



<b>Subject:</b>	Review of the proposed Provincial Planning Statement (2023) and Bill 97
<b>To:</b>	Committee of the Whole – Planning & Economic Development
<b>From:</b>	Planning and Development Department

<b>Report Number:</b>	PD-21-23
<b>Wards Affected:</b>	All
<b>Date to Committee:</b>	May 23, 2023
<b>Date to Council:</b>	May 29, 2023

### **Recommendation:**

Receive and file Report PD-21-23 regarding the draft Provincial Planning Statement 2023 and Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*; and

Council direct Planning Staff to submit comments regarding Bill 97 and the Provincial Planning Statement which are due to the Province by June 5, 2023.

### **Purpose:**

The purpose of this report is to provide the Committee and Council with a summary of the proposed Provincial Planning Statement and Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*. As the deadline to submit comments on Bill 97 was May 5, initial staff comments were submitted to meet this deadline with an indication that formal comments would be submitted once finalized through Committee and Council. This report also provides a summary of the impacts that the proposed legislature will have on the Town and constitutes staff comments to be submitted to the Province.

### **Background:**

On April 6, 2023, the Province introduced the proposed new Provincial Planning Statement (PPS) 2023 and Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*. Both the Provincial Planning Statement and Bill 97 have been introduced to further address the province's goal of expediting housing in Ontario. The new Provincial Planning Statement is proposed to combine the existing Provincial Policy Statement (2020) and the Growth Plan (2020) to create a single provincial land use planning document. Comments on the proposed statement must be submitted to the Province by June 5, 2023.

The Province also introduced further changes to the *Planning Act* and six other statutes, including the *Building Code Act* and *Residential Tenancies Act*, through the introduction of Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*. This Bill proposes legislative changes to aid the province in meeting their goal to accelerate housing construction to build 1.5 million new homes by 2031. Comments on the proposed Bill 97 were due to the Province on May 6, 2023. As such, staff submitted comments on behalf of the Town to the Province on May 5, 2023, outlining the impacts to the Town and concerns with the draft of Bill 97. This submission is attached as Appendix A.

**Report:**

As outlined in this report, the PPS 2023 proposes to combine two existing provincial plans to create a single, streamlined province-wide policy document to assist with the implementation of the Housing Supply Action Plan and the goal of constructing 1.5 million new homes by 2031.

The overall theme of the proposed PPS 2023 includes a transition away from a “conform to” to a “consistent with” model. As a result, the Province is exhibiting their focus on making planning policies simpler and more flexible by: allowing more homes to be built in rural areas outside of the Greenbelt area, permitting up to three new residences on farm properties in Prime Agricultural areas, eliminating intensification targets, repealing the Growth Plan, more focus on strategic growth areas and major transit station areas for identified “large and fast growing” municipalities, providing flexibility to municipalities to expand settlement area boundaries at any time, and removing the concept of municipal comprehensive reviews of official plans.

The intent of the proposed Provincial Planning Statement is to address the following policy pillars:

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

A summary of the proposed legislative changes and impacts on the Town are identified below.

**Provincial Planning Statement (2023)**

Change	Impact
<b>Intensification – Large and Fast Growing Municipalities</b>	
Mandatory intensification and density targets for all municipalities are removed. The Growth Plan previously required municipalities to meet specific intensification and density targets to	The Town was not identified as a Large and Fast growing municipality and as such, minimum density and intensification targets that were set out in the Growth Plan for Niagara Region would no longer be

