



A Natural Attraction

**STAFF REPORT
QW-2024-00070**

DATE: May 01, 2024

TO: Mayor Harrison
And Members of Council

FROM: Kelly Weste, Manager of Planning Services

SUBJECT: Summary of proposed Provincial Policy Statement changes and other Planning Legislation

Recommendation:

That Staff Report QW-2024-00070 by Kelly Weste, Manager of Planning Services regarding “Summary of proposed Provincial Policy Statement changes and other Planning Legislation” be received;

And that Council direct staff to submit comments, as noted herein, through the ERO website as the City of Quinte West’s formal response on the Proposed Provincial Planning Statement, 2024 and Bill 185.

Background:

On April 10, 2024, the Ontario government introduced Bill 185: *Cutting Red Tape to Build More Homes Act, 2024* (Bill 185), which simultaneously reintroduces and repeals prior changes to the planning and development regime in Ontario. The proposed legislation includes various amendments to 15 Acts, including the *Planning Act*, the *Development Charges Act, 1997*, the *Municipal Act, 2001*, and the *City of Toronto Act, 2006*, among others.

The Ministry of Municipal Affairs and Housing (MMAH) is seeking feedback through the Environmental Registry on an updated proposed Provincial Planning

Statement that incorporates feedback received through the previous consultation on the proposed Provincial Planning Statement, as well as various amendments to 15 Acts and associated Regulations for a 30-day commenting period ending on May 12, 2024.

From April 6 to August 4, 2023, the province undertook consultation on a draft of the proposed Provincial Planning Statement (ERO #019-6813) seeking input on a streamlined province-wide land use planning policy framework. After reviewing this input, the province has now developed an updated proposed Provincial Planning Statement, with new and updated policies supporting increased intensification (e.g., around transit and redevelopment of low-density commercial plazas and strip malls), scoping protections for employment areas, and promoting a range and mix of housing options, including housing for students and seniors.

This report will attempt to summarize the proposed changes as they may specifically relate to or impact the City of Quinte West. Not all updates are discussed; please review ERO postings for full highlights of changes.

Overview of Proposed Changes:

Proposed Provincial Planning Statement ([ERO #019-8462](#))

The updated proposed Provincial Planning Statement consists of policies grouped under five pillars:

1. Generate increased housing supply

The proposed policies would:

- 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 (affordable, multi-generational, seniors, student housing) (updated)
- Require municipalities to support general intensification (e.g., through the redevelopment of plazas and shopping malls for mixed-use residential development) (updated), and encourage municipalities to establish and implement minimum targets for intensification in built-up areas (new)
- Encourage municipalities to establish phasing strategies to align growth with infrastructure needs in designated growth areas (new)
- Encourage all municipalities to focus growth and development in strategic growth areas to achieve higher density outcomes (updated)
- Require municipalities to establish local targets for affordable housing (updated) based on reinstated definitions for affordable housing and low and moderate income households (updated)

During the 2023 consultations on the proposed Provincial Planning Statement, the government heard concerns from agricultural stakeholders regarding the proposed policies that would allow severances on farmland, and have proposed the following to protect agricultural viability:

- **Not** carry forward proposed policies permitting lot creation in prime agricultural areas
- Require municipalities to direct development to rural settlement areas, and provide more flexibility for municipalities to service residential development in rural settlement areas (updated)
- Permit more housing on farms to support farmers, farm families and farm workers without creating new lots, through enhanced policy and criteria supporting additional residential units (updated)

2. Make land available for development

The proposed policies would:

- Require municipalities to base growth forecasts on Ministry of Finance population projections (new),
 - Guidance for projecting population and related land requirements may be updated after finalization of the proposed Provincial Planning Statement to reflect final policy direction and considering feedback received.
- Require municipalities to plan for a minimum 20-year horizon but not more than 30 years (updated), maintain a 15-year residential land supply and maintain land with servicing capacity for a 3-year supply of residential units
- Provide a simplified and flexible approach for municipalities to undertake settlement area boundary changes at any time, with requirements for municipalities to consider additional criteria related to need for the expansion to accommodate growth, infrastructure capacity, phasing of growth, achievement of housing objectives, consideration of alternative locations to prime agricultural areas, and impacts on agricultural systems (updated)
- Require municipalities to plan for and protect employment areas based on a definition of employment areas that would align with the Planning Act definition of “area of employment” amended through Bill 97 but not yet proclaimed
- Require municipalities to address transition and land use compatibility between employment areas and sensitive land uses (updated)

