

May 9, 2024

File: 12-03-3612

Hon. Paul Calandra, Minister of Municipal Affairs and Housing  
Ministry of Municipal Affairs and HousingSent via email to: [PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca)  
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[scott.sterling@ontario.ca](mailto:scott.sterling@ontario.ca)**Re: City Comments on Bill 185, the Proposed "Cutting Red Tape to Build More Homes Act, 2024" and the Proposed Provincial Planning Statement**

Please be advised that the Economic and Development Services Committee at a meeting held on May 6, 2024 dealt with the above-noted matter and adopted the following recommendation:

That the Economic and Development Services Committee recommend to City Council:

- “1. That Report ED-24-54 dated May 1, 2024, including Attachments 5 and 6, be endorsed as the City’s comments on the Province’s proposed amendments to certain Acts under Bill 185, “Cutting Red Tape to Build More Homes Act, 2024” as well as the proposed Provincial Planning Statement and Ontario Regulation 73/23: Municipal Planning Data Reporting.
2. That Economic and Development Services staff be authorized to submit the comments contained in Report ED-24-54 dated May 1, 2024 related to Bill 185, “Cutting Red Tape to Build More Homes Act, 2024”, the proposed Provincial Planning Statement and the proposed amendments to Ontario Regulation 73/23: Municipal Planning Data Reporting in response to the associated proposals posted on the Environmental Registry of Ontario website.
3. That staff be authorized to forward a copy of Report ED-24-54 dated May 1, 2024 and the related Council resolution to the Region of Durham, Durham area municipalities, and Durham area M.P.P.s.”

Please find enclosed a copy of Report ED-24-54 for your consideration in response to Bill 185, the Proposed "Cutting Red Tape to Build More Homes Act, 2024" and the Proposed Provincial Planning Statement.

Please be advised that Report ED-24-54 is being sent in advance of City Council’s endorsement in order to meet the commenting deadline. In the event that Report ED-24-54 is not supported by City Council, staff will ask the Province to consider the comments as withdrawn.

If you require further information or clarification, please contact Laura Brown at the address shown or by telephone at (905) 436-3311, extension 2125 or by email to labrown@oshawa.ca.



Meaghan Harrington, MCIP, RPP, Manager  
Policy

LB/k

Attachment

- c. Region of Durham  
Durham area municipalities  
Durham area M.P.P.s

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

Report Number: ED-24-54

Date of Report: May 1, 2024

Date of Meeting: May 6, 2024

Subject: City Comments on Bill 185, the Proposed "Cutting Red Tape to Build More Homes Act, 2024" and the Proposed Provincial Planning Statement

Ward: All Wards

File: 12-03-3612

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## **1.0 Purpose**

The purpose of this Report is to obtain Council approval of City comments on:

- Bill 185, the Province's proposed "Cutting Red Tape to Build More Homes Act, 2024", being an Act to amend various statutes to "reduce red tape and remove costly burdens in order to make government work better for the families, business owners, municipalities and workers that are building Ontario" ("Bill 185");
- the Province's proposed new Provincial Planning Statement (the "P.P.S."); and,
- the Province's proposed amendments to Ontario Regulation 73/23: Municipal Planning Data Reporting ("Ontario Regulation 73/23").

Bill 185 consists of the proposed amendments to the following Acts:

- An Act to incorporate the Trinity College School
- The Arts Council Act
- The Building Opportunities in the Skilled Trades Act, 2021
- The City of Toronto Act, 2006
- The Coroners Act
- The Development Charges Act, 1997
- The Hazel McCallion Act (Peel Dissolution), 2023
- The Line Fences Act
- The Municipal Act, 2001
- The Niagara Parks Act
- The Ontario Energy Board Act, 1998

- The Planning Act
- The Poet Laureate of Ontario Act (In Memory of Gord Downie), 2019
- The Redeemer Reformed Christian College Act, 1998
- The Université de Hearst Act, 2021

For the purposes of this Report to the Economic and Development Services Committee and Council, staff are only providing comments on the Province's proposed amendments under Bill 185 to:

- The Development Charge Act, 1997;
- The Municipal Act, 2001; and,
- The Planning Act.

Additional information on Bill 185 and the proposed amendments to the various Acts can be found at the following link: <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-185>.

The proposed amendments to the various Acts were posted on the Province's Environmental Registry of Ontario ("E.R.O.") website on April 10, 2024 with comments due by May 10, 2024.

The proposed P.P.S. was posted on the E.R.O. website on April 10, 2024 and later updated on April 12, 2024, with comments due by May 12, 2024.

In addition, the Province is seeking comments on proposed amendments to Ontario Regulation 73/23. These proposed amendments were posted on the E.R.O. website on April 10, 2024 with comments due by May 10, 2024.

Staff are seeking Council authority to send City comments on the associated E.R.O. postings in advance of Council's endorsement of the comments in order to meet the May 10, 2024 and May 12, 2024 commenting deadlines.

Attachment 1 is a copy of Bill 185, which was introduced into the Ontario Legislature with first reading on April 10, 2024. Owing to the size of the document, it is not attached to this Report but a copy of the proposed Bill 185 can be viewed at the following link: <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-185>.

Attachment 2 is a copy of the proposed P.P.S., which was released on April 10, 2024, and later updated on the E.R.O. website on April 12, 2024. Owing to the size of the document, it is not attached to this Report but a copy of the proposed P.P.S. can be viewed at the following link: <https://ero.ontario.ca/notice/019-8462>.

Attachment 3 outlines the various P.P.S. policies as they were originally proposed by the Province when the initial draft version of the P.P.S. was released on April 6, 2023, in the form of the Proposed Planning Statement, 2023.

Attachment 4 is a list of E.R.O. postings under Bill 185, the proposed P.P.S. and Ontario Regulation 73/23 for which staff have prepared comments for Council's approval through this Report.

Attachment 5 presents staff comments on Bill 185 and the proposed amendments to Ontario Regulation 73/23.

Attachment 6 presents staff comments on the proposed P.P.S.

## **2.0 Recommendation**

That the Economic and Development Services Committee recommend to City Council:

1. That Report ED-24-54 dated May 1, 2024, including Attachments 5 and 6, be endorsed as the City's comments on the Province's proposed amendments to certain Acts under Bill 185, "Cutting Red Tape to Build More Homes Act, 2024" as well as the proposed Provincial Planning Statement and Ontario Regulation 73/23: Municipal Planning Data Reporting.
2. That Economic and Development Services staff be authorized to submit the comments contained in Report ED-24-54 dated May 1, 2024 related to Bill 185, "Cutting Red Tape to Build More Homes Act, 2024", the proposed Provincial Planning Statement and the proposed amendments to Ontario Regulation 73/23: Municipal Planning Data Reporting in response to the associated proposals posted on the Environmental Registry of Ontario website.
3. That staff be authorized to forward a copy of Report ED-24-54 dated May 1, 2024 and the related Council resolution to the Region of Durham, Durham area municipalities, and Durham area M.P.P.s.

## **3.0 Executive Summary**

Not applicable.

## **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- Chief Administrative Officer
- Commissioner, Corporate and Finance Services
- City Solicitor

## **5.0 Analysis**

### **5.1 Overview of Bill 185, Cutting Red Tape to Build More Homes Act, 2024**

On April 10, 2024, the Ministry of Red Tape Reduction released a bulletin on the E.R.O. website entitled "Bill 185, the Proposed Cutting Red Tape to Build More Homes Act, 2024." The bulletin can be viewed at the following link: <https://ero.ontario.ca/notice/019-8492>.

On April 10, 2024, the Ministry of Municipal Affairs and Housing also released a bulletin on the E.R.O. website entitled "Bill 185, the Proposed Cutting Red Tape to Build More Homes

Act, 2024 – Housing Initiatives”. This bulletin provides measures related to housing. The bulletin can be viewed at the following link: <https://ero.ontario.ca/notice/019-8365>.

Bill 185, as it relates to housing initiatives, is proposing a suite of legislative, regulatory and policy initiatives. This includes initiatives to:

- build homes cheaper and faster;
- prioritize infrastructure for housing projects that are ready to go;
- improve consultation processes and provide greater certainty once a decision is made; and,
- build more types of homes for more people.

## **5.2 Proposed Amendments Resulting from Bill 185, Cutting Red Tape to Build More Homes Act, 2024**

The following subsections outline the proposed changes to the Planning Act, Development Charge Act, 1997 and Municipal Act, 2001 resulting from Bill 185, as well as the proposed amendments to Ontario Regulation 73/23.

### **5.2.1 Proposed Amendments to the Planning Act**

The proposed amendments to the Planning Act under Schedule 12 of Bill 185, if passed, would, among other matters, address the following:

- Removal of Planning Responsibilities from Upper Tier Municipalities:
  - The upper tier Regional municipalities of Halton, Peel and York will no longer have planning responsibilities as of July 1, 2024.
  - The dates for the Regional municipalities of Simcoe, Durham, Niagara and Waterloo to no longer have planning responsibilities have not yet been set, and will be released at a later date.
- Elimination of Minimum Parking Requirements in Major Transit Station Areas and Areas Surrounding Higher Order Transit Stations and Stops:
  - The Planning Act would be amended to prohibit minimum parking requirements in protected major transit station areas, and areas delineated in an official plan surrounding existing and planned higher order transit stations and stops, within which areas the official plan policies identify the minimum number of residents and jobs planned to be accommodated, in accordance with a provincial plan or policy statement.
- Limitations on Third Party Appeals to the Ontario Land Tribunal:
  - Third party appeals of official plans, official plan amendments, zoning by-laws and zoning by-law amendments will be limited to key participants, including applicants,

the minister, public bodies and specified persons (e.g. utility companies). Third party appeals filed prior to Bill 185 coming into force by anyone not considered a key participant, and where the hearing has not started, will be dismissed.