<p>accommodate forecasted growth. The “Built up Area” and “Greenfield Areas” identified in the Growth Plan have not been carried forward. By removing these areas, there would be no mandated intensification targets from the province and municipalities would be required to determine the appropriate levels of intensification for these areas.</p> <p>29 municipalities have been identified as “Large and Fast Growing municipalities that must identify and focus growth to strategic growth areas through required density targets for MTSA’s as set out in the Growth Plan (2020) and by encouraging these municipalities to plan for a density target of 50 residents and jobs per gross hectare for new, or expanded areas, of the settlement area.</p> <p>Within the Niagara Region, St. Catharines and Niagara Falls have been identified as large and fast growing municipalities.</p>	<p>applicable. Staff note that minimum density and intensification targets encourage opportunities for infill development and the efficient use of infrastructure and servicing. The Town has already identified areas where significant growth has been identified and this strategic initiative will be continued.</p> <p>While the new PPS does not identify Lincoln as Large and Fast Growing, it does permit the municipalities to establish their own minimum density targets for strategic growth areas and major transit station areas. The Region’s Official Plan 2022 has identified the Beamsville GO Area as a protected Major Transit Station Area. Staff seek clarification from the Province on minimum growth targets for MTSA’s in municipalities that are not identified as Large and Fast Growing. A minimum growth target for these areas should be provided in order to ensure that densities are achieved that will support a transit station in the future and sustain ridership levels.</p> <p>Town staff note that while key areas of growth such as the Ontario Street corridor and Prudhommes are not identified as strategic growth areas, minimum targets should be implemented in these areas to ensure efficient use of lands and infrastructure. Strategic growth areas can be reviewed as part of the OP update that must be undertaken.</p>
<p><b>Growth Forecast</b></p>	
<p>Municipalities where upper tiers do not have planning authority are required to establish their own growth forecasts.</p>	<p>There are no proposed implementation guidelines associated with this change at this time. Staff requests confirmation from the Province that the 2051 growth allocation for Lincoln, recently set by Niagara Region in 2022, is still expected to be adopted by the Town. It is staff’s understanding that the Town would be responsible for all future growth forecasts beyond 2051.</p>
<p>The Land Needs Assessment Methodology has been revoked through</p>	<p>Town staff are concerned that with the removal of an established methodology to</p>

<p>the PPS 2023, which means that each lower-tier municipality will be responsible for choosing their own methodology for growth forecasts rather than this be coordinated by single or upper tier governments.</p>	<p>prepare population and employment forecasts, the process will become much more onerous to the Town, may be challenged by various interest groups, and will result in vast inconsistencies across municipalities. In addition, this requirement may also result in a barrier to the provision of more housing as it would be more difficult for staff to consider items such as regional infrastructure and high level impacts due to inconsistencies in municipalities across the region.</p> <p>However, the future approach by the Town cannot be more stringent or prohibit housing in any way.</p>
<p>Requirements for municipalities to make sufficient land available to meet a time horizon of at least 25 years at the time of an Official Plan update.</p>	<p>This is a change from the previous horizon of 15 years. The Town will be required to incorporate these changes in an Official Plan Amendment.</p>
<p><b>Settlement Area Expansion</b></p>	
<p>Existing policies in the Growth Plan restrict the expansion of settlement areas to when municipalities are conducting a municipal comprehensive review. The proposed legislation removes the requirements to demonstrate “need” for an expansion to a settlement area. The PPS also reduces the criteria that must be met in order to permit an expansion. As such the new PPS would implement a less stringent test. To permit an expansion, planning authorities “should consider” the following:</p> <ul style="list-style-type: none"> <li>• That there is sufficient capacity in existing or planning infrastructure and public service facilities;</li> <li>• The applicable lands do not compromise specialty crop areas;</li> <li>• The new or expanded settlement area complies with the minimum distance separation formula;</li> </ul>	<p>Staff note that the purpose of a municipal comprehensive review when considering settlement area expansions is to ensure growth is planned for in a comprehensive and responsible manner, with respect to matters such as phasing, infrastructure planning, supporting compact development and curbing urban sprawl. This also included consideration of growth targets based on available land as inputs to determine if additional land is necessary.</p> <p>Staff foresee constraints in adequately considering above planning matters if settlement area expansions were to be permitted on a case-by-case basis. A new official plan, or an update to the official plan that is initiated by the Town and that comprehensively applies the criteria for settlement area expansion should be require with very little exceptions.</p> <p>Potential settlement area expansions in Lincoln would be largely limited to the Tintern rural settlement area. The reason for this is that the proposed PPS indicates that</p>

