
PLANNING AND DEVELOPMENT DEPARTMENT

May 5,, 2023

Re: Proposed Bill 97- Proposed Planning Act and Bill 97 C

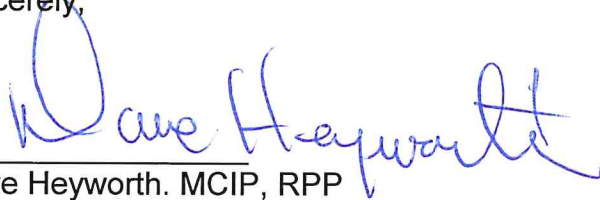
Dear Minister:

Please find attached the comments of the Township of West Lincoln Planning staff on attached Table.

Please give these comments consideration in making refinements to proposed legislation.

If you have any questions, please do not hesitate to contact us.

Sincerely,



Dave Heyworth. MCIP, RPP
Manager of Planning

Summary of Bill 97 Changes

ERO #019-6821 includes proposed *Planning Act*, *City of Toronto Act, 2006*, and *Ministry of Municipal Affairs and Housing Act* Changes (Schedules 2, 4, and 6 of Bill 97)

The proposed *City of Toronto Act, 2006* amendments are not included in this table.

Bill 97 also proposes changes to the *Building Code Act, 1992*, *Development Charges Act, 1997* and *Municipal Act, 2001* (Schedules 1, 3 and 5) which are not subject to this ERO consultation.

The proposed *Municipal Act, 2001* amendments are included in this table for information purposes only.

Topic	Legislation Section	Summary of Proposed Change	Township Staff Comments	In-force Date
Schedule 6 - Proposed amendments to the Planning Act				
New effective date for Bill 109 planning fee refunds	S. 34 (10.12) and new S. 34 (10.13) and (10.14)	Bill 97 proposes to delay the requirement for municipalities to refund zoning by-law and site plan application fees where no decision is made within the statutory time period to July 1, 2023. If any fee refunds were owing between January 1 and July 1, 2023, the refund is deemed not to have been required. In addition, a municipality is not required to refund fees if the municipality is prescribed by regulation when it receives the application (no exemptions are proposed at this time).	While this time delay is appreciated the date is still troublesome given the myriad of provincial land use planning policy and regulatory changes occurring which take up significant staff time to review and absorb and prepare for. The date should coincide with the date at which all provincial land use policy changes are completed and preferably after local Official Plans have been updated and approved.	Royal Assent
Information to be forwarded to OLT for a site plan application appeal	S. 41 (12.0.2)	Bill 97 proposes to amend subsection 41 (12.0.2) to provide that any information or material that an applicant must provide to a municipality under subsections 41 (3.3) and (3.4) must also be forwarded by the clerk to the Ontario Land Tribunal in the case of an appeal to the Tribunal under subsection 41 (12) or	Not required	Royal Assent

		(12.0.1). Subsections 41 (3.3) and (3.4) address prescribed information as well as other information that a municipality may require an applicant to provide.		
Clarification regarding parking for primary residential unit	S. 16(3.1) and S. 35.1(1.1)	Bill 23 introduced restrictions on the ability to require more than one parking space where additional residential units are permitted as of right. Bill 97 proposes to clarify that official plans and zoning by-laws can still require more than one parking space for the primary residential unit.	Not required	Royal Assent
Change "parcel of urban residential land" to "parcel of land"	S. 17(24.1)c), 17(36.1), 22(7.2)c)(iii), and 34(19.1)c)	Currently, the <i>Planning Act</i> limits appeals to official plan policies and zoning by-laws that authorize the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a "parcel of urban residential land". Bill 97 proposes to change "parcel of urban residential land" to "parcel of land".	Planning staff are concerned over the ability for up to two additional units establishing in an agricultural area especially when coupled with proposed provincial lot creation policies in the agricultural area. It is planning staff's opinion the units allowed in the agricultural area should be left as is.	Royal Assent
Regulation-making authority for site plan control for 10 units or less	S. 41 (1.2)	Bill 23 amended section 41 of the <i>Planning Act</i> to limit the definition of "development" to the construction, erection or placing of a building or structure for residential purposes on a parcel of land with more than 10 residential units. Bill 97 proposes to create regulation-making authority to prescribe specific circumstances where site plan control could be used for residential developments of 10 units or less. A separate ERO #019-6822 https://ero.ontario.ca/notice/019-6822 (comment period April 6 - May 21, 2023) addresses new regulations proposed through Bill 97 under the <i>Planning Act</i> and	While the regulation is a step in the right direction there needs to be clarification as to what constitutes a shoreline such as a shoreline pertains to a lake shoreline or watercourse shoreline like a river or stream. Also if the province thought it appropriate to use site plan control to deal with hazards and compatibility issue then this rational should have been extended to proximity to manufacturing uses, airports and natural heritage features to implement environmental impact statement recommendations.	Royal Assent

