



May 3, 2024

Hon. Paul Calandra
Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
17th Floor
777 Bay St.
Toronto, ON
M7A 2J3

Submitted to ERO posting website

RE: Peterborough County Comments on Bill 185

Please be advised that at their meeting on May 1, 2024, Peterborough County Council passed the following resolution:

Resolution No. 124-2024

Moved by Councillor Whelan

Seconded by Councillor Huntley

That Report PPW 2024-18, Report on Proposed Cutting Red Tape to Build More Homes Act, 2024, be received;

That staff be directed to forward Report PPW 2024-18 to the Minister of Municipal Affairs and Housing and local MPP's as the formal response from Peterborough County on the proposed legislation;

That a copy of the report be forwarded to each local Township for their information.

Carried

Please see the report attached as the formal response from Peterborough County on the proposed legislation. The local MPP's and area municipalities have been forwarded the information under separate correspondence.

Please do not hesitate to contact me should you have any questions regarding our report and comments. Thank you for the opportunity to comment on this matter.

Yours truly,

A handwritten signature in black ink, appearing to read 'Iain Mudd', written over a horizontal line.

Iain Mudd, MCIP, RPP
Director of Planning



Staff Report

Meeting Date: May 1, 2024

To: County Council

Report Number: PPW 2024-18

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

Author: Iain Mudd, Director of Planning

Approval: Sheridan Graham, CAO

Recommendation: That Report PPW 2024-18, Report on Proposed Cutting Red Tape to Build More Homes Act, 2024, be received;

That staff be directed to forward Report PPW 2024-18 to the Minister of Municipal Affairs and Housing and local MPP's as the formal response from Peterborough County on the proposed legislation;

That a copy of the report be forwarded to each local Township for their information.

Overview

On April 10, 2024, the Province released the proposed "Cutting Red Tape to Build More Homes Act, 2024", for a 30-day commenting period on the Environmental Registry Ontario (ERO). The commenting period will conclude on May 10, 2024.

The proposed Act is wide reaching and introduces a variety of legislation:

- ERO #019-8462: An updated proposed Provincial Planning Statement, with new and updated policies for feedback based on the results of the 2023 consultation of the proposed Provincial Planning Statement (ERO #019-6813);
- ERO #019-8366: Removing barriers to additional residential units;
- ERO #019-8368: Proposed amendments to Ontario Regulation 73/23: Municipal Planning Data Reporting regulation;
- ERO #019-8369: Changes to the Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001;



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- ERO #019-8370: Regulatory changes under the Planning Act and Development Charges Act, 1997: Newspaper Notice Requirements and Consequential Housekeeping Changes;
- ERO #019-8371: Changes to the Development Charges Act, 1997, to enhance municipalities' ability to invest in housing-enabling infrastructure;

Not all proposed changes are relevant to the County so the focus of this report and the attached appendices will be to focus on those matters that will have County applicability.

Background

The Ministry of Municipal Affairs and Housing (MMAH) sought input in 2022 on how to integrate the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement. As a result of that exercise the Ministry drafted a new planning policy document entitled "Provincial Planning Statement".

The County previously provided comments on the proposed Provincial Planning Statement in 2023.

In addition, the County had also provided comments in 2023 on Bill 23 related to the changes to the Development Charges Act which limited the County's ability to collect Development Charges (DC's) to the full anticipated rate of our DC by-law.

The new proposed legislation looks to finalize the work on the Provincial Planning Statement now that the Province has been able to consider and analyze comments from last years ERO posting. It also seeks to "walk back" a number of DC related changes that occurred through Bill 23 that many municipalities were not in support of.

In addition, the legislation proposes to introduce modifications to the Planning Act and Municipal Act.

Analysis

The attached appendix outlines the proposed changes and the Planning Department's recommended position for each for Council's consideration and support.

The following is a very general overview of some of the key areas:

Proposed Provincial Planning Statement (PPS):

The main focus in this version is creating a policy environment that is focused on creating more homes within the Province. In accordance with Planning Act requirements all approval authority decisions will be required to be consistent with this new PPS.