<ul style="list-style-type: none"> <li>• Impacts on agricultural lands and operations which are adjacent or close to the settlement area 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</li> <li>• The new or expanded settlement area provides for the phased progression of urban development.</li> </ul>	<p>Specialty Crop lands are not to be impacted by potential settlement area expansions. All of the lands located within the Greenbelt are specialty cropland. The Greenbelt Plan provides protection for specialty cropland, farmland, important ecosystems, and natural features which are not to be impacted by sprawl, development or fragmentation. It is significant to note that existing references to the PPS 2020 and the Growth Plan will not change through this process and the existing policies will still be applicable. As a result, there may be some conflict with the existing policies of the Greenbelt Plan and the new Provincial legislation.</p>
<p><b>Employment Areas</b></p>	
<p>The definition of “Employment Areas” has been updated. The focus of the definition is now on uses that cannot locate in mixed use areas, such as heavy industry, manufacturing and large scale warehousing. Commercial uses, institutional uses, and retail/office uses that are not associated with primary employment now cannot be located in employment areas. The <i>Planning Act</i> is also proposed to be amended to include a definition of “area of employment” which is to mean an area of land designated in an official plan for clusters and business and economic uses, those being uses that meet the following criteria:</p> <p>1. The uses consist of business and economic uses, other than the following:</p> <ul style="list-style-type: none"> <li>• Manufacturing uses.</li> <li>• Uses related to research and development in connection with manufacturing anything.</li> <li>• Warehousing uses, including uses related to the movement of goods.</li> </ul>	<p>The Town will need to initiate local OPAs to recognize and authorize the continuation of existing uses on a site-specific basis (existing on the date before Bill 97 comes into force) that no longer meet the updated definition.</p> <p>These changes also mean that employment conversion requests can be submitted at any time and applicants do not need to wait until the Town is undertaking a municipal comprehensive review.</p>

<ul style="list-style-type: none"> <li>• Retail uses and office uses that are associated with uses mentioned in the above points.</li> <li>• Facilities that are ancillary to the uses mentioned in the above points.</li> <li>• Any other prescribed business and economic uses.</li> </ul> <p>2. The uses are not any of the following uses:</p> <ul style="list-style-type: none"> <li>• Institutional uses.</li> <li>• Commercial uses, including retail and office uses not referred to in subparagraph 1.</li> </ul> <p>The amended definitions could result in and aid in facilitating the conversion of lands that have previously been used for employment uses to residential uses. The new proposed conversion policy allows for employment lands to be converted to residential lands at any time without a municipal comprehensive review provided that the following test is met:</p> <ul style="list-style-type: none"> <li>• There is an identified need for the removal and the land is not required for employment area uses over the long term;</li> <li>• The proposed uses would not negatively impact the overall visibility of the employment area by:             <ul style="list-style-type: none"> <li>○ Avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned employment area uses in accordance with Policy 3.5; and</li> <li>○ Maintaining access to major goods movement facilities and corridors.</li> </ul> </li> </ul>	
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<p>Existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.</p>	
<p><b>Land Use Compatibility</b></p>	
<p>The proposal removes the requirement for a proponent of sensitive land uses to demonstrate need or evaluate alternative locations for sensitive land uses where avoidance of adverse effects is not possible. In the previous version of the PPS, applicants were required to demonstrate there was a need for the proposed use, that alternative locations were evaluated, and that adverse impacts to the sensitive land use were minimized.</p>	<p>The proposed changes make it easier to establish sensitive land uses in closer proximity to existing or planned industrial, manufacturing “or other major facilities” that are vulnerable to encroachment.</p> <p>Current land use compatibility policies require that appropriate measures be considered which help ensure adequate transitions from industrial uses.</p> <p>Staff do not believe that the proposed changes are necessary to support housing supply and may negatively impact employment.</p>
<p><b>Agriculture</b></p>	
<p>The PPS 2023 would permit multi-lot residential development of up to three new residential lots that may be severed from an existing agricultural parcel on rural lands where sewage and water servicing can be provided. This would be applicable for prime agricultural areas and excludes specialty crop areas. The new policies would also allow for a principal dwelling associated with an agricultural operation to be located on an agricultural property as an agricultural use within prime agricultural areas, and up to two additional residential units provided that certain conditions can be met, including the MDS setback requirements, appropriate sewage and water services will be provided, and the additional units are within or close proximity to the principal dwelling.</p> <p>The proposed PPS prevents Zoning By-laws and Official Plans from being more restrictive in regard to the severing of agricultural lands.</p>	<p>Within the Town, a majority of the agricultural land base is considered to be specialty crop lands protected by the Greenbelt Plan. Though, there are some rural areas where prime agricultural land would be impacted by the proposed changes.</p> <p>While allowing up to three new residences on an existing agricultural parcel will support multigenerational farming families and people living in rural Ontario, there is a concern that severances permitted by the PPS 2023 will result in the fragmentation of agricultural parcels which have previously been preserved by the PPS 2020. These are primarily located above the escarpment.</p> <p>Severances will be permitted by the PPS 2023, resulting in the fragmentation of the large agricultural parcels which have previously been preserved by the PPS 2020. This is important to consider since most of the Town’s largest agricultural parcels (large size typically enhances viability) are located on top of the escarpment. It is also important to note that severances for new residential lots would still be required to meet OMAFRAs</p>

