services and municipal sewage services systems to meet current and projected needs for increased housing supply. The Town supports this direction.

The PPS, 2024, also includes policy which propose to permit partial services within rural settlement areas, where new development will be serviced by individual on site water services in combination with municipal sewage services or private communal sewage services. The Town does to have any identified rural settlement areas.

Concluding Remarks

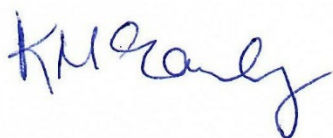
Niagara-on-the-Lake is well known both nationally and internationally for our distinct heritage character. While the Town is supportive of the intent to provide more housing, it is important to also balance good planning principles with conserving and protecting our natural, agricultural and cultural resources. Further, our growth planning must be properly managed and coordinated with infrastructure investment.

The Town's comments are provided throughout this letter and the Town respectfully requests that the Province consult further with municipalities on the changes proposed to understand the implications at the local level.

Kind Regards,



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Town of Niagara-on-the-Lake



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