- Voluntary Pre-consultation:
  - Pre-application consultations with municipalities will be voluntary and not mandatory.
  - Applicants can bring a motion to the Ontario Land Tribunal (“Tribunal”) at any time during pre-consultation for a determination as to whether the requirements for a complete application are reasonable, or have been met.
- Settlement Area Boundary Expansions:
  - An applicant will be able to appeal a municipality’s 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.
- Revocation of Fee Refund Provisions:
  - The fee refund provisions put in place by Bill 109, More Homes for Everyone Act, 2022 are proposed to be revoked.
- Minister Zoning Orders/Community Infrastructure Housing Accelerators:
  - The Province is proposing to put in place a new framework for requesting a Minister’s Zoning Order including criteria that will consider whether a ministerial zoning order delivers on provincial priorities and whether it is supported by a municipal council or a mayor with strong mayor powers. The requirements also include demonstrating why the normal municipal process cannot be used, as well as information on Indigenous engagement and public consultation.
  - The community infrastructure housing accelerator process introduced under Bill 23, More Homes Built Faster Act, 2022 is proposed to be repealed.
- Reducing Barriers to Building Additional Residential Units:
  - The Province is proposing an enhanced regulation-making authority to help create additional residential units such as “garden, laneway or basement suites”, by eliminating barriers including maximum lot coverage and limits on bedrooms allowed per lot.
- “Use it or lose it” Provisions:
  - Developments with approved site plans which do not pull permits within a specified period of time can have their approvals withdrawn.
  - Draft plans of subdivision will have mandatory lapsing provisions with the time frames to be set by regulation.

- Draft plans of subdivision that were approved before March 27, 1995 will lapse if not registered within three years of Bill 185 passing.
- Exempt Universities from the Planning Act:
  - Publicly-assisted universities will be exempt from the Planning Act and planning provisions for university-led student housing projects on- and off-campus.
- Fast-Tracking Priority Government Projects:
  - The Province is exploring options to get shovels in the ground faster for priority government projects by consulting on a new expedited approval process for community service facilities (e.g. schools, long-term care homes and hospitals). The Province is proposing to amend the Planning Act to provide the regulation-making authority to exempt community service facilities from any or all provisions of the Planning Act, and prescribe any requirements that a community service facility must meet.
- Public Notices:
  - Changes are proposed to the regulations that govern how notices are given by a municipality to reflect current practices of most municipalities. This includes changes to enable municipalities to give notice of a proposed new/amending by-law or passage of a by-law on a municipal website, if local papers are not available.

Attachment 5 provides staff comments on the proposed amendments to the Planning Act under Bill 185.

### **5.2.2 Proposed Amendments to the Development Charges Act, 1997**

The proposed amendments to the Development Charges Act, 1997 under Schedule 6 of Bill 185, if passed, would, among other matters, address the following:

- Development Charges:
  - The five-year phase in of increased development charge rates introduced under Bill 23, More Homes Built Faster Act, 2022 is proposed to be repealed. This would apply to development charge by-laws passed on and after January 1, 2022.
  - The cost of development charge background studies can again be included as a capital cost when calculating the charge.
  - The process for extending development charge by-laws is being streamlined.
  - The current two year time limit on development charges being frozen is proposed to be reduced to 18 months after approval of the relevant application, to give homebuilders an incentive to obtain a building permit earlier and get shovels in the ground faster.



- Public Notices:
  - The public notice amendments proposed under the Planning Act would also apply to the Development Charges Act, 1997.

Attachment 5 provides staff comments on the proposed amendments to the Development Charges Act, 1997 under Bill 185.

### **5.2.3 Proposed Amendments to the Municipal Act, 2001**

The proposed amendments to the Municipal Act, 2001 under Schedule 9 of Bill 185, if passed, would, among other matters, address the following:

- Water Supply and Sewage Capacity:
  - Municipalities will be given the authority to enact by-laws under the Municipal Act to track water supply and sewage capacity, and to set criteria for when an approved development can have their allocation withdrawn.

Attachment 5 provides staff comments on the proposed amendments to the Municipal Act, 2001 under Bill 185.

### **5.2.4 Proposed Amendments to Ontario Regulation 73/23**

The proposed amendments to Ontario Regulation 73/23, if passed, would, among other matters, address the following:

- Expand the List of Municipalities Required to Report on Planning Matters:
  - Schedule 1 of Ontario Regulation 73/23 would be amended to include twenty-one additional municipalities who would be required to report information on planning matters to the Ministry of Municipal Affairs and Housing (“M.M.A.H.”). Staff note that the City of Oshawa is already listed as a municipality required to report information on planning matters to M.M.A.H.
- Datapoints and Frequency of Reporting:
  - Schedules 2 and 3 of Ontario Regulation 73/23 would be amended with a goal to improve the quality of information being collected by enabling municipalities to report on the status of various planning applications more accurately.

Attachment 5 provides staff comments on the proposed amendments to Ontario Regulation 73/23.

## **5.3 Overview of Proposed Provincial Planning Statement**

In 2022, the Provincial government undertook a review on approaches for leveraging the housing supportive policies of both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) through a streamlined province-wide framework.

As directed by Council on November 21, 2022, pursuant to its consideration of Report CNCL-22-78 dated November 16, 2022, staff submitted comments to the Province on the Province's proposed review of the Provincial Policy Statement, 2020 and the Growth Plan.

On April 6, 2023, the Provincial government released a new proposed Provincial Planning Statement, 2023 which combined the elements of the Growth Plan and the existing Provincial Policy Statement, 2020 into a single new land use policy document.

As directed by Council on May 29, 2023, the City submitted comments to the Province on the proposed Provincial Planning Statement, 2023 pursuant to Report ED-23-112 dated May 3, 2023.

The Province has now introduced an updated P.P.S. in response to feedback received through the 2023 consultation.

### **5.3.1 Proposed Changes to the Proposed Provincial Planning Statement**

The purpose of the proposed P.P.S. is to combine the elements of the Growth Plan and the Provincial Policy Statement, 2020 into a new land use policy document.

Through the proposed P.P.S., the Provincial government is proposing policies grouped under five pillars. The following five pillars mirror the five pillars that were first introduced in the proposed Provincial Planning Statement, 2023:

- Generate increased housing supply
- Make land available for development
- Provide infrastructure to support development
- Balance housing with resources
- Implementation

In the event the proposed P.P.S. is adopted, the Provincial government would consequentially revoke the existing Provincial Policy Statement, 2020 and the Growth Plan as well as amend regulations under the Places to Grow Act, 2005. In addition, the Provincial government is proposing an administrative amendment to the Greenbelt Plan in order that the policies in the Greenbelt Plan are maintained should the existing Provincial Policy Statement, 2020 and the Growth Plan be revoked.

The following subsections provide additional information pertaining to the five pillars and identify those proposed policies that have been updated, those that have remained unchanged and those that are new with respect to the initial draft version of the Provincial Planning Statement, 2023 that was released for consultation on April 6, 2023. For comparison purposes, Attachment 3 outlines the various policies under the five pillars as they were originally proposed by the Province in the initial draft of the Provincial Planning Statement, 2023.

Staff note that the various bullets identifying the purpose and effect of the proposed policies under the various pillars of the P.P.S. replicate the exact language used by the Province in the current E.R.O. posting (i.e., Notice 019-8462).

### 5.3.2 Pillar 1: Generate Increased Housing Supply

The first pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to generate an 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]**.
- Identify large and fast-growing municipalities and encourage them to plan for 50 people and jobs per hectare in designated growth areas **[Updated]**.
- Encourage municipalities to establish phasing strategies to align growth with infrastructure needs in designated growth areas **[New]**.
- Direct municipalities to meet minimum density targets for all major transit station areas with encouragement to promote supportive land uses and built forms, including affordable, accessible, and equitable housing **[Updated]**.
- Require municipalities to plan for intensification on lands that are adjacent to existing and planned frequent transit corridors **[New]**.
- Encourage all municipalities to focus growth and development in strategic growth areas to achieve higher density outcomes **[Updated]**.
  - Remove the requirement for large and fast-growing municipalities to identify and set out density targets **[Updated]**.
  - Remove direction for planning for urban growth centres, with simplified direction to plan for downtowns as strategic growth areas **[Updated]**.
  - Require municipalities to collaborate with housing service managers to ensure land use policies and housing policies are aligned, including addressing homelessness and facilitating development of a full range of housing options and affordability levels to meet local needs **[Unchanged]**.
- Require municipalities to establish local targets for affordable housing **[Updated]** based on reinstated definitions for affordable housing and low and moderate income households **[Updated]**.
- Require municipalities to collaborate with publicly-supported post-secondary institutions on early and integrated planning for student housing, and encourage collaboration on the development of student housing strategies **[New]**.

The proposed actions are also being taken to protect farmland:

- Not carry forward proposed policies permitting lot creation in prime agricultural areas **[Updated]**.
- 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]**.

### **5.3.3 Pillar 2: Make Land Available for Development**

The second pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to make land available for development. The proposed policies would:

- Require municipalities to base growth forecasts on Ministry of Finance population projections **[New]**, with transition for municipalities in the Greater Golden Horseshoe to continue to use forecasts issued by the province through Schedule 3 of A Place to Grow until more current forecasts are available to 2051, as informed by guidance provided by the province **[Updated]**.
  - 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 **[Unchanged]**.
- 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 the 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]**.
- Permit municipalities to identify a new settlement area only where it has been demonstrated that the infrastructure and public service facilities needed to support development are planned or available **[New]**.
- 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 **[Unchanged]**.

- Require municipalities to address transition and land use compatibility between employment areas and sensitive land uses **[Updated]**.
- Discontinue provincially significant employment zones issued under A Place to Grow and require municipalities to use the policies in the proposed Provincial Planning Statement to provide protection for employment areas **[Unchanged]**.
- Require municipalities to protect airports from land uses that may cause a potential aviation safety hazard **[Updated]**.
- Encourage municipalities to preserve employment areas close to goods movement corridors, coordinating across administrative boundaries **[Unchanged]**.
- Allow municipalities to consider employment area conversions at any time to support the forms of development and job creation that suit the local context, under the condition that sufficient employment land is available to accommodate employment growth **[Updated]**.

#### **5.3.4 Pillar 3: Provide Infrastructure to Support Development**

The third pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to provide infrastructure to support development. The proposed policies would:

- Require municipalities to plan for water and wastewater infrastructure, and waste management systems, and require large and fast-growing municipalities, and encourage others, to undertake watershed planning **[Updated]**.
- Require all municipalities and 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 **[Unchanged]**.
- 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]**.