	<p>Minimum Distance Separation (MDS) formula.</p>
<p>The removal of prime agricultural land would also be permitted for the expansion of a Settlement Area and a comprehensive review is no longer required.</p>	<p>This is a concern for the Town as Prime Agricultural Lands should be preserved for agricultural purposes. It will be required to update the Official Plan to reflect this policy change. That said, there are limited settlement areas located adjacent to Prime Agricultural Lands that could be expanded upon.</p> <p>Staff request additional information from the province to clarify the following:</p> <ul style="list-style-type: none"> <li>• Where additional units are permitted to be located on a rural parcel and if they would be considered for future severances.</li> <li>• The required size for the remnant farm parcel to ensure that agricultural operations are still viable.</li> <li>• Consideration of limiting the possibility of additional residential units on agricultural parcels that were just severed. This will aid in limiting impacts to the agricultural potential of the parcel.</li> </ul>
<p>Bill 23 previously limited additional as of right residential units to urban residential land. Bill 97 changes the language of this regulation and is further reflected in the Proposed PPS 2023, to allow for additional residential units on agricultural lands. The Town will be required to update the Official Plan and Zoning By-law to account for these changes</p>	<p>This change reflects language changes in the PPS 2023. This change will require the Town to update the Official Plan and Zoning By-law.</p>
<p>PPS 2023 eliminates the requirement to use the provincially mapped agricultural system. Municipalities would now lead the designation of prime agricultural areas, including specialty crop areas. Using the provincial mapping system is still an option, as the definition of an “agricultural system” includes identification of an agricultural land base “based on mapping provided by</p>	<p>As the Provincial mapping system is still an option, the Town is able to rely on this resource to continue to identify Prime Agricultural Lands within the municipality.</p>



<p>the province where mapping is available and requested”</p>	
<p>The definition of on-farm diversified uses now includes “land extensive energy facilities, such as ground mounted solar or battery storage” whereas previously only ground mounted solar facilities were identified.</p>	<p>There is no direct impact on the Town as a result of this change. However, Town staff are of the opinion that specialty crop lands should not be permitted to contain these facilities as they should be protected for farming purposes.</p>
<p>To mitigate the impact to implementation policies of the Greenbelt Plan as currently under the Growth Plan, the Province proposes to amend the Greenbelt Plan such that “the previous policies in A Place to Grow and the Provincial Policy Statement would continue to apply in those cases where the Greenbelt Plan refers to them”. This scoped policy change would maintain the existing Greenbelt Plan standards and clarifies that the existing policy connections in the Greenbelt Plan (2017) to the PPS, 2020 and A Place to Grow remain in effect.</p>	<p>This may result in policy conflict as staff evaluate planning applications within the Greenbelt Plan Area. Further information and clarification of the intent of this policy change is required.</p>
<p><b>Natural Heritage</b></p>	
<p>The PPS does not include natural heritage policies. These policies and related definitions remain under consideration by the Province.</p>	<p>It is unclear at this time how the omission of these policies will affect the Town. When a separate ERO posting is available for review, Town staff will report back to the Committee on the potential impacts.</p>
<p><b>Housing Options</b></p>	
<p>Housing definitions are expanded to include a broader range of residential intensification options, including:</p> <ul style="list-style-type: none"> <li>• Laneway housing.</li> <li>• Garden suites.</li> <li>• Rooming houses.</li> <li>• Additional needs housing.</li> <li>• Low and mid-rise apartments.</li> <li>• Multi-generational housing.</li> <li>• Student housing.</li> <li>• Farm worker housing.</li> </ul>	<p>The expansion of housing options in the definition will address some of the existing housing gaps. The range of permitted housing types will be included in the upcoming Official Plan update and will need to be reflected in the Zoning By-law.</p>
<p><b>Infrastructure and Public Service Facilities</b></p>	

