

December 30, 2022

**Electronic Submission only**

**ATT:** Provincial Land Use Plans Branch

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Toronto, ON M7A 2J3  
growthplanning@ontario.ca

**RE: Review of A Place to Grow and Provincial Policy Statement**

Housing-focused policy review  
[ERO Posting 019-6177](#)

The City appreciates the opportunity to respond to the consultation questions and looks forward to future discussions and continuing to work together to create a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply.

The City would offer that the PPS and the Growth Plan are both effective documents and at their core the City does not have any fundamental problem working with both as the basis for the City's policy framework.

The City is supportive of the goal of building housing that is affordable and attainable through increasing supply, however this cannot come at the detriment of creating and supporting the enhancement of complete communities, including the critical supports that are necessary (parks, community centres, jobs, public service facilities, etc). While there are opportunities to streamline the current policy framework, any new framework must still address the wide range of matters of provincial interest enshrined in the Planning Act, the PPS and the Growth Plan. Planning policy frameworks and the resulting decisions need to keep all of these critical considerations in balance. From health and safety – not just from environmental and hazard lands perspective but compatibility with the introduction of sensitive land uses to economic viability and protection of employment areas and mix of employment opportunities.

Thinking about the exercise overall staff provide the following high-level points for consideration:

- Staff note that it is very challenging to focus on a single-issue review (Housing) of documents that, by their nature, are meant to consider and have regard to balancing a wide range of policy matters including matters of provincial interest.
- Staff want to reinforce the importance of the PPS and the Growth Plan as documents that each address a distinct lens on provincial planning matters, and therefore both need to be considered comprehensively. The new policy framework must consider the whole range of matters of provincial interest while still allowing flexibility for unique local context.
- The wide range of changes proposed in Bill 23, its associated ERO postings, and future proposed regulations will require consideration in the development of this streamlined document. Bill 23 begins to suggest the prioritization of the matters of Provincial interest which are not currently organized in a hierarchy in the Planning Act. The Province should assess this as it reviews these documents and considers other changes that may be required.
- The Province is encouraged to build on the success of a Place to Grow's focus on considering decisions as part of a broader system (natural heritage, urban structure and growth management, infrastructure, employment, agriculture). This will be important in particular where the Upper-Tier role in planning may be changing, requiring all individual decision makers to consider local, regional and broader impacts of incremental decisions.
- The PPS highlights that:
  - The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.*

Staff recommend that this direction be maintained in the streamlined document.


- A clear set of standardized rules will be necessary to support municipalities in achieving the objectives of approving homes faster and increasing housing supply including, among other things:
  - o Providing clarification regarding the use of the the Land Needs Assessment Methodology;
  - o Developing a standard source and define the role of growth forecasts for all municipalities;
  - o Considering the Regional Market Area and local municipal residential land supply and approaches to deal with variation and unique local context, such as a municipality, like Burlington, which has a fixed Urban Boundary defined by the Greenbelt Plan and the Niagara Escarpment Plan.
- The Province should carefully consider that significant and ongoing changes to the fundamental building blocks of planning could have the unintended consequence of slowing down the creation of new housing units. Each change requires comprehensive processes at the local level to update impacted policies, regulations and by-laws in a sequential manner (e.g. zoning by-laws cannot be updated until revised Official Plan policies are in effect), which may be further extended by lengthy appeal processes. Should the Province move forward with this new document it may be critical to consider opportunities to develop transition

provisions and other means such as protection from appeal to support municipalities in timely implementation.

Please find attached the City's initial response to the consultation questions. Staff would appreciate the opportunity to discuss and review drafts of the new streamlined planning document at any time. Staff look forward to reviewing more information and details about the structure and proposed approach to implementing this streamlined policy document through a future consultation.

Please accept this letter and its attachment as the City of Burlington submission on ERO Posting 019-6177. This letter and its attachment will be shared with the City's Committee's and Council at the earliest opportunity. Should Council determine any additional comments or refinements to the attached comments are required the Province will be advised at the earliest opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "B Nheiley". The signature is fluid and cursive, with the first letter "B" being significantly larger and more stylized than the rest of the name.