### 5.3.5 Pillar 4: Balance Housing with Resources

The fourth pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to 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 **[Unchanged]**.
- 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 **[Unchanged]**.
- Require municipalities to protect water resources and features and require large and fast-growing municipalities **[Updated]** and encourage others, 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 **[Unchanged]**.
- 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 **[Unchanged]**.
- Require municipalities to facilitate access to aggregate resources close to market and to protect minerals, petroleum and mineral aggregate resources **[Unchanged]**.

### 5.3.6 Pillar 5: Implementation

The fifth pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is implementation. The proposed policies would:

- Align with recent legislative amendments **[Unchanged]**.
- 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 **[Unchanged]**.
- 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]**.

Attachment 6 provides staff comments on the proposed P.P.S.

#### **5.4 Next Steps**

Staff are seeking Council's endorsement of the staff comments contained in Attachments 5 and 6 of this Report as City comments regarding the various E.R.O. postings concerning proposed changes to the various Acts and regulations through Bill 185, the proposed P.P.S., and Ontario Regulation 73/23.

As mentioned in Section 1.0 of this Report, staff are seeking Council authority to send City comments on the associated E.R.O. postings in advance of Council's endorsement of the comments in order to meet the May 10, 2024 and May 12, 2024 commenting deadlines.

In the event that the comments are not supported by City Council, staff will ask the Province to consider the comments as withdrawn.


In the event the proposed P.P.S. and Bill 185 receive royal assent, Economic and Development Services staff would report back to the Economic and Development Services Committee and Council with any necessary amendments to City By-laws to implement the changes, including potential amendments to the City's Zoning By-law and Development Charges By-law.

#### **6.0 Financial Implications**

There are no financial implications associated with the recommendations in this Report.

#### **7.0 Relationship to the Oshawa Strategic Plan**

The Recommendations advance the Accountable Leadership goal of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,  
Planning Services



Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

## **Proposed Policies Under the Five Pillars of the Initial Draft of the Provincial Planning Statement, 2023 (Released April 6, 2023)**

### **Pillar 1: Generate an Appropriate Housing Supply**

The first pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to generate an appropriate housing supply. The proposed policies would:

- Identify large/fast-growing municipalities, with specific directions to plan strategically for growth:
  - Establish and meet minimum density targets for: major transit station areas, other strategic growth area (e.g., nodes and corridors), urban growth centres (transitioned from the Growth Plan).
  - Encourage to plan for transit-supportive greenfield density targets.
- 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 (multi-generational, student).

[Staff comment: It should be noted that the reference to laneway homes and garden suites as examples of multi-unit housing types appears erroneous.]

- Require all municipalities to implement intensification policies.
- Provide flexibility for municipalities to allow for more residential development in rural settlements and multi-lot residential development on rural lands, including more servicing flexibility (e.g., leveraging capacity in the private sector servicing).
- Require municipalities to permit more housing on farms, including residential lot creation subject to criteria, additional residential units and housing for farm workers.
- Require municipalities to align land use planning policies with housing policies, including addressing homelessness and facilitating development of a full range of housing options and affordability levels to meet local needs.

### **Pillar 2: Make Land Available for Development**

The second pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to make land available for development. The proposed policies would:

- Provide flexibility for municipalities to use government or municipally established forecasts (at minimum), with a transition phase for municipalities in the Greater Golden Horseshoe.



- Require municipalities to plan for a minimum 25-year horizon, 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 expansions. Municipalities would be allowed to create new Settlement Areas and would not be required to demonstrate the need for expansion.
- Require municipalities to plan for and protect industrial and manufacturing uses that are unsuitable for mixed use areas, using a more narrowly scoped definition of “area of employment” limited to these uses and preserving large, contiguous areas of land.
- Encourage municipalities to preserve employment areas close to goods movement corridors, coordinating across administrative boundaries and consider opportunities to densify.

[Staff comment: It is uncertain as to whether the three directives contained herein relate collectively to just employment areas, or whether they are three separate directives that do not necessarily relate to one another.]

- Provide municipalities with greater control over employment area conversions to support the forms of development and job creation that suit the local context.

### **Pillar 3: Provide Infrastructure to Support Development**

The third pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to provide infrastructure to support development. The proposed policies would:

- Require municipalities to plan for stormwater management, water and wastewater infrastructure, and waste management systems to accommodate growth.
- Require municipalities to protect corridors for major infrastructure, such as highways, transit, transmission systems and encourage municipalities to provide opportunities for the development of energy supply to accommodate current and projected needs.

[Staff comment: with respect to providing opportunities for the development of “energy supply”, it is unclear if this is intended to relate to energy supply facilities and infrastructure.]

- Require the integration of land use planning and transportation with encouragement for freight-supportive and transit-supportive development to move goods and people.
- Require municipalities and school boards to integrate planning for schools and growth.

#### **Pillar 4: Balance Housing with Resources**

The fourth pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. is to balance housing with resources. The proposed policies would:

- Require municipalities to designate specialty crop areas and prime agricultural areas, eliminating the requirement to use the provincially-mapped Agricultural System.
- Require municipalities to protect specialty crop areas and maintain minimum separation distances between livestock operations and houses, and promote an agricultural systems approach to support the agri-food network.
- Require municipalities to facilitate access to aggregate resources close to market and to protect minerals, petroleum and mineral aggregate resources.
- Require municipalities to protect water resources and features and encourage watershed planning.
- Update the cultural heritage policies to align with Ontario Heritage Act amendments through Bill 108 and Bill 23, with a focus on conserving protected heritage properties.
- Require municipalities to prepare for the impacts of a changing climate and develop approaches to reduce greenhouse gas emissions and improve air quality.
- Require municipalities to direct development outside of hazardous lands and sites.

#### **Pillar 5: Implementation**

The fifth pillar with respect to which the Provincial government is proposing policies under the proposed P.P.S. relates to implementation. The proposed policies would:

- Align with recent legislative amendments.
- 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, employment, parks and transportation, and encourage municipalities to apply an equity lens on planning matters and engage stakeholders early in the process.
- Encourage coordination, particularly on inter-municipal topics.

**Relevant E.R.O. Posting Details under Bill 185, the Proposed P.P.S. and Ontario Regulation 73/23**

| <b>Legislation/Policy Review</b>  | <b>E.R.O. Number</b> | <b>Link</b>   | <b>Commenting Deadline</b> |
|---|----------------------|---|----------------------------|
| Changes to the Development Charges Act, 1997 to Enhance Municipalities' Ability to Invest in Housing-Enabling Infrastructure  | 019-8371             | <a href="https://ero.ontario.ca/notice/019-8371">https://ero.ontario.ca/notice/019-8371</a> | May 10, 2024               |
| Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185: Newspaper Notice Requirements and Consequential Housekeeping Changes | 019-8370             | <a href="https://ero.ontario.ca/notice/019-8370">https://ero.ontario.ca/notice/019-8370</a> | May 10, 2024               |
| Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9 and 12 of Bill 185)   | 019-8369             | <a href="https://ero.ontario.ca/notice/019-8369">https://ero.ontario.ca/notice/019-8369</a> | May 10, 2024               |
| Proposed Regulatory Changes under the Planning Act Relating to the Bill 185: Removing Barriers for Additional Residential Units   | 019-8366             | <a href="https://ero.ontario.ca/notice/019-8366">https://ero.ontario.ca/notice/019-8366</a> | May 10, 2024               |
| Review of Proposed Policies for a New Provincial Planning Policy Instrument   | 019-8462             | <a href="https://ero.ontario.ca/notice/019-8462">https://ero.ontario.ca/notice/019-8462</a> | May 12, 2024               |
| Proposed Amendments to Ontario Regulation 73/23   | 019-8368             | <a href="https://ero.ontario.ca/notice/019-8368">https://ero.ontario.ca/notice/019-8368</a> | May 10, 2024               |

**Staff Comments on Bill 185 – Removing Barriers for Additional Residential Units (E.R.O. Posting Number 019-8366)**

|    | <b>Question (as posed in E.R.O. Posting Number 019-8366)</b>   | <b>Staff Comments</b>  |
|----|--|--|
| 1. | Are there specific zoning by-law barriers, standards or requirements that frustrate the development of additional residential units (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.)? | <ul style="list-style-type: none"> <li>▪ Staff note that the City of Oshawa continues to see an increase in building permits issued for accessory apartments annually. In 2023, the number of building permits issued for accessory apartments was 360 which represents the highest number of accessory apartments issued in one year. This number surpasses the previous record of 229 accessory apartments units set in 2022.</li> <li>▪ Staff have no additional comments as it relates to zoning by-law barriers that frustrate the development of additional rental units. However, given the importance of maintaining an appropriate minimum amount of landscaped open space to support healthy tree growth (essential to mitigating the urban heat island effect) and permeable surface area for water absorption, regulations to this effect should not be considered as barriers.</li> </ul>   |
| 2. | Are there any other changes that would help support development of additional residential units?   | <ul style="list-style-type: none"> <li>▪ Staff support the development of a wide range of housing options for residents, which is important for a healthy housing system. A full range and mix of housing, including affordable housing, is necessary to accommodate a range of incomes and household sizes. The promotion of the "missing middle" and "gentle density" forms of residential development (including duplexes, triplexes, accessory detached units and accessory apartments) should be focused on.</li> <li>▪ Many of the above noted types of units can provide more housing options for seniors or persons needing semi-independence, including the potential to turn them into accessible units. Moreover, they can be provided by regular homeowners and small scale developers in potentially large numbers. Financial support to provide an incentive to this sector to provide additional units should be considered.</li> </ul> |