		<p><i>City of Toronto Act, 2006</i> with respect to site plan control. The proposed regulations would permit the use of site plan for parcels of land:</p> <ul style="list-style-type: none"> - Any part of which is located within 120 metres of a shoreline; and - Any part of which is located within 300 metres of a railway line. <p>These changes are proposed to come into effect immediately on filing of the regulation.</p>		
Appeals of interim control by-laws	S.38(4)	<p>Bill 97 proposes to apply a single procedure to enable any person or public body who received notice of the passing of an interim control by-law to appeal the by-law at the time of initial passing (rather than only at the time of extension). Bill 97 proposes to provide 20 days for municipalities to give notice of the passing of an interim control by-law or a by-law extension (instead of the current 30 days) and for appeals to be made within 50 days of the by-law being passed.</p>	Not applicable	
New authority for Minister's zoning orders	New S. 47 (4.0.1)	<p>Bill 97 proposes to give the Minister new authority to order, as part of a Minister's Zoning Order, that policy statements, provincial plans and official plans do not apply when other land use planning approvals are applied for (e.g. a plan of subdivision).</p>	<p>Local municipalities have to be consistent with provincial policy. The province should be a leader in promoting good planning principles and abide by their own policy framework.</p>	Royal Assent
New Ministerial authority to require development agreements	New S. 49.2	<p>Bill 97 proposes to provide the Minister of Municipal Affairs and Housing with the authority to require, by order, landowners to enter development agreements with the Minister or with a municipality in relation to lands that have been assigned to the Provincial</p>	<p>Bill 97 needs to clarify what lands/circumstances this would apply to, whether lands subject to a Ministers Zoning Order or otherwise</p>	Royal Assent

		Land and Development Facilitator. The Minister may also require a landowner to pay for or provide contributions that are more than the <i>Planning Act</i> , the <i>Development Charges Act, 1997</i> , or any other legislation. The requirement to enter into the agreement will act as a condition of development, as only existing uses are permitted until the owner has entered into all agreements required by the order.		
Changes to employment area protections	S. 1 (1)	Modify the definition of "area of employment" to only include heavy industry and other employment uses that cannot be located near sensitive uses, (i.e., not suitable for mixed use). This is related to proposed policy changes for employment uses in the proposed 2023 Provincial Planning Statement. A transition provision is included to address land designated in an official plan for clusters of business and economic uses that may not meet the definition.	<p>This definition change and accompanying policy changes for Employment Areas will create issues from a timing perspective relative to Official Plan conformity. The Township's and Regional Official Plan policies for Employment Areas contain uses beyond those specified in the proposed change.</p> <p>While a transitional provision exists, it would appear to apply to existing uses in Employment Area. The Township and Region both have vacant lands identifies as Employment Areas in their Official Plans. Changes to Employment Area policies may be necessary although, municipalities can be more restrictive for Employment Areas, which will be cumbersome given the timing of Official Plan conformity and expected initiation of the new PPS in the Fall of this year.</p>	On Proclamation
Regulation-making authority for new Provincial Planning Statement	New S. 3 (6.1)	Bill 97 proposes to give the Minister authority to make regulations providing for transitional matters relating to the applicability of the proposed Provincial Planning Statement (or other new	Transitional regulations could be beneficial but will depend on the wording of the regulation itself.	Royal Assent

		policy statements issued under the <i>Planning Act</i>).		
Schedule 4- Proposed Ministry of Municipal Affairs and Housing Act Amendment				