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Settlement Areas and Boundary Expansions

It is proposed that municipalities may identify new settlement areas and settlement area boundary expansions however they “shall consider” 7 key considerations in doing so:

1. the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;
2. if there is sufficient capacity in existing or planned *infrastructure* and *public service facilities*;
3. whether the applicable lands comprise *specialty crop areas*;
4. the evaluation of alternative locations which avoid *prime agricultural areas* and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
5. whether the new or expanded *settlement area* complies with the *minimum distance separation formulae*;
6. whether impacts on the *agricultural system* 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
7. the new or expanded *settlement area* provides for the phased progression of urban development.

Also, boundary expansions are no longer limited to only occurring during a Municipal Comprehensive Review. Changes proposed to the Planning Act will again open the door to appeals for such changes.

The Province continues to push for compact development and the creation of complete communities within settlement areas. Increasing intensification (where appropriate – not mandated) and encouraging mixed use developments (i.e. ground floor commercial with residential on upper floors) continues.

Agriculture

Planning Authorities are required to use an agricultural system approach to maintain and enhance a continuous agricultural land base. This is projected to provide long term economic prosperity and capacity within the agri-food network. Much work was previously done through the development of the new County Plan to identify and support an agricultural system within the County. This new PPS policy supports that work.



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Natural Heritage System

No changes are proposed from the current Provincial Policy Statement 2020, however through the proposed repeal of the Growth Plan for the Greater Golden Horseshoe legislation there is no longer legislation that dictates a 30 metre Vegetative Protection Zone (VPZ) immediately adjacent key hydrologic features.

Policies will require an Environmental Impact Study/Natural Heritage Evaluation to be completed when development (which includes lot creation) is proposed adjacent to significant features such as wetlands, ANSI's, woodlands, valleylands, and wildlife habitat. Since the Growth Plan currently prohibits development within 30m of key hydrologic features (any wetland, stream, pond, seepage area etc.), and requires a study when adjacent to any of these features, the County would see a significant reduction in the number of studies that are required to be submitted. It would also permit development in areas that it may otherwise be prohibited under the current policy environment (for example, near unevaluated wetlands or where a watercourse traverses the property).

A Natural Heritage System is still required to be implemented, but there is no longer a requirement to utilize a provincially mapped system as is required by the Growth Plan. Council has previously supported the Kawartha's Naturally Connected (KNC) natural heritage system mapping and this could now be utilized by the County. The KNC mapping is more refined and will impact far less properties than the existing Provincial broad-brush style mapping.

Planning Act Changes

Appeal Rights

Under Bill 23 the Province eliminated public appeals to plans of subdivision/condominium, consents and minor variances. It is now proposed to extend this removal of public appeals from official plan, official plan amendments and zoning by-laws and zoning amendments. Considering the immense backlog of appeals that exists at the Ontario Land Tribunal (OLT) which is delaying potential housing developments it is not surprising to see this come forward. There are already other Provinces that apply this in a similar manner. There is no proposal to remove public meetings for these types of applications like there was for plans of subdivision/condominium so the public still has an opportunity to participate and be heard before Council.

The exception to this rule however is that the Province will reinstitute private applicant appeal rights for official plan amendments and rezonings where an approval authority refuses an application or makes no decision to an application to identify a new settlement



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area or settlement area boundary expansion. Such appeals would then proceed to the OLT for a hearing and a decision on the matter. Previously such appeal rights were removed in order to give municipalities more control over where and when their settlement areas would grow.

Lapsing Provisions

The legislation is also introducing what many are terming “use it or lose it” provisions. This essentially allows the approval authority to set a lapsing date on a draft plan of subdivision/condominium or site plan. The date can't be less than 3 years and should not exceed a timeline that the development could be registered. What the provision aims to do is commit developers to proceeding with developments and not sit on approvals. Again, this is all part of the Province's aim to build more houses faster. Developments approved before March 27, 1995, (that still sit in draft plan approval) will have a 3-year lapsing date applied from the date the new legislation comes into effect will apply.