**Staff Comments on Bill 185 – Amendments to Ontario Regulation 73/23 (E.R.O. Posting Number 019-8368)**

|    | <b>Description</b>  | <b>Staff Comments</b>  |
|----|---|--|
| 1. | <p>Expanding the List of Municipalities</p> <ul style="list-style-type: none"> <li>- Under Bill 185, Schedule 1 of Ontario Regulation 73/23 would be amended to include twenty one additional municipalities with provincially-assigned housing targets who would be required to report information on planning matters to the Ministry on a quarterly and annual basis.</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Staff note that under Ontario Regulation 73/23, the City is already required to report information on planning matters to the Ministry on a quarterly and annual basis. Specifically, the City is required to report on official plan amendment applications, zoning by-law amendments, plans of condominium, plans of subdivision, site plan applications, land severances, minor variances, community infrastructure and housing accelerator orders and minister’s zoning orders.</li> </ul>  |
| 2. | <p>Datapoints and Frequency of Reporting</p> <ul style="list-style-type: none"> <li>- Under Bill 185, Schedules 2 and 3 of Ontario Regulation 73/23 would be amended with the goal to improve the quality of information being collected by enabling municipalities to report on the status of various planning applications more accurately. Some of the proposed amendments include a requirement to prepare a summary table, which outlines key statistics for each quarterly report. Municipalities would also be required to publish this summary to their municipal webpage and update the summary table each quarter beginning October 1, 2024.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that this proposed amendment to Schedules 2 and 3 of Ontario Regulation 73/23 will require additional staff time and resources.</li> <li>▪ Staff note that one of the proposed amendments is to require municipalities to provide a summary table for each planning application type with the existing quarterly reports. The summary table would be posted publically to the municipality’s webpage and would include the following components: <ul style="list-style-type: none"> <li>A) The total number of applications reported.</li> <li>B) The total number of submissions.</li> <li>C) The total number of municipal decisions. <ul style="list-style-type: none"> <li>- The percentage of municipal decisions that took longer than legislated timelines (where applicable).</li> <li>- The total number of approved housing units for applications where the municipality approved or granted the application.</li> </ul> </li> <li>D) The number of housing units proposed across all planning applications submitted during the respective quarter.</li> </ul> </li> </ul> |

|  | Description | Staff Comments   |
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|  |             | <p>E) The number of applications that were for privately initiated settlement area boundary expansions.</p> <p>The information that the Province is asking the municipality to report on and post on the municipal website appears to be an indication solely of the efficacy of the municipal decision-making process. It does not appear to provide an indication of the quality of the applications being submitted or the time the municipality is relying on the developer to provide information and/or respond to comments. The information that the Province is requesting does not appear to provide a complete picture. Accordingly, it is recommended that if the City is required to provide information about the total number of applications that took longer than legislated, the City should also include information about the reason the application took that long and the amount of time the application may have been dormant due to the applicant's inaction or lack of attention to the application.</p> |

**Staff Comments on Bill 185 – Amendments to the Planning Act and the Municipal Act, 2001 (E.R.O. Posting Number 019-8369)**

|    | Description   | Staff Comments   |
|----|---|--|
| 1. | <p>Reduce Parking Minimums</p> <ul style="list-style-type: none"> <li>- Under Bill 185, a zoning by-law may not require an owner or occupant of a building or structure to provide and maintain parking facilities on land that is located within: <ul style="list-style-type: none"> <li>a) a Protected Major Transit Station Area ("P.M.T.S.A.");</li> <li>b) an area delineated in the official plan of the municipality surrounding and including an existing or planned</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that this proposed amendment would restrict a municipal council from approving official plans or zoning by-laws requiring parking in a P.M.T.S.A., and in areas surrounding higher-order transit where minimum densities are prescribed.</li> <li>▪ The Region of Durham has two proposed P.M.T.S.A.s in the City of Oshawa that are awaiting approval from the Province. These consist of the Central Oshawa P.M.T.S.A. and the Thornton's Corners P.M.T.S.A.</li> <li>▪ Staff note that this proposed amendment still allows the developer to include parking in their development based on estimated market demand, as estimated by the developer. For example, a 100 unit</li> </ul> |

|  | Description  | Staff Comments  |
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|  | <p>higher order transit station or stop, within which area the official plan policies identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated, but only if those policies are required to be included in the official plan to conform with a provincial plan; and,</p> <p>c) any other area prescribed.</p> | <p>condominium apartment building currently requires 145 parking spaces for residents per the City's Zoning By-law 60-94. However, if the developer estimates that only half of the purchasers will demand one parking space (and the rest content to do without), they could decide to only build 50 parking spaces instead of the currently required 145 parking spaces.</p> <ul style="list-style-type: none"> <li>▪ The Province has stated that the cost of constructing underground parking costs upward of \$100,000 per unit, which is typically passed on to the purchaser. By not being required to build the extra 95 parking spaces, the developer would save approximately \$9.5 million. Conversely, if a developer has to build a set minimum amount of parking, they will have an incentive to have to sell as many parking spaces as possible, including potentially discounting the price if parking spaces are not being purchased by homebuyers. This change could potentially benefit local communities by having fewer vehicles than would otherwise been the case had the developer been required to build a set minimum number of required parking. Alternatively, this change could lead to parking overflows into the surrounding neighbourhood in the event the residents of a particular development have more cars than can be accommodated by the development. This scenario presumably has a greater possibility of occurring should a development proceed in advance of the opening of a planned new transit station or higher order transit route. For this reason, staff recommend that in the absence of such facilities (which may be planned but not yet exist), an interim minimum amount of parking may be required by a municipality, to be provided in such a manner that it could appropriately be converted to accommodate residential or non-residential uses once the transit facilities are in operation.</li> <li>▪ Staff note that if this proposed amendment is passed, all existing properties in a P.M.T.S.A. or near a higher order transit station/stop will no longer need to provide parking even if they are already</li> </ul> |

|  | Description | Staff Comments  |
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|  |             | <p>providing parking. This may mean that some existing buildings may add residential units and non-residential floor space within the permissions of the existing zoning by-law (e.g. maximum height, maximum density, minimum setbacks, etc.). This could result in more commercial activity and new residential units in the short term in P.M.T.S.A.s and/or near higher order transit routes.</p> <ul style="list-style-type: none"> <li>▪ Staff also note that if this proposed amendment is passed, property owners of single detached dwellings, semi-detached dwellings and rowhouses within P.M.T.S.A.s or near higher order transit routes may add second and third units to their properties without adding additional parking spaces. This may result in single detached dwellings, semi-detached dwellings and rowhouses being entrenched, and may make property consolidation more difficult and costly, therefore stifling redevelopment opportunities. Staff recommend that this proposed amendment should not apply to single detached dwellings, semi-detached dwellings and rowhouses.</li> <li>▪ As previously mentioned, this proposed amendment would allow homebuyers and developers to decide on the number of parking spaces in new residential development in P.M.T.S.A.s as well as areas surrounding higher-order transit where minimum densities are prescribed based on market demands. However, market demands do not take into account visitor parking demand, and neither a homebuyer nor a developer would be in a position to determine the number of visitor parking spaces that are needed.</li> </ul> <p>In practice, a developer may choose to build as few as zero visitor parking spaces, since they are not able to recoup the cost directly from homebuyers. The lack of visitor parking spaces is likely to result in illegal parking on neighbouring properties or on streets. In theory, if someone purchases a unit and only purchases one parking space, they are very unlikely to move in with two vehicles without having a formal arrangement already in place to account for the second vehicle</p> |



|    | Description   | Staff Comments   |
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|    |   | <p>(e.g. renting a space from a resident who has one parking space but no vehicles). However, short term visitors are more likely to park vehicles in places they are not supposed to if there is no on-site visitor parking. Staff recommend that this proposed amendment should continue to allow municipalities to have the option to have zoning by-laws in place to dictate minimum visitor parking rates. This does not mean that every municipality will impose a minimum visitor parking rate, but it would allow the municipality the option to impose the requirement.</p> <ul style="list-style-type: none"> <li>▪ Staff are seeking clarity on what is meant by “planned” in “an area delineated in the official plan of the municipality surrounding and including an existing or planned higher order transit station or stop, within which area the official plan policies identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated, but only if those policies are required to be included in the official plan to conform with a provincial plan.” Does “planned” refer to a potential station or stop in a transportation master plan or official plan, or does that station/stop need to be under construction already? A prescriptive description needs to be provided for what triggers that parking exemption to avoid further confusion.</li> </ul> |
| 2. | <p>Regulations for Additional Residential Units</p> <ul style="list-style-type: none"> <li>- Under Bill 185, the Minister would have regulation-making authority to remove zoning barriers (i.e. maximum lot coverage, etc.) to building small multi-unit residential buildings.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that under subsection 35.1(2) of the Planning Act, the Minister can make regulations establishing requirements and standards for second and third residential units in single detached dwellings, semi-detached dwellings and rowhouses and for residential units in a building or structure ancillary to such a house.</li> </ul> <p>This proposed amendment would authorize regulations establishing requirements and standards with respect to any additional residential unit in a single detached dwelling, semi-detached dwelling, a rowhouse, a residential unit in a building or structure ancillary to such aforementioned dwelling units, a parcel of land where such residential units are located or a building or structure within which such</p>   |

|    | Description   | Staff Comments   |
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|    |   | <p>residential units are located. This proposed amendment, if passed, would widen the scope of the Minister's ability to regulate not only a second or third residential unit but any additional residential unit in a house, as well as the land on which such additional residential units are located and the building or structure within which such additional residential units are located.</p> <ul style="list-style-type: none"> <li>▪ Staff have concerns with this proposed amendment. This proposed amendment could potentially remove all zoning requirements for additional dwellings units. The development of an additional dwelling unit and the site context are important. For example, the context of the dimensions of a side yard and rear yard is important in siting an accessory building for any use. Equally important, maintaining an appropriate minimum amount of landscaped open space to support healthy tree growth (essential to mitigating the urban heat island effect) and permeable surface area for water absorption is critical to mitigate the effects of climate change, including extreme heat and stormwater management during excessive rainfall events.</li> <li>▪ Staff recommend that the Province stipulate new regulations that outline where additional dwelling units should be prohibited. Specifically, additional dwelling units should be prohibited in hazard lands or lands within a certain distance of rail corridors, 400-series highways and pipelines.</li> </ul> |
| 3. | <p>Community Infrastructure and Housing Accelerator</p> <ul style="list-style-type: none"> <li>- Under Bill 185, the community infrastructure and housing accelerator tool from the Planning Act would be repealed which would avoid unnecessary duplication with a revised process for ministerial zoning orders. Transition rules would be provided to</li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that Bill 109, More Homes for Everyone Act, 2022, brought forward the community infrastructure and housing accelerator tool. The community infrastructure and housing accelerator tool enables local municipalities to request a community infrastructure and housing accelerator in order to regulate the use of land and the location, use, height, size and spacing of buildings and structures to permit certain types of development.</li> <li>▪ Staff agree with this proposed amendment to repeal the community infrastructure and housing accelerator tool from the Planning Act as it</li> </ul>  |