Brynn Nheiley  
Executive Director  
Community Planning, Regulation & Mobility  
City of Burlington

**Notice Type:** Policy

Question	Staff Comments/Questions
<p>1. What are your thoughts on the proposed core elements to be included in a streamlined province-wide land use planning policy instrument?</p>	<p>The proposed core elements are a good starting point, however all of the elements captured in the PPS and in the Growth Plan are critical to land use planning and should be carried forward into the new streamlined document.</p> <p>Staff are encouraged to see that the Province is considering other topics not listed in the core elements that will also form part of that streamlined direction. The Province should consider all of the matters of provincial interest and describe what constitutes the test to demonstrate a decision has regard to, among other matters, the matters of provincial interest.</p> <p>At a minimum the core elements of the streamlined province-wide land use planning policy instrument should also include the consideration of municipal finance to ensure that the planning framework is aligned and supported by sufficient tools to finance growth, including, if necessary to commit additional Provincial support. In addition, while not necessarily its own core element, every core element should be required to demonstrate how progress on, for example, the creation of diverse housing types and tenures and also demonstrates progress on the achievement of broader climate change related objectives. The Province could demonstrate leadership by developing, as part of the core elements a stronger, more direct link among the critical building blocks of long term, sustainable communities which require the demonstration of links between supporting housing growth, with how incremental decisions at a minimum support:</p> <ul style="list-style-type: none"> <li>- the creation and evolution of complete communities, as defined;</li> <li>- the reduction of greenhouse gas emissions; and</li> <li>- progress on critical climate change adaptation and mitigation objectives.</li> </ul> <p><b><u>Residential Land Supply /Growth Management</u></b></p> <ul style="list-style-type: none"> <li>• In undertaking the review, the Province could consider broadening this category to Residential and Employment Land supply to continue to acknowledge the importance of building complete communities.</li> <li>• It will be important to establish standards. What tests/methodology will a municipality be able to rely upon to consider an employment conversion or a settlement area boundary expansion?</li> <li>• Moving forward the Province should continue to require a balanced approach between greenfield and intensification. As noted later the core concepts of A Place to Grow related to intensification targets, greenfield density targets, nodes/corridors, MTSAs, etc. should be maintained with enough flexibility to deal with the varied nature of the Province.</li> <li>• Echoing comments provided by OPPI in their submission dated December 23, 2022, municipalities must engage in proactive growth management planning, including where and how that growth will occur and what infrastructure is required to support</li> </ul>

that growth. The Province should align its infrastructure funding and financing programs with the Growth Plan or the emerging new streamlined policy document to ensure provincial support is targeted towards essential servicing for new housing developments.

- Has the Province considered reviewing the current Land Needs Assessment Methodology? Has the Province identified changes to that Provincially approved LNAM guidance document that would support municipalities in making wise long-term decisions that consider the whole range of provincial interests that is flexible enough to respond to local context and considerations? Has the Province identified changes to that Provincially approved LNAM guidance document that would support municipalities in making wise long-term decisions that consider the whole range of provincial interests?
- Rural Housing within Rural Settlement Areas is valuable, and already supported by policy. However, the Province is encouraged to review the Greenbelt Plan and the Niagara Escarpment Plan for potential opportunities to allow Additional Residential Units (ARUs) within Rural Settlement Areas. Both of these Plans are currently limited to the consideration of Secondary Dwelling Units and the policies do not significantly distinguish between Rural Areas and Rural Settlement Areas in terms of permissions for ARUs. Further, the policies of these Plans provide limited direction/clarity with respect to garden suites permitted through a temporary use by-law, which should be clearly distinguished in Provincial policy as an additional tool for providing housing options that are sensitive to the rural context and do not introduce new concerns regarding the potential for severance and fragmentation of the rural landscape. At minimum, these Plans should be reviewed for consistency in terminology with other Provincial documents and to greater provide clarity as to when housing policies are intentionally more restrictive, in light of the recent changes enacted through Bill 23.
- Introducing additional permissions for Rural Housing outside of Rural Settlement Areas is not supported, as currently proposed. Allowing new housing outside of Rural Settlement Areas will impact the agricultural industry by further fragmenting the rural landscape via the introduction of non-farm uses and land use compatibility issues, while also distorting land values, undermining the long-term viability of agriculture. Given the ongoing loss of prime agricultural lands, rural lands outside of the prime agricultural area should be prioritized for the development of agriculture-related uses and support services that will increase agricultural viability and preserve higher value class 1-3 lands for agricultural production. Any changes to housing permissions within the rural area should include direct consultation with the agricultural sector and be focused on providing much needed housing options specifically for farmers and farm workers. Outside of this, new residential opportunities should be focused within existing serviced areas to support greater alignment of planning with the provision of infrastructure. The Province should consider opportunities to continue to reinforce the hierarchy of growth as set out in the Growth Plan and be cautious regarding the long term challenges and risk to human health of private and communal servicing, particularly in the GGH.
- While ad hoc employment area conversions might be appropriate in some limited cases the Province should also provide clear continued direction for the maintenance of the long term supply of employment area to accommodate a wide range of employment uses, now and in the future. Has the province considered additional guidance to support the achievement of very ambitious employment growth while allowing for the employment land base to be reduced over time. The Province should

consider thresholds that would support a local municipality to support or refuse an employment conversion. The Province should also carry forward the tests for conversions found in the Growth Plan (2.2.5.9) and reinforce the opportunity to locally define the need for the conversion. This is a critical opportunity to align areas where provincial investments have and will be made in rail and higher order transit (as in the MTSAs) and distinguish most desirable areas for the introduction of mixed uses and housing intensification. It may also be important to consider how the removal of planning function for Upper Tier municipalities will impact the ability of lower tier municipalities to accommodate population and employment growth allocated.