3. Provide infrastructure to support development

The proposed policies would:

- Require municipalities to plan for water and wastewater infrastructure, and waste management systems by encouraging watershed planning (updated)
- Require all municipalities to consider allocation or potentially reallocation of unused servicing capacity to accommodate projected needs for housing (updated)
- Require municipalities to protect corridors for major infrastructure, such as highways, transit and transmission systems and encourage municipalities to provide opportunities for the development of energy supply and storage to accommodate current and projected needs (updated)
- Require municipalities to integrate land use planning and transportation planning and encourage freight-supportive and transit-supportive development to move goods and people
- Require municipalities and school boards to integrate planning for schools with planning for growth, and promote opportunities to locate schools near parks and open space (updated)

4. Balance housing with resources

The proposed policies would:

- Require municipalities to use an agricultural systems approach (updated) and to designate specialty crop areas and prime agricultural areas
- Require municipalities to maintain minimum separation distances between livestock operations and houses
- Require municipalities in central and southern Ontario to identify natural heritage systems and require municipalities across the province to protect provincially-significant natural heritage features and areas
- Require municipalities to protect water resources and features and encourage municipalities of Quinte West's size to undertake watershed planning in collaboration with conservation authorities (updated)
- Require municipalities to conserve cultural and archaeological resources, and promote proactive strategies for conserving built heritage resources
- Require municipalities to direct development outside of hazardous lands and sites in collaboration with conservation authorities (updated)
- Require municipalities to prepare for the impacts of a changing climate through land use planning, develop approaches to reduce greenhouse gas emissions, improve air quality
- Require municipalities to facilitate access to aggregate resources close to market and to protect minerals, petroleum and mineral aggregate resources

5. Implementation

The proposed policies would:

- Require municipalities to undertake early engagement with Indigenous communities and coordinate with them on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights
- Affirm that efficient land-use patterns contribute to increased equitable access to housing in strategic growth areas (updated), employment, and transportation, and encourage municipalities to apply an equity lens on planning matters and engage stakeholders early in the process
- Encourage coordination, particularly on intermunicipal topics (updated)

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

Bill 185 proposes a number of amendments to the Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 (below is a sample of changes that could impact the City of Quinte West - this list does not discuss all the proposed changes):

Fee Refund Provisions

- Remove the fee refund provisions from the Planning Act for zoning by-law amendment and site plan control applications

Municipal Pre-Application Process

- Make pre-application consultation voluntary at the discretion of the applicant.
- Allow an applicant to challenge complete application requirements to the OLT at any time, rather than only having a time-limited window once a municipality rejects an application as not being “complete”.

Settlement Area Boundary Expansions

- Allow applicants to appeal a municipality’s refusal or failure to make a decision on a privately requested official plan or zoning by-law amendment that would change the boundary of an “area of settlement”, outside of the Greenbelt Area.

Facilitating Standardized Housing Designs

- Create regulation-making authority that would enable:
 - The establishment of criteria to facilitate planning approvals for standardized housing, which would only apply on specified lands of a minimum lot size on full municipal services.

Bill 185 - Regulatory changes to the Planning Act and Development Charges Act

Expanding Public Notices Abilities ([ERO #019-8370](#))

The Planning Act and its regulations set out the requirements for providing notice to citizens about planning proposals and outlining the opportunities for them to express their views to the decision-makers. Current practice for providing notice of a public meeting is by either personal mail service to every landowners within a specified distance on the subject property and posting a notice on or near the property. Alternatively, planning matters that could affect City-wide, publishing a notice in the local newspaper would meet the circulation requirements. It has become more challenging for some municipalities to give notice by newspaper as more community papers have ceased print publication. Therefore, the proposed amendment through this Bill, would enable municipalities to give notice of a proposed new or amending by-law or passage of a by-law on the municipality's website.