|    | Description   | Staff Comments   |
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|    | <p>permit community infrastructure and housing accelerator permits where orders have been made to date to continue functioning.</p>   | <p>is made redundant by also having a ministerial zoning order process in place.</p>   |
| 4. | <p>“Use It or Lose It” Tool</p> <ul style="list-style-type: none"> <li>- Under Bill 185, a new municipal servicing management tool would be created to authorize municipalities to adopt policies by by-law to formalize how water and sewage servicing of an approved development is managed to enable servicing capacity to be allocated/reallocated to other projects if the approved development has not proceeded after a given timeline and the servicing is needed elsewhere.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that the proposed amendment is in response to a municipal concern where there are a number of developments that are currently approved but not moving forward. To address this concern, this proposed amendment looks at expanding the municipality’s authority to attach lapsing provisions to approved site plans and draft plans of subdivisions. The prescribed time period shall not “be less than” or “exceed such” a time period as “may be applicable to the development” or be less than three years.</li> <li>▪ Staff note that the City already imposes expiration dates on draft plans of condominiums and site plan approvals. Draft plans of condominium expire either three or five years based on whether it is a standard versus a common element condominium. Site plan approvals currently expire after two years. Staff note that the expiry of site plan approvals would potentially need to increase from two years to three years to conform to this proposed amendment.</li> <li>▪ Staff note that the City does not currently impose expiration dates on draft plans of subdivision approvals. This would need to be amended to conform to the proposed amendment.</li> </ul> |
| 5. | <p>Third Party Appeals</p> <ul style="list-style-type: none"> <li>- Under Bill 185, third party appeals for official plans, official plan amendments, zoning by-laws and zoning by-law amendments would be limited to the applicant, specified persons and public bodies who made written or oral submissions. A specified person</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Staff note that the proposed amendment removes the appeal rights for residents and community groups for official plans, official plan amendments, zoning by-laws and zoning by-law amendments. Ultimately, members of the public would not be allowed to appeal a development that they oppose. This could lead to greater public pressure on elected officials to make decisions that do not necessarily reflect the tenets of good planning, and such decisions would more likely be appealed by an Applicant. In such instances, there is potential for municipal staff to not be in a position to support council’s</li> </ul>  |

|    | Description  | Staff Comments  |
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|    | means a list of entities that includes utilities, pipeline and rail operators.   | <p>decision, resulting in the need to engage external professional witnesses at extra cost to the municipality and the taxpayer.</p> <p>However, limiting appeals would reduce staff's time spent on Ontario Land Tribunal matters (e.g., reporting to Council on direction, preparing and attending appeal hearings, etc.), freeing up staff's time to work on other planning matters. On the other hand, in the short term, it would require staff time to update planning documents and templates to change the references regarding who can appeal planning decisions.</p>  |
| 6. | <p>Fee Refund Provisions</p> <ul style="list-style-type: none"> <li>- Under Bill 185, the fee refund provisions from the Planning Act for zoning by-law amendments and site plan control applications would be removed.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff support this amendment. The fee refund provisions, introduced by Bill 109, More Homes for Everyone Act, 2022, requires municipalities to refund the planning application fee for certain types of applications if the application (or combination of applications, such as a joint official plan amendment and zoning by-law amendment) is not approved or denied within a specified timeframe of the municipality's receipt of a complete application.</li> </ul> <p>The fee refund provision assumes that any delays in the approval of an application under the Planning Act are as a result of delays caused by the approval authority. It does not take into consideration the fact that a large proportion of applications are delayed for reasons that are outside of the approval authority's control.</p> <p>It should be noted that to date, the City has not had to issue any refunds under the fee refund provisions. The City received one application to amend the zoning by-law for 620 and 646 Taunton Road West and the application was approved in less than ninety days of submission and therefore a refund was not required. In addition, the City has received only four applications for site plan approval and all applications received conditional site plan approval within sixty days of submission and therefore refunds were not required.</p> |

|    | <b>Description</b>  | <b>Staff Comments</b>   |
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| 7. | <p>Municipal Pre-Application Process</p> <ul style="list-style-type: none"> <li>- Under Bill 185, pre-application consultation will be voluntary at the discretion of the applicant.</li> <li>- Under Bill 185, an applicant will be able to challenge complete application requirements to the Ontario Land Tribunal at any time.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff have concerns with this proposed amendment as it relates to the pre-application consultation being voluntary. Staff note that under the Planning Act, it currently states that a municipality “may, by by-law, require applicants to consult with the municipality” before submitting certain applications. It does not prescribe any limitations or parameters for what “consult with the municipality” means. This has led many municipalities to pass by-laws that prescribe how consultation must take place, particularly when the Bill 109, More Homes for Everyone Act, 2022 application fee refund provisions came into effect in 2023. Municipalities have enacted by-laws with respect to consultation in order to create clarity and understanding for all parties involved in the pre-consultation process, including applicants and outside agencies. Absent of such by-laws, instances have arisen leading to appeals to the Ontario Land Tribunal over whether an applicant had “consulted” with the municipality, and whether a formal application can be determined to be “complete” upon submission if the applicant did not “consult” with the municipality in the manner and to the extent that would otherwise be typically outlined in a municipal pre-consultation by-law.</li> <li>▪ This proposed amendment would amend the wording to indicate that the municipality “shall permit applicants to consult with the municipality” before submitting an application. This makes pre-consultation voluntary at the discretion of the applicant and removes altogether the ability for a municipality to require it. However, it does not help either the municipality or the applicant to understand what is meant by consultation. It does not stipulate how much consultation the municipality can expect the applicant to undertake in advance of the submission of a formal application. This may lead to confusion between applicants and municipalities regarding how much an applicant should be expected to consult.</li> <li>▪ Staff note that pre-consultation is valuable to both the applicant and the municipality to identify opportunities, challenges and issues prior to</li> </ul> |

|    | Description   | Staff Comments   |
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|    |   | <p>an applicant submitting an application, in many cases before even fully forming a development proposal. Prior to Bill 109, More Homes for Everyone Act, 2022, municipal decisions on development applications were at times prolonged because applicants did not properly consult with the municipality or agencies on important matters such as road widening requirements, driveway access, airport height restrictions, heritage matters, local contextual knowledge, etc. This resulted in these matters being addressed subsequent to an application being submitted, adding to processing times and additional revisions to plans and documents that might otherwise have been avoided.</p> <ul style="list-style-type: none"> <li>▪ Staff recommend that the Province maintain the ability for a municipality to adopt a by-law requiring applicants to consult with the municipality, and prescribe the scope of pre-consultation. This would create a consistent understanding for all applicants and municipalities on the intent of the legislation and the parameters which each party must adhere to.</li> </ul> |
| 8. | <p>Settlement Area Boundary Expansions</p> <ul style="list-style-type: none"> <li>– Under Bill 185, an applicant will be able 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.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that the Planning Act states that an applicant cannot appeal an official plan amendment or a zoning by-law amendment application that would change the boundary of an ‘area of settlement’. This proposed amendment would allow an applicant to appeal a municipality’s refusal or failure to make a decision on a settlement area boundary expansion request given the lands are outside of the Greenbelt Area.</li> <li>▪ Staff note that this proposed amendment is paired with another proposed amended in the proposed P.P.S. where there are new criteria for the assessment of proposals for settlement area boundary expansion requests.</li> <li>▪ Staff note that there is no limitation on the ability of landowners to apply for a settlement area boundary expansion. Nor are there size limitations for boundary expansion proposals. Staff have concerns with this owing to the fact that the tests for settlement area boundary</li> </ul>   |

|     | Description  | Staff Comments   |
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|     |  | <p>expansions are not as stringent as they currently are under the Provincial Policy Statement, 2020. A municipality is no longer required to demonstrate that sufficient opportunities to accommodate growth are not available. This could hinder efforts to promote intensification within a municipality's Built Boundary and optimize the use of existing infrastructure, and instead spur Greenfield development where services may potentially need to be extended.</p>  |
| 9.  | <p>Facilitating Standardized Housing Designs</p> <ul style="list-style-type: none"> <li>- Under Bill 185, a regulation-making authority would be created that would establish criteria to facilitate planning approvals for standardized housing. This would only apply on certain specified lands (i.e. minimum lot size, such as urban residential lands with full municipal servicing outside of the Greenbelt Area).</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Staff request additional clarity to understand what the criteria would be to facilitate planning approvals for standardized housing.</li> </ul>   |
| 10. | <p>Upper-Tier Planning Responsibilities</p> <ul style="list-style-type: none"> <li>- Under Bill 185, the effective date of the removal of planning responsibilities from upper-tier governments including Peel Region, Halton Region and York Region will be July 1, 2024.</li> <li>- For Waterloo Region, Durham Region and Niagara Regions and Simcoe Country, the date to remove planning responsibilities will be announced at a later date but by the end of 2024.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that the City of Oshawa already has delegated authority on a number of planning matters in which Regional approval is not required (e.g. subdivisions, rezoning, condominium and part-lot control). Staff also note that Durham Region has already downloaded consent applications to the City effective 2024.</li> </ul> <p>However, it has been standard practice to consult with the Region on matters that do not require Regional approval. If Regional approval was no longer required for official plans and official plan amendments, staff would still need to continue the practice of consulting with the Region on growth-related matters, as these are intrinsically linked to servicing, which is a Regional responsibility and needs to be coordinated on a cross-jurisdictional basis.</p> |

|     | Description  | Staff Comments  |
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| 11. | <p>Expedited Approval Process for Community Service Facility Projects</p> <ul style="list-style-type: none"> <li>Under Bill 185, it is proposed that a regulation-making authority be created to enable a streamlined approvals pathway for prescribed class(es) of 'community service facility' projects (e.g. public schools, hospitals and long-term care facilities) that support the creation of complete communities.</li> </ul> | <ul style="list-style-type: none"> <li>Staff request additional clarity to understand what the expedited approval process for community service facility projects would look like.</li> </ul>   |
| 12. | <p>Exempt Universities from the Planning Act</p> <ul style="list-style-type: none"> <li>Under Bill 185, it is proposed that publicly-assisted universities be exempted from the Planning Act and planning provisions for university-led student housing projects on- and off-campus.</li> </ul>  | <ul style="list-style-type: none"> <li>Staff note that exempting publically-assisted universities from the Planning Act and planning provisions for university-led student housing projects on and off campus may be problematic. If universities start developing student housing projects in designated industrial areas, it will lead to diminished industrial and business park areas. For example, Ontario Tech has lands located in the Northwood Business Park. These lands should not be permitted to have student housing projects on them.</li> <li>Staff note that this proposed legislation should only apply to allow colleges and universities to construct student housing projects on- and off-campus in conformity with the local official plan and on lands where housing is otherwise permitted by the local official plan.</li> </ul> |