**Attainable Housing Supply and Mix**

- Housing mix guidance is helpful and is a feature of supportive documents and it is agreed that attainable housing supply and mix is crucially important.
- More work will need to be done to understand the mix of housing that is truly needed. The Province should set out how market-based demand be determined. The appropriate range and mix needed will vary widely across the diverse municipalities of the Province, the consideration of local context will be important in determining the appropriate housing mix able to be accommodated within a given context in balance with the appropriate housing mix needed.
- More homes built faster is important, but consideration must be given to what kind of homes and where, and where the most critical gaps in housing lie. Generally, the gap in housing is most frequently experienced by low- and middle-income households. Focus needs to be on providing housing to meet this economic group's needs. This means focusing on rental housing and affordable housing that is located in amenity rich locations in the built-up areas, and that includes a range of housing sizes that satisfies a variety of household sizes.
- The Province should consider addressing tenure as well as mix. Rental Housing and affordable rental housing should be prioritized and supported.
- As part of this review the Province could consider municipal tools and supports to ensure the achievement of the housing mix objectives. Municipalities will need support from the province and the industry to deliver this appropriate housing mix, affordability and tenure . Highest priority should, as noted above, be aimed at incentivizing rental housing.
- Supportive of the policy direction identifying strategic growth areas including MTSAs and UGCs.
- Echoing comments provided by OPPI in their submission dated December 23, 2022, MMAH should leverage existing policies to support transit-oriented development and support sustainability and resilience. In addition to policy refinements, the province should coordinate the focus of growth in strategic growth areas within fast-growing municipalities of all sizes with investment in infrastructure and transit to achieve planned densities in these areas.

**Environment and Natural Resources**

- Please refer to the City’s comments related to Planning Act changes, Conservation Authorities, Ontario Wetland Evaluation System, Natural Heritage and Cultural Heritage submitted in December 2022.
- Please refer to comments regarding the consideration of all matters of provincial interest.
- Please refer to comments regarding concerns related to introducing more residential development in rural areas, found in the ‘Residential Land Supply /Growth Management’ section of this document.

**Community Infrastructure**

- Staff note that school capacity is specifically identified. Staff support the integration of school boards as part of integrated municipal planning.
- Support for schools in municipalities considered “high-growth communities”. It is important that City’s have tools (policy and fiscal) to ensure they can get sites/spaces feasible for school in an urban context where development pressures and land values are at peak. Streamlined policy direction must continue to support the co-location of community infrastructure as set out in the Growth Plan and should consider enhancing the ability of the city to require community infrastructure amenities through development.
- In addition, the Province should consider means of supporting school boards and local municipalities in considering options for the adaptive reuse of former school sites to support the creation of attainable housing.
- Staff note that the term community infrastructure is being proposed as a core element. Staff suggest that the defined term “public service facilities” be used instead, as it will continue to provide helpful guidance in planning:  
*Lands, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services. Public service facilities do not include infrastructure. (PPS, 2020)*
- Continuing with the term public service facilities continues to consider the whole range of other public service facilities (emergency services, hospitals, recreation etc.) to support a full range of housing as a component of a complete community.

**Streamlined Planning Framework**

- Outcomes-focused policy, that is achieving the development of new homes, without standards to demonstrate achievement may be challenging. This is a particular concern if the outcome measured is only the creation of homes and has not considered or has not properly balanced the creation of those new homes with the Community Infrastructure / Public Service Facilities / jobs and the other elements of complete communities.
- Encouraged to see that the Province is considering other topics not listed in the core elements that will also form part of that streamlined direction. The Province should consider all of the matters of provincial interest and describe what constitutes the test to demonstrate a decision has regard to among other matters, matters of provincial interest.