Accessory Residential Units (ARU's) and Community Service Facilities

Regulatory changes to ARU's are proposed. The change would be to essentially exempt ARU's from the Planning Act provisions that regulate zoning, minor variances and instead deal with ARU's through regulations which will be issued under a revised section 35.1(2) of the Act.

Similarly, the Province is also proposing to exempt community service facilities (i.e. long-term care homes, hospitals and schools) as above and deal with them through regulations as well. Again, the goal is to speed up the approval process and have these facilities built quicker.

Pre-consultation

The Act is being amended to remove mandatory pre-consultation. Unfortunately, this is occurring as a result of municipalities front-ending peer review of studies as part of the pre-consultation process in order to avoid application refunds which was established through prior legislation. Returning to the previous format of mandatory pre-consultation in order to ensure a complete application would solve the issue. As proposed, returning to an era where developers do not need to pre-consult may lead to unnecessary delays as municipalities await required studies. On the positive side, refunding of application fees has now been removed.



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Municipal Act Changes

Changes to the Municipal Act include opening the door to permitting bonusing. The legislation would add a provision that subject to Ministerial approval would allow municipalities to grant assistance to employment related projects for a specified time period. An example of this could be waiving of DC's, waiving taxes, etc. This is concerning as it will pit communities against each other to see which can come up with the sweetest deal to attract the development. It will also place additional tax burden on the municipality which would most likely be transferred to the residential tax bill for services enjoyed by the new development.

Another change is the introduction of municipal allocation by-laws to track water and sewage allocations for developments within municipalities. Such by-laws would be administered by an officer or employee of the municipality and they will have power to assign, allocate or reallocate services within the municipality in accordance with municipal allocation policies. There is no appeal to their decisions.

Development Charges Act Changes

Bill 23 made a number of changes to the Development Charges Act - none of which were favourable for municipalities in their plight to raise funds for development related (growth) costs.

The proposed changes in legislation essentially undo many of the Bill 23 changes. Municipalities will once again be able to collect for eligible capital costs, inclusive of studies (i.e. watershed plan). Similarly, DC rate freezes and rate phase-in's have been removed.

Financial Impact - Positive impact with changes to the Development Charges Act.

Anticipated Impacts on Local and/or First Nations Communities

None

In consultation with:

1. Keziah Holden, Senior Planner

Communication Completed/required: Council's comments forwarded to MMAH via the ERO, all local MPP's and the local Townships.



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Attachments

Appendix A – Table of changes and recommendations

Respectfully Submitted,

Original signed by:
Iain Mudd
Director of Planning

For more information, please contact:
Iain Mudd, Director of Planning
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705-743-0380 x 2401

MISSION

Peterborough County is an upper tier municipal government serving residents, visitors, and eight townships to meet the needs of our community, in consultation with First Nations. The County provides paramedic services (emergency and community); public works and land use planning services as well as partnered services including public health, economic development and tourism, municipal long-term care, social and children's services, and housing support.

VISION

Working together with our townships and service delivery partners to provide high quality municipal services to our communities.



Appendix A to Report PPW 2024-18

Recommendations on Changes Proposed through Bill 185 (2024)