**Staff Comments on Bill 185 – Newspaper Notice Requirements (E.R.O. Posting Number 019-8370)**

|    | Description   | Staff Comments  |
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| 1. | <p>Modernizing Public Notice Requirements</p> <ul style="list-style-type: none"> <li>Under Bill 185, regulatory changes are proposed that would modernize public notice requirements under the Planning Act and Development Charges Act,</li> </ul> | <ul style="list-style-type: none"> <li>Staff have no objections to the proposed regulatory changes for public notice requirements.</li> <li>Effective November 20, 2023, the City adopted a public notice policy (GOV-23-02) to meet the requirements under Section 270(1)(4) of the Municipal Act, 2011 which requires a municipality to adopt a policy</li> </ul> |



|    | <b>Description</b>   | <b>Staff Comments</b>   |
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|    | <p>1997 regarding newspaper notices. Municipalities would be able to give notice on a municipal website, if a local newspaper is not available.</p>  | <p>with respect to the circumstances in which the municipality shall provide notice to the public and if notice is to be provided, the form, manner and times notice shall be given.</p> <p>Statutory notices are already posted on the 'Public Notices' page of the City's website for at least the two-week period immediately preceding the Council or Committee meeting (and longer, if required by statute) at which the matter will be considered and an opportunity is provided for members of the public to speak or to submit correspondence regarding the matter.</p> |
| 2. | <p>Third Party Appeals</p> <ul style="list-style-type: none"> <li>- Under Bill 185, third party appeals for official plan, official plan amendments, zoning by-laws and zoning by-law amendments would be limited to specified persons and public bodies who made written or oral submissions. A specified person means a list of entities that includes utilities, pipeline and rail operators.</li> <li>- As a result of this proposed change, consequential amendments would be required under the Planning Act and Development Charges Act, 1997.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Please refer to item number five under staff Comments on Bill 185 (E.R.O. Posting Number 019-8369) for comments regarding third party appeals.</li> <li>▪ Staff have no additional comments as it relates to the consequential amendments that would be required to the Planning Act and the Development Charges Act, 1997.</li> </ul>   |

**Staff Comments on Bill 185 – Amendments to Development Charges Act, 1997 (E.R.O. Posting Number 019-8371)**

|    | <b>Description</b>  | <b>Staff Comments</b>  |
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| 1. | <p>Repeal the Mandatory five-year Phase-in of Development Charge Rates</p> <ul style="list-style-type: none"> <li>- Under Bill 185, the five-year phase-in of development charge rates would be eliminated and transition rules would apply:</li> </ul> <p>For Development Charge By-laws passed on or after January 1, 2022 but before November 28, 2022:</p> <ul style="list-style-type: none"> <li>o The reduced “phase-in rates” continue to apply to charges imposed on or after November 28, 2022, and before the day that Bill 185 receives royal assent.</li> </ul> <p>For Development Charge By-laws passed after November 28, 2022:</p> <ul style="list-style-type: none"> <li>o There are no specific transition provisions related to the “phase in” for a development charge by-law passed after November 28, 2022.</li> <li>o Bill 185 introduces new subsection 19(1.3), which allows a municipality to amend a DC By-law to increase a development charge imposed during the first four years that the DC By-law was in force to the amount that could have been</li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that Bill 23, More Homes Built Faster Act, 2022, previously amended the Development Charges Act, 1997 to require a reduction in the maximum development charge that could be imposed in the first four years that new development charge by-laws were in effect. The proposed amendment would remove the phase-in requirements and propose transition rules for development charge by-laws.</li> <li>▪ Staff note that the City’s development charge by-law expires in 2024 and that a review is underway of the development charge background study and the drafting of a new development charge by-law.</li> </ul> <p>Frequent revisions of the Development Charges Act, 1997 have created uncertainty regarding planning direction and require implementing bodies to continually revise their workplace processes for effective local implementation.</p> <p>As previously mentioned, staff recommend that the Province commit to policy certainty for a period of time to allow municipalities to focus on implementation with a reasonable level of certainty that further substantial changes will not be advanced in the short term.</p> <ul style="list-style-type: none"> <li>▪ Staff support the proposed amendment as it will mean the City will no longer be required to reduce development charges in the first four years.</li> </ul> |

|    | Description   | Staff Comments   |
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|    | <p>charged if the mandatory “phase in” had never been in effect.</p> <ul style="list-style-type: none"> <li>○ The above-described increase must be passed within six months after Bill 185 receives royal assent and is currently not proposed to be subject to the normal requirements associated with the passage of a DC By-law (i.e., no background study, public notice or appeals to the Ontario Land Tribunal).</li> </ul> |  |
| 2. | <p>Reinstate Studies as an Eligible Capital Cost for Development Charges</p> <ul style="list-style-type: none"> <li>- Under Bill 185, the cost of studies would be reinstated as an eligible development charge cost.</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Staff note that Bill 23, More Homes Built Faster Act, 2022, previously amended the Development Charges Act, 1997 to exclude certain study costs, including the cost of undertaking a development charge background study, from the list of eligible capital costs that municipalities could recover through development charges.</li> <li>▪ Staff support the proposed amendment as there are multiple studies included in the City’s development charge background study that total approximately \$1 million in development charge eligible costs (e.g. 2023 Development Charge Background Study, Official Plan Review, Asset Management, Transportation Master Plan, Parks, Recreation, Library and Culture Facility Needs Assessment, Mobility Hub Transportation and Land Use Study, and Grade Separation Study). Allowing these studies to be an eligible development charge cost means the cost of these vital studies will not become taxpayer obligations and will not have to be funded from the tax levy.</li> </ul> |
| 3. | <p>Streamlined Process for Extending DC By-Laws</p> <ul style="list-style-type: none"> <li>- Under Bill 185, municipalities can extend their existing development charge by-laws using a streamlined</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Staff note that Bill 23, More Homes Built Faster Act, 2022, amended the requirement to update and replace a development charge by-law from at least once every five years to at least once every ten years.</li> </ul>  |

|    | <b>Description</b>   | <b>Staff Comments</b>  |
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|    | <p>process including not having to prepare a new background study and undertaking most of the procedural requirements associated with passing a new or amended development charge by-law but not change the development charge rate.</p> | <ul style="list-style-type: none"> <li>▪ Staff note that municipalities seeking to update their development charge rates would still be subject to the regular development charge process.</li> </ul>  |
| 4. | <p>Reduce the time limit on the DC freeze</p> <ul style="list-style-type: none"> <li>– Under Bill 185, the ‘freeze’ of a development charge for an applicant’s development will be reduced from two years to eighteen months.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that Bill 108, More Homes, More Choice Act, 2019, introduced the ‘freeze’ of a development charge rate. Currently the ‘freeze’ of a development charge rate occurs at the rate set as of the date of a complete application for a zoning by-law amendment or site plan approval (whichever occurs later) is filed. The rate freeze applies as long as building permits are pulled within the prescribed amount of time, which currently is set at two years from the approval of the relevant planning application.</li> <li>▪ The proposed amendment would reduce the prescribed amount of time from two years to eighteen months. Staff note that this may encourage developers to obtain a building permit faster. As such, it is recommended that this reduction of the freeze rate be implemented.</li> </ul> |

**Staff Comments on the Proposed P.P.S.**

|    | <b>Question (as posed in E.R.O. Posting Number 019-8462)</b>                          | <b>Staff Comments</b>   |
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| 1. | What are your overall thoughts on the updated proposed Provincial Planning Statement? | <ul style="list-style-type: none"> <li data-bbox="808 441 1906 620">▪ Staff note that the current Provincial Policy Statement, 2020 is four years old and the current Growth Plan was issued in August 2020 following previous significant revisions in 2019 and 2017. Both the Provincial Policy Statement, 2020 and the Growth Plan are proposed to be replaced by a single proposed P.P.S.<br/><br/>These frequent revisions and issuances of Provincial land use planning policies have created uncertainty regarding land use planning policy direction/continuity and require implementing bodies to continually revise their work plans for effective local implementation.<br/><br/>The Province should commit to policy certainty for a defined period of time following the issuance of the proposed P.P.S. to allow municipalities and others the ability to focus on implementation with certainty. It would also provide time to analyze the implementation of the P.P.S. rather than continue undertaking what appears to be an ongoing reactionary approach to implementation, as evidenced by multiple revisions over a relatively short span of years.</li> <li data-bbox="808 1075 1881 1432">▪ Subject to the foregoing, staff support the integration of the Provincial Policy Statement, 2020 and the Growth Plan into one new Province-wide planning policy document. However, the goal of increasing housing supply and supporting a range and mix of housing options needs to be balanced with efforts to mitigate the effects of climate change as well as achieve the goal of protecting and managing resources, the natural environment and public health and safety. Increasing the supply of housing and supporting a diversity of housing types is important, but should not come at the expense of the environment, or other important planning considerations.</li> </ul> |