Eliminating Third-Party Appeals ([ERO #019-8370](#))

Bill 185 also proposes changes that would further limit third-party appeal rights for Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments. Bill 23 introduced into the *Planning Act* the concept of a "specified person" which is defined to mean a list of entities that includes utilities, pipeline and rail operators, and other similar public/private entities. With the approval of Bill 23 the right to appeal the approval of a minor variance, a draft plan of subdivision, or a consent to sever was also limited to the applicant, the municipal authority, the Minister or a "specified person." The Province is proposing to effectively eliminate appeals by third-party landowners, ratepayers and other members of the public for all types of *Planning Act* applications.

Removing Barriers for Additional Residential Units ([ERO #019-8366](#))

Through the More Homes Built Faster Act, changes were made to the Planning Act to accelerate implementation of the province's additional dwelling units (ADU) framework. These changes allow 'as-of-right' (without the need to apply for a rezoning) the use of up to 3 units per lot in existing residential areas (i.e., up to 3 units allowed in the primary building, or up to 2 units allowed in the primary building and 1 unit allowed in an ancillary building such as a garage). This 'as-of-right' permission applies province-wide to most parcels of land where residential uses are permitted in settlement areas with full municipal water and sewage services. To support implementation of ADUs, an enhanced regulation-making authority is proposed to provide the Minister with broader authority to remove municipal zoning by-law barriers that may be limiting the development of ARUs, such as maximum lot coverage, reduce minimum parking requirements and limits on bedrooms allowed per lot.

Comments/Analysis:

The commenting period for all of these proposed changes is quite short with the province only posting them for 30 days. Given this limited commenting period and the short turnaround time needed to receive Council endorsement, Planning Staff are proposing to provide comment on only a few of the proposed changes to the Planning Act. There are two items which elicit concern on a professional level as well as a departmental process perspective.

The elimination of third-party appeals does not appear to service the public interest. It eliminates the opportunity to have meaningful public participation and debate on Planning Act applications and proposed changes to policy and land use. Developing Official Plans and Zoning By-laws with public input is critically important, as it invites healthy citizen engagement in the fate of their communities and assures that decisions are responsive to local circumstances. If this proposal is implemented, public participation could decrease as citizens become disheartened with the process and feel decisions are foregone conclusions or public participation could skyrocket as citizens lobby decision makers and try to impose public opinion during public meetings which could lead to more volatile meetings. **It is recommended that the City provide comment to the province indicating not in favour of this proposed change to the Planning Act.**

The removal of mandatory pre-consultation with the municipality will not be helpful in accelerating the development process. The purpose of pre-consultations is to provide the developer or landowner with a clear understanding of the issues associated with the proposal. It allows for scoping of the necessary information being requested in order to effectively and efficiently make a decision on an application. If applicants rush into the planning process without all the necessary information; it can create delays in approvals. Issues may be discovered well into the review of an application and an applicant may have to engage a subject matter expert in the middle of the process causing significant delays. **It is recommended that the City provide comment to the province indicating support for mandatory pre-consultation and the removal of applicants being allowed to challenge complete application requirements to the OLT at any time, but rather only allow a time-limited window once a municipality rejects an application as not being “complete”.**

Strategic Plan Impact:

This proposed changes to the Provincial Planning Statement and the various provincial legislation would potentially impact all pillars of the City's Strategic Plan

Healthy, Vibrant Community

Create a community that encourages healthy, active living for people of all ages and abilities.

Infrastructure

Ensure that infrastructure assets meet the emerging needs of our growing community.

Economic Prosperity

Create an environment that fosters prosperity for local businesses

Environmental Stewardship

Act as stewards of our natural environment through advocacy and proactive policies

Operational Excellence

Ensure operational excellence through open communication and exceptional customer service

Financial Impact:

Not quantifiable at this time.

Accessibility Impact:

Not applicable.

Internal/External Consultation:

Brian Jardine, Director of Planning and Development Services

Existing Policy/By-law:

[Existing Provincial Policy Statement 2020](#)

[City of Quinte West Official Plan](#)

Appendices/Attachments:

N/A