Comments on Draft Provincial Planning Statement (ERO# 019-8462)		
Current PPS Policy (2020)	Proposed PPS Policy (2024)	Recommendation and Discussion
<p>Settlement Areas (S.1.1.3) – settlement areas are the focus of growth and development. Encourages transit-supportive development, intensification and redevelopment. Must establish intensification and redevelopment targets in built-up areas. New or expanded settlement areas only permitted through municipal comprehensive review (MCR) and must meet specific criteria. Allows settlement area boundary adjustments outside of MCR when there is no net gain in designated land.</p>	<p>Settlement Areas & Settlement Area Boundary Expansions (S.2.3) – settlement areas are the focus of growth and development. Where applicable, should be focused in strategic growth areas including major transit station areas. Encourages intensification and redevelopment which supports complete communities. Encouraged to establish intensification, redevelopment and density targets based on local conditions. New or expanded settlement areas are permitted at any time subject to meeting specific criteria (does not require municipal comprehensive review).</p>	<p>Support – provides more autonomy to municipalities to permit growth when and where it is logical. Removes outdated 'built-up area' boundaries which are currently implemented through Growth Plan.</p>
<p>Rural Lands (S.1.1.5) – permits resource based recreational uses (incl. recreational dwellings), residential lot creation that is locally appropriate and several other uses.</p>	<p>Rural Lands (S.2.6) - permits resource based recreational uses (incl. recreational dwellings not intended as permanent residences), residential lot creation where conditions are suitable for the provision of services and several other uses.</p>	<p>Support – intent remains unchanged, but language has been added for clarity.</p>
<p>Employment Areas (S.1.3.2) – plan for, protect and preserve employment areas. Requires a municipal comprehensive review to remove lands from an employment area. Specific prohibitions on lands designated for manufacturing and</p>	<p>Employment Areas (S.2.8.2) – plan for, protect and preserve employment areas. Contains list of criteria to be met when lands being removed from an employment area (does not require municipal comprehensive review). Specific prohibitions on employment</p>	<p>Support – less cumbersome to remove lands from an employment area and puts an emphasis on protecting employment lands in settlement areas where the majority of development is being directed.</p>

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<p>industrial uses in order to protect them for the long term.</p> <p>Sewage, Water and Stormwater (S.1.6.6) – provides a list of criteria that sewage and water services should meet. Hierarchy of services is to be implemented, with municipal water and sewer the preferred option. Permits partial services to address failed private services (well/septic) or to allow for infill in an area already served by partial services. Requires servicing capacity to be demonstrated prior to lot creation being permitted on municipal services (calculation of reserve capacity must include treatment capacity for hauled sewage from partial or private systems).</p> <p>Provides criteria for stormwater planning.</p>	<p>areas within settlement areas in order to protect them for the long term.</p> <p>Sewage, Water and Stormwater (S.3.6) – provides a list of criteria that sewage and water services should meet, which includes alignment with comprehensive municipal planning for these services and ability to allocate or re-allocate unused system capacity. Hierarchy of services is to be implemented, with municipal water and sewer the preferred option. Permits partial services to address failed private services (well/septic), to allow for infill in an area already served by partial services or in rural settlement area with private water services. Requires servicing capacity to be demonstrated prior to lot creation being permitted on municipal services.</p> <p>Provides criteria for stormwater planning, including alignment with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale.</p>	<p>Support – overall direction remains unchanged in that municipal servicing is preferred. However, the proposed PPS appears to have added language which reflects other changes being proposed to the Planning Act and Municipal Act which would allow a municipality to re-allocate servicing capacity if development applications are not reaching final approval or building permit stage in a timely manner. The proposed policies also provide support for municipal servicing and stormwater plans.</p>
<p>Energy Conservation, Air Quality and Climate Change (S.1.8) - Planning authorities shall plan to reduce greenhouse gas emissions</p>	<p>Energy Conservation, Air Quality and Climate Change (S.1.8) - Planning authorities shall plan to reduce greenhouse gas emissions and prepare</p>	<p>Support – language in the list of criteria is broader and allows municipalities to make the determination when, where and how</p>