	<ul style="list-style-type: none"> <li>• Considerations related to speed and flexibility are welcome, however clear guidance must be set out in planning frameworks and supportive documents to clarify expectations as to how municipalities are to make decisions. Any opportunity to remove ambiguity will support efficient decision making.</li> <li>• Similar to previous drives for consolidated review of Provincial Plans and policies there may be advantages to considering consolidating more than the PPS and Growth Plan, while still recognizing the diverse challenges that drove the development of each unique, yet connected plan or policy.</li> <li>• A Place to Grow has been successful at guiding the establishment of urban structures. The Province, when considering the idea of streamlined planning framework should take the lessons learned from the success of this approach to inform future changes.</li> </ul>
<p>2. What land use planning policies should the government use to increase the supply of housing and support a diversity of housing types?</p>	<ul style="list-style-type: none"> <li>- Tenure type requirements</li> <li>- Varied unit sizing requirements</li> <li>- Retaining the definition of affordable housing and allow municipalities to define attainable housing.</li> <li>- Provide funding tools and resources that help municipalities to incentivize housing, in particular, rental.</li> <li>- Support municipalities to incentivize rental housing through the preparation of CIPs OR find a way to incentivize without requiring CIPs and without undermining the City’s ability to ensure that growth pays for growth.</li> <li>- Provide clear guidance on implementation and interpretation</li> </ul>
<p>3. How should the government further streamline land use planning policy to increase the supply of housing?</p>	<ul style="list-style-type: none"> <li>- Look for more innovative means to deal with challenging issues like land use compatibility in strategic growth areas. Fund and support pilot projects to support municipalities and industry working together to support the long term operational and economic viability of major facilities while collaboratively working to find ways to accommodate new housing and mixed uses by minimizing and mitigating potential adverse effects at the source.</li> <li>- Establish this new streamlined document and its associated standards and pause on further changes to allow local planning documents to catch up.</li> <li>- Consider more oversight through the OLT process and establish clear protections from appeal on critical issues.</li> <li>- Establish clear tests/screening methods by OLT to limit the nature of appeals. Consider a change to a more rigorous testing of third party appeals to municipal documents ex: terms defined in the new streamlined Provincial document cannot be appealed in a local planning instrument.</li> <li>- Consider a mechanism to assess general appeals against municipal official plan policies in balance with the number of new housing units that could be produced if the policies were to come into effect.</li> <li>- Clarify the precedence of housing in decision making.</li> <li>- Provide clear guidance on implementation and interpretation, including guidelines, best practices and other ongoing implementation support.</li> </ul>



<p>4. What policy concepts from the Provincial Policy Statement and A Place to Grow are helpful for ensuring there is a sufficient supply and mix of housing and should be included in the new policy document?</p>	<ul style="list-style-type: none"> <li>- <b>All of the policy concepts from the PPS and A Place to Grow should be carried forward.</b></li> <li>- The new document must continue to identify the Official Plan as the most important tool to implement</li> <li>- protect Official Plans from appeals intended to delay implementation based on private interests.</li> <li>- Related to supply and mix of housing: <ul style="list-style-type: none"> <li>- A Place to Grow: guiding principles</li> <li>- A Place to Grow: Where and How to Grow. Managing Growth – establishing the hierarchy of growth.</li> <li>- A Place to Grow: Complete Communities definition and related policies. In addition, consider the introduction of tenures and unit sizes.</li> <li>- A Place to Grow: Add to the <i>Housing Options</i> definition to specifically identify rental</li> <li>- A Place to Grow: Coordination</li> <li>- PPS / A Place to Grow: policies represent minimum standards – encourage to go beyond the minimum standards to address matters of importance, unless doing so would conflict with any policy.</li> <li>- A Place to Grow: Continue to invest in updating guidance material</li> </ul> </li> </ul>
<p>5. What policy concepts in the Provincial Policy Statement and A Place to Grow should be streamlined or not included in the new policy document?</p>	<ul style="list-style-type: none"> <li>- Clarify: Will the standard of Land Use Planning decisions be: <i>must be consistent with</i> OR <i>must conform or not conflict with</i>?</li> <li>- Clarify: Municipal Comprehensive Review or Comprehensive Review – ensure that the advantages of the Upper-tier perspective comprehensive approach to planning, such as comprehensive planning for infrastructure to support growth, Natural Heritage Systems, Employment planning are not lost. Ensure consideration of transition for existing completed municipal comprehensive reviews.</li> <li>- Consider broadening protections from appeal for municipally led Official Plans or Official Plan Amendments, where the creation of new housing is prioritized.</li> <li>- While the PPS currently states: <i>In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.</i></li> </ul> <p>The Province could consider clarifying the new document to establish that the approval of an Official Plan constitutes (insert the appropriate test) to the new streamlined planning document. There may be opportunities for the Province to establish approaches to avoid duplication, streamline and support delegation in subsequent planning decisions guided by an approved Official Plan.</p>