|    | <b>Question (as posed in E.R.O. Posting Number 019-8462)</b>   | <b>Staff Comments</b>  |
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|    |  | <ul style="list-style-type: none"> <li>▪ Staff support the idea of streamlining and simplifying policy direction, as well as policy direction that allows for flexibility and takes into account local circumstances.</li> </ul>   |
| 2. | <p>What are your thoughts on the ability of updated proposed policies to generate appropriate housing supply, such as: intensification policies, including the redevelopment of underutilized, low density shopping malls and plazas; major transit station area policies; housing options, rural housing and affordable housing policies; and student housing policies?</p> | <ul style="list-style-type: none"> <li>▪ Staff support policies that address increasing the supply of housing and supporting a diversity of housing types.</li> <li>▪ The proposed P.P.S. includes policy language that encourages municipalities to establish minimum targets for intensification and redevelopment in built-up areas. As well, the proposed P.P.S. includes policy language that encourages municipalities to establish density targets for designated growth areas. Staff note that for large and fast growing municipalities, the draft policy encourages a density target of fifty residents and jobs per gross hectare in designated growth areas.</li> </ul> <p>Staff note that identifying strategic growth areas and density targets in official plans will assist with making sure there is a sufficient supply and mix of housing options and will result in more efficient land use patterns. As well, staff note that implementing density targets are helpful as they provide a measurable criterion to assist with growth. However, not all communities are the same and the application of one standard density target across the Greater Golden Horseshoe is not realistic, given differing populations, market conditions, etc.</p> <p>In addition, by only encouraging municipalities to establish minimum density targets for designated growth areas and minimum intensification targets for built-up areas, as opposed to making them mandatory, this may result in more Greenfield development with a commensurate reduction in levels of intensification in the existing built-up area. This may result in inefficient land use patterns that do not optimize the use of existing infrastructure and may also result in increased infrastructure costs to support new homes in Greenfield areas. In view of the foregoing, it is recommended that the Province implement policies to ensure that development of lower density development in Greenfield areas proceeds in tandem with higher density</p> |

|    | <b>Question (as posed in E.R.O. Posting Number 019-8462)</b>   | <b>Staff Comments</b>   |
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|    |  | <p>development within built-up areas, and giving municipalities the ability to regulate the issuance of approvals for lower density development in the event such development outpaces the delivery of a certain level of medium and high density development.</p> <ul style="list-style-type: none"> <li>▪ The proposed P.P.S. includes policy language for strategic growth areas and the importance of intensification to achieve complete communities and compact built form. The proposed P.P.S. suggests municipalities support the redevelopment of commercially designated retail lands (e.g. underutilized shopping malls and plazas) and consider the implementation of a student housing strategy.</li> <li>▪ Staff support the redevelopment of commercially designated retail lands that are underutilized. Staff note that there are several underutilized shopping plazas throughout the City that could be redeveloped to accommodate additional housing supply and mixed use buildings. For example, staff have approved a rezoning application at 400 King Street West for a twenty storey building. Currently the site is occupied by a one storey plaza.</li> </ul> <p>Staff note that the City of Oshawa has had a Student Accommodation Strategy since 2010. The purpose of the Student Accommodation Strategy is to identify, plan for and facilitate a sufficient mix of quality student accommodations that integrate with the community and advances sound planning and City building principles.</p> <ul style="list-style-type: none"> <li>▪ Staff also note that the Province needs to provide financial assistance to municipalities to assist with increasing the supply of housing and supporting a diverse mix of housing types, including associated hard and soft services. With increases to the housing supply and accelerated housing growth comes an increase in demand for public services such as parks, recreation and fire services, etc.</li> </ul> |
| 3. | What are your thoughts on the ability of the updated proposed policies to make land available for development, | <ul style="list-style-type: none"> <li>▪ Staff note that under the proposed P.P.S., municipalities would have a planning horizon to at least 20 years and not more than 30 years. Staff support the proposed policy language that allows a municipality to plan for</li> </ul>  |

|    | <b>Question (as posed in E.R.O. Posting Number 019-8462)</b>   | <b>Staff Comments</b>  |
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|    | such as: forecasting, land supply, and planning horizon policies; settlement area boundary expansions policies; and employment area planning policies? | <p>infrastructure, public services facilities, strategic growth areas and employment areas beyond the above mentioned 20 year time horizon.</p> <ul style="list-style-type: none"> <li>▪ Staff note that under the proposed P.P.S., the policies regarding settlement area boundary expansions may prove to be problematic. Under the proposed P.P.S. a planning authority can identify a new settlement area or allow a settlement area boundary expansion at any time, including in response to a boundary expansion application submitted by a third party, rather than only through a municipal comprehensive review undertaken by a municipality. There may be more opportunity for sprawl to occur with settlement area boundary expansions being able to be considered at any time. This may also have negative impacts on infrastructure costs to support new homes.</li> <li>▪ Staff note that under the proposed P.P.S., municipalities will have the ability to remove lands from employment areas at any time rather than through a municipal comprehensive review process, provided it can be demonstrated that the removal meets a set of criteria. Staff note that this may be problematic owing to the fact that an employment area can be converted at any time versus through a municipal comprehensive review which provides a holistic approach to assessing employment conversions vis-à-vis a municipality's requirement to meet its employment forecast.</li> </ul> |
| 4. | What are your thoughts on updated proposed policies to provide infrastructure to support development?  | <ul style="list-style-type: none"> <li>▪ In principle, staff support the proposed policies as they relate to providing infrastructure to support development.</li> <li>▪ Staff support the policy direction requiring municipalities to prioritize planning and investment for infrastructure and public services facilities in strategic growth areas. Strategic growth areas present ideal opportunities for sustainable development and growth.</li> <li>▪ Staff support the policy direction regarding major transit station areas and the addition of policy language that speaks to supporting infrastructure that accommodates a range of mobility needs and supporting active transportation, including sidewalk and bicycle lanes. Major transit station</li> </ul>   |



|    | <b>Question (as posed in E.R.O. Posting Number 019-8462)</b>   | <b>Staff Comments</b>   |
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|    |  | <p>areas have a minimum density target that ranges from 200 to 150 residents and jobs per hectare based on how the area is served by transit. Supporting infrastructure in these areas is critical.</p> <ul style="list-style-type: none"> <li>▪ Staff support the policy direction that speaks to when a municipality may identify a new settlement area. Specially, a new settlement area may be permitted when it has been demonstrated that infrastructure and public service facilities are available or planned. However, staff also note that it is important to take into account existing infrastructure and opportunities to accommodate growth through infill development within built-up areas, and prioritize these areas, where appropriate.</li> </ul> |
| 5. | <p>What are your thoughts on updated proposed policies regarding the conservation and management of resources, such as requirements to use an agricultural systems approach?</p>   | <ul style="list-style-type: none"> <li>▪ Staff note that there needs to be a balance between increasing the housing supply and protecting and managing resources and the natural environment. Increasing the supply of housing and the range of housing types is important, but this should not come at the expense of the environment, or other important planning considerations.</li> <li>▪ Staff support the policy direction that requires municipalities to collaborate with conservation authorities as it relates to directing development outside of hazardous lands as well as undertaking watershed planning. The addition of policy language that supports collaboration between municipalities and conservation authorities is important.</li> </ul>     |
| 6. | <p>What are your thoughts on any implementation challenges with the updated proposed Provincial Planning Statement? What are your thoughts on the proposed revocations in O. Reg. 311/06 (Transitional Matters - Growth Plans) and O. Reg. 416/05 (Growth Plan Areas)?</p> | <ul style="list-style-type: none"> <li>▪ Staff do not have any particular comments of note on the proposed revocations. In terms of implementation challenges with the updated proposed P.P.S., the Province should commit to policy certainty for a defined period of time following the issuance of the proposed P.P.S. to allow municipalities and others the ability to focus on implementation with certainty. It would also provide time to analyze the implementation of the P.P.S. rather than continue undertaking what appears to be an ongoing reactionary approach to implementation, as evidenced by multiple revisions over a relatively short span of years.</li> </ul>  |

|  | <b>Question (as posed in E.R.O. Posting Number 019-8462)</b> | <b>Staff Comments</b>   |
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|  |  | <ul style="list-style-type: none"> <li>▪ Ontario Regulation 311/06: Transitional Matters – Growth Plans under the Places to Grow Act, 2005 is a regulation that looks at transition regulations for the Growth Plan. The Province is proposing to revoke Sections 2.0.1, 2.1, 3, 3.1, 4 and 5.1 which discuss transition policies.</li> <li>▪ Ontario Regulation 416/05: Growth Plan Areas under the Places to Grow Act, 2005 is a regulation that identifies growth plan areas. The Province is proposing to revoke Section 2.</li> <li>▪ Staff note that the Province is looking at providing transition regulations for relevant matters using a new transition regulation under the Planning Act. If necessary, future consultation would follow on this matter.</li> </ul> |

**General Staff Comments on the Proposed P.P.S.**

|    | <b>Description</b>   | <b>Staff Comments</b>  |
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| 1. | <p>Growth Targets:</p> <ul style="list-style-type: none"> <li>– Under the proposed P.P.S., planning authorities would base population and employment growth forecasts on the Ministry of Finance’s 25-year growth projections. Municipalities can also continue to forecast growth using population and employment forecasts previously issued by the Province.</li> <li>– Under the proposed P.P.S., growth targets would be reintroduced. Specifically planning authorities would establish and implement minimum</li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that under the proposed P.P.S., municipalities would have a planning horizon to at least 20 years and not more than 30 years. Staff support the proposed policy language that allows a municipality to plan for infrastructure, public services facilities, strategic growth areas and employment areas beyond the above mentioned time horizon.</li> </ul> <p>Staff note that the Envision Durham Regional Official Plan Amendment includes a planning horizon to 2051, in line with the proposed P.P.S. policies in this regard.</p> <ul style="list-style-type: none"> <li>▪ Staff note that draft policy 2.3.1.4, which encourages (but does not require) planning authorities to establish minimum targets for intensification and redevelopment, is carried over from the draft Provincial Policy Statement, 2023, but has been modified to refer to intensification and redevelopment in “built-up areas” rather than settlement areas, as specified in the draft Provincial Policy Statement, 2023.</li> </ul> |