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<p>and prepare for the impacts of a changing climate and provides a list of criteria.</p>	<p>for the impacts of a changing climate and provides a list of criteria.</p> <p>In general, references to climate change and actions to mitigate against impacts have been removed from various sections of the proposed PPS.</p>	<p>impacts of climate change will be mitigated.</p> <p>Suggested Modification – add additional or strengthen existing climate change policies. Building more homes should be done in a manner to pro-actively prepare or mitigate against impacts of a changing climate.</p>
<p>No equivalent policy in existing PPS.</p> <p>Growth Plan currently provides forecasts and methodology for completing Growth Analysis.</p>	<p>Planning for People and Homes (S.2.1) – population and employment forecasts will be based on Ministry of Finance projections or may continue with previous provincial forecasts for the purposes of planning. OP’s must plan for a minimum time horizon of 20 years, to a maximum of 30 years.</p> <p>Where a Minister’s Zoning Order (MZO) has been approved, the resulting development will be in an addition to the projected needs over the planning horizon as established in local Official Plan and will be incorporated into the OP and infrastructure plans at the time of their next update.</p>	<p>Concerns – specifically as it relates to MZO’s. There have been several MZO’s approved in Peterborough County in recent years. Recognizing these in an OP and through infrastructure plans may put municipalities in a position to plan and fund for previously unplanned growth. It could also mean major changes to or deviations from existing settlement area delineations and infrastructure plans where growth has been planned and budgeted for in municipalities for years. (i.e. the MZO will dictate where development will occur and not by municipal Councils through proper planning analysis).</p>
<p>Natural Heritage (S.2.1) – prohibits development, including lot creation,</p>	<p>Natural Heritage (S.4.1) – prohibits development, including lot creation, in</p>	<p>Support – there has been no change to natural heritage policy from what</p>

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<p>in significant wetlands. Development in or adjacent to significant woodlands, significant areas of natural and scientific interest, significant valleylands, significant wildlife habitat requires it to be demonstrated there will be no negative impact on ecological features or functions. Provides protections to fish habitat, endangered and threatened species.</p> <p>Natural heritage system shall be identified.</p>	<p>significant wetlands. Development in or adjacent to significant woodlands, significant areas of natural and scientific interest, significant valleylands, significant wildlife habitat requires it to be demonstrated there will be no negative impact on ecological features or functions. Provides protections to fish habitat, endangered and threatened species.</p> <p>Natural heritage system shall be identified.</p>	<p>exists in the PPS today. However, with the proposed repeal of the Growth Plan to accompany the new PPS, restrictions on development will be far less stringent and will apply to provincially significant features only. This does not preclude any municipality from identifying and protecting non-provincially significant features.</p> <p>Natural heritage system is still required, but with the repeal of the Growth Plan there is no restriction prohibiting a municipality from using a locally developed system.</p>
<p>Water (S.2.2) – planning authorities directed to protect, improve or restore the quality and quantity of water. Development restricted in or near sensitive surface or ground water features.</p>	<p>Water (S.4.2) – planning authorities directed to protect, improve or restore the quality and quantity of water. Development restricted in or near sensitive surface or ground water features.</p> <p>Municipalities are encouraged to undertake watershed planning and are encouraged to collaborate with conservation authorities. Large and fast-growing municipalities are required to undertake watershed planning.</p>	<p>Support – although the existing PPS does not contain policy that specifically speaks to watershed planning, the Growth Plan currently requires it. The new PPS is carrying forward the direction of the Growth Plan but is only making the need for a watershed study mandatory for large and fast-growing municipalities. This provides smaller and slower-growing municipalities the option to complete a watershed study as deemed appropriate in the local context.</p>

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Comments on Draft Provincial Planning Statement (ERO# 019-8462)		
Current PPS Policy (2020)	Proposed PPS Policy (2024)	Recommendation and Discussion
<p>Agriculture (S.2.3) – prime agricultural areas include soil classes 1 – 3 and any associated 4 through 7 lands. Agricultural system is encouraged. Residential lot creation is limited to surplus farm dwellings only. Lands can only be removed from prime agricultural areas for expansion of a settlement area.</p>	<p>Agriculture (S.4.3) – prime agricultural areas include soil classes 1 – 3 and any associated 4 through 7 lands. Agricultural system is required. Residential lot creation is limited to surplus farm dwellings only. Lands can only be removed from prime agricultural areas for expansion of a settlement area. Permits additional residential units (ARU's) subject to meeting several criteria. Encourages support of local food and agri-food network, and urban farming.</p>	<p>Support – intent remains unchanged and is designed to protect agricultural lands for long-term. Small change in language for surplus farm dwellings that limits severances to one lot per farm consolidation (i.e. cannot sever two homes that are the result of a single consolidation). Implementation of an agricultural system is mandatory under proposed PPS, which represents no change from current Growth Plan. Additional language around ARU's provides clarity.</p>
<p>No equivalent policy in existing PPS.</p> <p>Growth Plan currently speaks to strategic growth areas being identified in settlement areas and recognizes these areas as the key focus for development. Strategic growth areas may have separate targets from the settlement area in which they are situate.</p>	<p>Strategic Growth Areas (S.2.4) – identification of strategic growth areas is encouraged. These areas should be planned to accommodate significant growth and serve as focal areas for education, commercial, recreational, and cultural uses. Investment in infrastructure and public service facilities should be prioritized in these areas.</p>	<p>Support – language is more lenient compared to Growth Plan, allowing these areas to be identified in nodes or corridors outside of settlement areas but adjacent to existing employment, major institutional uses or transit station areas.</p>
<p>Cultural Heritage and Archaeology (S.2.6) – seeks to conserve significant built heritage resources and significant cultural heritage landscapes. Does not permit</p>	<p>Cultural Heritage and Archaeology (S.2.6) – seeks to conserve protected heritage properties (which could include built heritage resources or cultural heritage landscapes). Does not permit</p>	<p>Support – overall intent remains unchanged. Difference is in a change of terminology and removal of the word 'significant'. Also requires planning authorities to engage early</p>

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Comments on Draft Provincial Planning Statement (ERO# 019-8462)

Current PPS Policy (2020)	Proposed PPS Policy (2024)	Recommendation and Discussion
development in areas of archaeological potential or on lands containing archaeological resources unless significant archaeological resources have been conserved. Requires planning authorities to engage with Indigenous communities and consider their interests.	development in areas of archaeological potential or on lands containing archaeological resources unless archaeological resources have been conserved. Requires planning authorities to engage early with Indigenous communities and consider their interests.	with Indigenous communities but this change would not impact County functions since staff from local Indigenous communities are invited to engage during pre-consultation.

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Recommendations on Changes Proposed through Bill 185 (2024)

Comments on Changes to Planning Act (ERO# 019-8369)		
Current Planning Act	Proposed Planning Act	Recommendation and Discussion
<p>Appeals to Official Plan and Zoning Amendments and (S.17(24), 17(36) and 34(19)) – third party appeals permitted by a person or public body who made oral submission at public meeting or written submission to council.</p>	<p>Appeals to Official Plan and Zoning Amendments and (S.17(24), 17(36) and 34(19)) – third party appeals permitted by a specified person who made oral submission at public meeting or written submission to council.</p> <p>A 'specified person' is defined to mean a list of entities that includes utilities, pipeline and rail operators, and other similar public/private entities.</p>	<p>Support – this approach is already utilized in other provinces and eliminates lengthy and costly processes for all parties. Members of the public will still have opportunity to participate in the public process and be heard by councils.</p>
<p>Appeals Restricted (S.22(7.2)& (7.4)) – no appeal under in respect of the refusal or failure to adopt or approve an official plan amendment for an alteration to a settlement area boundary.</p>	<p>Appeals Restricted (S.22(7.2)& (7.4)) – appeals may be permitted in respect of a refusal or failure to adopt or approve an official plan amendment for an alteration to a settlement area boundary, except where the expansion extends into the Greenbelt.</p>	<p>Concern – allowing appeals to expansions of settlement areas may contradict a municipalities long-term direction that is guided by one or more master plans. An appeal would be a costly exercise to a municipality and may ultimately lead to impacts on ability to service in other planned areas.</p>
<p>Pre-consultation (S.22(3.1), 34(10.0.1), 41(3.1), 51(16.1)) – applicants are permitted to consult with the municipality prior to making an application, and the municipality may pass a mandatory pre-consultation by-law.</p>	<p>Pre-consultation (S.22(3.1), 34(10.0.1), 41(3.1), 51(16.1)) – applicants are permitted to consult with the municipality prior to making an application.</p>	<p>Concern – may lead to unnecessary delays while municipality waits for the correct studies to be submitted together with the application in order to deem it 'complete'. Mandatory pre-consultation ensures all parties are aware of the submission requirements and expedites processing times to</p>