|  | <b>Description</b>   | <b>Staff Comments</b>  |
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|  | <p>targets for housing that is affordable to low and moderate income households. Low and moderate income households will be a defined term.</p> <p>– Under the proposed P.P.S., a change has been proposed to expect municipalities to have a planning horizon to at least 20 years and not more than 30 years. Previously, it was proposed under the draft Provincial Policy Statement, 2023 that the planning horizon would be 25 years with no upper limit.</p> | <ul style="list-style-type: none"> <li>▪ Staff note that draft policy 2.3.1.5 of the proposed P.P.S. has also been modified from the draft Provincial Policy Statement, 2023 to provide that planning authorities are encouraged (but not required) to establish minimum density targets for designated growth areas (rather than settlement areas). For large and fast-growing municipalities, this draft policy would encourage (but not require) a density target of 50 residents and jobs per gross hectare in designated growth areas (rather than settlement areas).</li> <li>▪ Staff note that identifying strategic growth areas and density targets in official plans will assist with making sure there is a sufficient supply and mix of housing options and will result in more efficient land use patterns. As well, staff note that implementing density targets are helpful as they provide a measurable criterion to assist with growth. However, not all communities are the same and the application of one standard density target across the Greater Golden Horseshoe is not realistic, given differing populations, market conditions, etc.</li> </ul> <p>In addition, by only encouraging municipalities to establish minimum density targets for designated growth areas as opposed to making it mandatory, this may result in more Greenfield development with a commensurate reduction in levels of intensification in the existing built-up area. This may result in inefficient land use patterns that do not optimize the use of existing infrastructure and may also result in increased infrastructure costs to support new homes in Greenfield areas. In view of the foregoing, it is recommended that the Province implement policies to ensure that development of lower density development in Greenfield areas proceeds in tandem with higher density development within built-up areas, and giving municipalities the ability to regulate the issuance of approvals for lower density development in the event such development outpaces the delivery of a certain level of medium and high density development.</p> |

|    | <b>Description</b>   | <b>Staff Comments</b>  |
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| 2. | <p>Settlement Area Boundary Expansions:</p> <ul style="list-style-type: none"> <li>- Under the proposed P.P.S. a planning authority can identify a new settlement area or allow a settlement area boundary expansion at any time.</li> <li>- Under the proposed P.P.S., the current conditions required to be satisfied before a settlement area boundary expansion is permitted are being replaced with the following which the planning authority shall consider: <ul style="list-style-type: none"> <li>1. the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;</li> <li>2. if there is sufficient capacity in existing or planned infrastructure and public service facilities;</li> <li>3. whether the applicable lands comprise specialty crop areas;</li> <li>4. the evaluation of alternative locations which avoid prime agricultural areas and, where avoidance is not possible, consider reasonable alternatives on lower priority</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that this proposed amendment will allow municipalities to expand their urban boundary at any time, including in response to a boundary expansion application since it is proposed that there will no longer be a municipal comprehensive review process requirement for such expansions.</li> <li>▪ Staff note there may be more opportunity for sprawl with settlement boundary area expansions being able to be considered at any time. This may also have negative impacts on infrastructure costs to support new homes.</li> <li>▪ Staff note under the proposed P.P.S., the current conditions required to be satisfied before a settlement area boundary expansion is permitted are being removed and replaced with a list of seven items that shall be considered. Previously, under the draft Provincial Policy Statement, 2023, municipalities ‘should consider’ these matters.</li> <li>▪ Staff note that there is no limitation on the ability of landowners to apply for a settlement area boundary expansion. Nor does the proposed P.P.S. propose size limitations for boundary expansion proposals. It is also being proposed that an applicant would have the ability to appeal a municipality’s refusal or failure to make a decision on an settlement area boundary expansion request provided the expansion lands are located outside the Greenbelt Area. Staff have concerns with this owing to the fact that the tests for settlement area boundary expansions are not as stringent as they currently are under the Provincial Policy Statement, 2020. A municipality is no longer required to demonstrate that sufficient opportunities to accommodate growth are not available. This could hinder efforts to promote intensification within a municipality’s built boundary and optimize the use of existing infrastructure, and instead spur Greenfield development where services may potentially need to be extended.</li> </ul> |

|    | Description  | Staff Comments  |
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|    | <p>agricultural lands in prime agricultural areas;</p> <p>5. whether the new or expanded settlement area complies with the minimum distance separation formulae;</p> <p>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,</p> <p>7. the new or expanded settlement area provides for the phased progression of urban development.</p> <p>– Settlement area boundary expansions that are outside the Greenbelt Area can be appealed at any time for refusal or failure to make a decision.</p> |   |
| 3. | <p>Strategic Growth Areas:</p> <p>– Under the proposed P.P.S. a new policy is being introduced to encourage municipalities to identify and focus growth in strategic growth areas. However,</p>  | <ul style="list-style-type: none"> <li>▪ Staff support strategic growth areas being the focus of growth. Staff note that the proposed P.P.S. outlines minimum density targets for major transit station areas on higher order transit corridors. The minimum density targets are: <ul style="list-style-type: none"> <li>– 200 residents and jobs combined per hectare for those that are served by subways;</li> </ul> </li> </ul> |

|    | <b>Description</b>   | <b>Staff Comments</b>   |
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|    | <p>the proposed P.P.S. no longer requires large and fast growing municipalities to identify and focus growth and employment in strategic growth areas by identifying an appropriate minimum density target for each strategic growth area.</p>   | <ul style="list-style-type: none"> <li>- 160 residents and jobs combined per hectare for those that are served by light rail or bus rapid transit; or,</li> <li>- 150 residents and jobs combined per hectare for those that are served by commuter or regional inter-city rail.</li> </ul> <ul style="list-style-type: none"> <li>▪ Staff note that the proposed P.P.S. does not provide minimum targets for strategic growth areas, and is also not requiring municipalities to identify appropriate targets in their respective area municipal official plans. Staff note that identifying strategic growth areas and density targets in official plans is critical as it will assist with making sure there is a sufficient supply and mix of housing options, will result in more efficient land use patterns, and will assist in efforts to optimize the use of infrastructure.</li> </ul>  |
| 4. | <p>Employment Areas:</p> <ul style="list-style-type: none"> <li>- Under the proposed P.P.S., municipalities can remove lands from employment areas at any time rather than through a municipal comprehensive review, provided it can be demonstrated that: <ul style="list-style-type: none"> <li>o there is a need for the removal of land and it will not be required for employment area over the long term;</li> <li>o the proposed use would not negatively impact the overall employment area;</li> <li>o infrastructure and public service facilities are available to accommodate the use; and,</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that under the proposed P.P.S., municipalities will have the ability to remove lands from employment areas at any time rather than through a municipal comprehensive review process, provided it can be demonstrated that the removal meets a set of criteria. Staff note that this may be problematic owing to the fact that an employment area can be converted at any time versus through a municipal comprehensive review which provides a holistic approach to assessing employment conversions, vis-à-vis a municipality's requirement to meet its employment forecast.</li> <li>▪ Staff note that the definition of "areas of employment" is being proposed to be amended and may result in changes to the City's existing official plan policy framework as it relates to industrial areas. For example, areas to be designated as "area of employment" will no longer permit public service facilities as a permitted use, such as parks and community recreation facilities. Any areas which are not explicitly designated as "areas of employment" under the new definition as contained in the Planning Act will no longer be subject to any requirement to demonstrate there is a need for conversion to non-employment uses, such as residential or commercial uses. For this reason, it would be appropriate to clarify that such areas are not to be relied upon to meet a municipality's employment forecast in terms of planning an appropriate land budget.</li> </ul> |

|    | <b>Description</b>   | <b>Staff Comments</b>  |
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|    | <ul style="list-style-type: none"> <li>○ there are ample employment lands for future employment growth.</li> <li>– Under the proposed P.P.S., the definition of ‘employment area’ is proposed to be revised. The focus will be on manufacturing, research and development in connection to manufacturing, warehousing, goods movement, associated retail and office and ancillary facilities. Institutional uses and commercial development including retail and office uses are not permitted.</li> <li>– Under the proposed P.P.S., “provincially significant employment zones” will not be carried forward as land use designation entities.</li> </ul> | <ul style="list-style-type: none"> <li>▪ In 2019, the Provincial government introduced provincially significant employment zones. Staff note that provincially significant employment zones were introduced without any substantive policy framework. Staff have no concerns with provincially significant employment zones not being carried forward.</li> </ul>  |
| 5. | <p>Agriculture:</p> <ul style="list-style-type: none"> <li>– Under the proposed P.P.S., additional residences will be permitted on farm properties (up to two additional residential units and up to three lots if certain criteria can be met).</li> </ul>  | <ul style="list-style-type: none"> <li>▪ Staff note that having in place a policy direction that provides continued protection of prime agricultural areas and promotes Ontario’s agricultural system is important. Depending on the context and purpose of proposed developments, allowing additional residential development in rural settlements and the division of large farms into smaller lots may potentially affect the operational viability of land for agricultural activity.</li> <li>▪ Allowing additional residences for seasonal workers will support growing agricultural businesses and operations.</li> </ul> |
| 6. | <p>Natural Hazards:</p> <ul style="list-style-type: none"> <li>– Under the proposed P.P.S., Section 5.2 discusses</li> </ul>   | <ul style="list-style-type: none"> <li>▪ Staff note that this section is now requiring municipalities to collaborate with conservation authorities when identifying hazardous land and hazardous sites and managing development in these areas. Staff support the addition of policy language that supports collaboration between municipalities and</li> </ul>  |

|    | <b>Description</b>  | <b>Staff Comments</b>   |
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|    | management of development in areas containing natural and human-made hazards.   | conservation authorities as it relates to identifying natural and human-made hazards.   |
| 7. | <p>Stormwater Management and Water:</p> <ul style="list-style-type: none"> <li>- Section 3.6 of the proposed P.P.S. discusses planning for sewage, water and stormwater services.</li> <li>- Section 4.2 of the proposed P.P.S. discusses the wise use and management of water through various methods including watershed planning.</li> </ul> | <ul style="list-style-type: none"> <li>▪ Staff note that the proposed P.P.S. includes water management policies that require planning authorities to allocate and reallocate, if necessary, the unused system capacity of water and sewage services to meet current needs.</li> <li>▪ Staff note that policies in the proposed P.P.S. are now requiring municipalities to undertake watershed planning to inform planning for sewage, water services and stormwater management. Staff are of the opinion that watershed planning should be undertaken in partnership with the respective conservation authorities, as appropriate. In addition, it should be noted that it would be appropriate to undertake watershed planning to prepare for the impacts of a changing climate.</li> <li>▪ The proposed P.P.S. includes a definition for Watershed Planning. It is recommended that the definition be revised to include consideration of the impacts of a changing climate and severe weather events.</li> </ul> |