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<p>Refund of Fees (S.34(10.12), 41(11.1) – requires municipalities to refund application fees on a sliding scale relative to the length of time an application for zoning or site plan has been in process.</p>	<p>No equivalent provision in proposed amendment to Planning Act. These sections have been deleted in their entirety.</p>	<p>deem the application complete and begin circulation.</p> <p>Suggested Modification – leave current pre-consultation provisions in place and remove refund of fees (see comment in following row). This would eliminate the ‘front ending’ of peer review which can otherwise take place during the circulation period.</p> <p>Support – the implementation of these provisions proved to further delay processing of applications as many municipalities began front-ending the peer review and/or circulation process. It also separated applications that could otherwise be processed concurrently (OPA’s and ZBLA’s for example). Removing the refund provisions would return the process to its previous state.</p>
<p>Lapsing dates (S.51(32)) – lapsing date may be imposed for plans of subdivision that is not less than 3 years.</p>	<p>Lapsing dates (S.41(7.1), 51(32)) – lapsing date must be imposed for site plan approval and plans of subdivision that shall not “be less than” or “exceed such” a time period as “may be applicable to the development” or, if these time periods do not apply, cannot be less than three years.</p>	<p>Support – these provisions allow the approval authority to better monitor the progress of draft approved subdivision developments and will eliminate approvals that are ‘first through the door’ and then stall once draft approval is received. It places more onus on the developer to carry momentum through to final approval.</p>

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Comments on Changes to Planning Act (ERO# 019-8369)		
Current Planning Act	Proposed Planning Act	Recommendation and Discussion
<p>Additional Residential Units (ARU's) (S.35.1(2)) – minister may make regulations establishing requirements for additional residential units in a detached house, semi-detached house or rowhouse, or in an ancillary structure to these forms of housing.</p>	<p>Additional Residential Units (ARU's) (S.35.1(2)) – minister may make regulations establishing requirements for additional residential units in a detached house, semi-detached house or rowhouse, in an ancillary structure to these forms of housing, on</p>	<p>This would not, however, compel the developer to move forward with building permits or infrastructure installation once final approval is received.</p> <p>Suggested Modification - the continued use of Sections 51(33) and 51(33.1) are questionable. These sections allow a proponent to seek an extension to draft plan approval and allow an approval authority to deem an application not to have lapsed for a period of 5 years from the lapsing date. Changes to lapsing date provisions would be ineffective if extensions can continuously be requested and developments can be deemed not to have lapsed. We would suggest these sections also be modified or deleted in their entirety.</p>
<p>Additional Residential Units (ARU's) (S.35.1(2)) – minister may make regulations establishing requirements for additional residential units in a detached house, semi-detached house or rowhouse, or in an ancillary structure to these forms of housing.</p>	<p>Additional Residential Units (ARU's) (S.35.1(2)) – minister may make regulations establishing requirements for additional residential units in a detached house, semi-detached house or rowhouse, in an ancillary structure to these forms of housing, on</p>	<p>Comment Reserved – these types of units are seeing an increase in recent years and exempting these units from any approvals may put additional burdens on neighbourhoods and/or municipalities (e.g. through provision of parking spaces, servicing etc.). It is</p>

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	<p>a parcel of land on which these forms of housing can be built, or within any of the primary residential units as described above.</p> <p>Exemption from Part V of the Planning Act (S.49.3) – new subsection being proposed which would exempt ARU's from the Planning Act where a regulation is enacted by the Minister.</p> <p>Exemption from Planning Act (S.62.0.2 and 62.0.3) – exempts post-secondary institutions and community service facilities that meet prescribed requirements from the Planning Act.</p>	<p>premature to provide comment on this proposal in the absence of the regulation.</p>
<p>No equivalent provision in current version of Planning Act.</p>		<p>Comment Reserved - intended to provide an expedited approval process for student housing and community service facilities such as schools, hospitals and long-term care homes. It is possible that exempting these developments from approvals may put additional burdens on neighbourhoods and/or municipalities (i.e. through provision of water and sewer services, emergency services, waste collection services, traffic etc.). It is premature to provide comment on this proposal in the absence of the regulation.</p>

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Comments on Changes to Development Charges Act (ERO# 019-8371)		
Current Development Charges Act	Proposed Development Charges Act	Recommendation and Discussion
<p>Eligible Capital Costs (S.5(3)) – outlines a list of eligible costs which development charges can be put towards including the costs of acquiring and improving land, facilities or buildings.</p>	<p>Eligible Capital Costs (S.5(3)) – outlines a list of eligible costs which development charges can be put towards including the costs of acquiring and improving land, facilities or buildings as well as the cost of the development charge background study and other municipal studies.</p>	<p>Support – this change is a rollback of previous changes made through Bill 23 and would allow development charges to, once again, include study costs in the calculation of their development charge rates.</p>
<p>Phase-In of Rates (S.5(6)) – requires a mandatory phase-in of development charge, at a set percentage of the full rate, for a development charge by-law passed after January 1, 2022.</p>	<p>Phase-In of Rates (S.5(6)) – no specific phase-in of rates for a development charge by-law passed after Bill 185 comes into force and effect.</p> <p>Amendments to By-Law (S.19(1)) – new subsections being introduced which would allow a municipality to amend their development charge by-law within 6 months of Bill 185 receiving royal assent to change the rates as though the phase-in provisions of the Act had never been in effect.</p>	<p>Support – allows municipalities to collect the full rate of the development charge as soon as the by-law comes into effect but does not prohibit from phasing in if they so choose. The transition provisions provide those applications with rates frozen after November 28, 2022 will maintain the frozen rate.</p>
<p>Frozen Rates (S.26.2) – development charge rates are frozen for certain eligible applications (approval of site plan or zoning by-law amendment) for a “prescribed amount of time” of two years.</p>	<p>Frozen Rates (S.26.2) - development charge rates are frozen for certain eligible applications (approval of site plan or zoning by-law amendment) for a “prescribed amount of time” of 18 months.</p>	<p>Support – shortens the period required between development approval and obtaining a building permit. This will ultimately ensure building permits are issued faster or require the proponent to pay the most recent development charge rate.</p>

Appendix A to Report PPW 2024-18
 Recommendations on Changes Proposed through Bill 185 (2024)

Comments on Changes to Municipal Act (ERO# 019-8369)		
Current Municipal Act	Proposed Municipal Act	Recommendation and Discussion
<p>Supply of water and sewer services (S.86) – municipalities must supply a building with water or sewer services if the building is located along the supply line, there is sufficient capacity of the system and the owner or occupant requests such service.</p>	<p>Water supply and sewage capacity (S.86.1) – new subsection that allows a municipality to adopt a by-law which provides for allocation of servicing capacity including a system for tracking available capacity and the criteria used to determine when allocation is assigned, withdrawn and/or re-allocated.</p>	<p>Support – allows municipalities to better track the allocation of services and provides a formal mechanism for allocation. Also ensures that allocation of services doesn't remain 'tied up' with a development that is not moving forward towards build-out and can be re-allocated to applications that are moving forward in a more expeditious manner.</p>
<p>Bonusing Prohibited (S.106(1)) – municipalities are prohibited from directly or indirectly assisting any manufacturing business or other industrial or commercial enterprise through the granting of bonuses.</p>	<p>New Bonusing Provisions (S.106.1) – Lieutenant Governor of Council may make regulations which authorize municipalities to grant assistance directly or indirectly to a specified manufacturing business or other industrial or commercial enterprise during a specified period. The regulation may set out the type of assistance that can be granted, impose restrictions or limitations on the assistance and any conditions that must be met before assistance can be granted.</p>	<p>Concern – this may have the effect of setting municipalities against each other or challenging one another in an effort to attract businesses. This could be done at the expense of the taxpayer since any grants, waiving of fees, provision of lands etc. would need to be funded.</p>