<p>The new PPS 2023 includes reference to planning for infrastructure and public services coordination and integration with land use planning and growth management that are:</p> <ol style="list-style-type: none"> <li>1. Financially viable</li> <li>2. leverage the capacity of development proponents where appropriate.</li> <li>3. Meet current and projected needs.</li> </ol>	<p>These changes will need to be incorporated into the Official Plan update.</p>
<p>The legislation now includes a policy stating that planning authorities, in consultation with school boards, should consider and encourage innovative approaches in the design of schools and childcare facilities.</p>	<p>This is a policy improvement that recognizes schools and childcare facilities as integral aspects of complete communities. The consideration of alternative school forms (i.e., in high-rise developments, strategic growth areas, areas with compact built form) will help meet local needs.</p>
<p><b>Water</b></p>	
<p>New policies have been included which encourage municipalities to undertake watershed planning to inform planning for sewage, water services, stormwater management, and the protection, improvement or restoration of the quality and quantity of water.</p>	<p>By way of the policy language, the legislation is encouraging municipalities to undertake watershed planning but not requiring it. This change is a direct result of Bill 23 which changed the responsibilities of Conservation Authorities. The Town does not have staff to undertake this type of work.</p>
<p><b>Cultural Heritage and Archaeology</b></p>	
<p>PPS 2023 contains new policy language encouraging municipalities to develop and implement archaeological management plans (AMP). AMPs are used to conserve archaeological resources. Further, the policies require municipalities to engage with indigenous communities early in the planning process to ensure that there interested are considered when identifying, protecting, and managing archaeological resources, built heritage resources and cultural heritage landscapes.</p>	<p>The Town will consider the development of an AMP and consider enhanced consultation process with local indigenous communities.</p>
<p>Policy has been revised to limit development and site alteration on lands adjacent to protected heritage property unless the attributes of the heritage property are conserved.</p>	<p>These changes implement the recent changes to the Ontario Heritage Act and Bill 23 by focusing on designated heritage properties.</p>

**Bill 97**

Bill 97 proposes amendments to various Acts, including the *Planning Act*. The changes to the *Planning Act* related to Areas of Employment, the implementation timing for refund of planning fees, rights to appeal interim control by-laws, site plan control for prescribed areas, and provisions related to Orders of the Minister.

Change	Impact
<b>Appeals of Interim Control By-laws</b>	
<p>The <i>Planning Act</i> only permits the Minister to appeal an ICBL at the time of passing; however, Bill 97 introduces policies that would now restore appeal rights to any person or public body who was notified of the initial by-law passing, rather than only at the time of extension.</p>	<p>Interim Control By-laws allow municipalities to pause development from occurring for up to a year with a maximum extension of another year, while it is studying or reviewing its policies, where development would have otherwise been permitted by municipal land use documents. The new policies contained in Bill 97 could hinder this process and delay studies until after an appeal is resolved.</p>
<b>Definition of “Area of Employment”</b>	
<p>Bill 97 proposes to amend the existing definition of “Area of Employment” in relation to broader policy changes proposed regarding the protection of, and conversion from, employment uses, as further discussed in the Employment Protection and Conversion section above.</p>	<p>The amended definition would require that the municipality update the Official Plan to protect uses that are currently in Employment Areas that would no longer be supported by the new policies.</p> <p>The changes to the definition reflect the aforementioned changes in the PPS 2023.</p>
<b>Site Plan Control</b>	
<p>Bill 23 amended the <i>Planning Act</i> such that site plan control does not apply to development containing 10 or less residential units. Bill 97 proposes to further amend this section to permit site plan control to apply if the parcel of land includes any land in a prescribed area. The province has proposed regulations (ERO#019-6822) that would prescribe lands within 120 metres of a shoreline or 300 metres of a rail line as being eligible for site plan control.</p>	<p>These amendments and the proposed regulation are a positive change as they recognize that there are various site contexts where site plan approval should be required.</p> <p>Additional prescribed areas should be considered, such as Heritage Areas and Central Business Districts, where residential developments of 10 or less dwelling units may have a significant impact. Properties located adjacent to Employment Areas should also be considered for site plan control to ensure that land use compatibility matters are appropriately addressed.</p> <p>Staff will need to update the Site Plan By-law to reflect the new changes in legislation.</p>

<b>Site Plan Timing</b>	
<p>Bill 97 amends the previous wording regarding site plans from “submitted to the municipality” to “received by the municipality” regarding timing for site plan appeals and refunds.</p>	<p>This is a positive change for the Town as it recognizes timing delays when a municipality receives a submission.</p>
<b>Bill 109 Implementation</b>	
<p>As per Report AD-09-22, Bill 109 requires that planning applications be processed within specific timeframes, or application fee refunds must be provided to the applicant. Bill 97 clarifies that these timelines will be in effect as of July 1, 2023. However, the changes also include the addition of a new clause allowing the province to prescribe municipalities where this may not apply. Bill 97 does not indicate which municipalities may be exempt from these refunds, but the inclusion of this clause offers the possibility that some may be recognized at a future time.</p>	<p>Town staff are preparing a separate report to Committee and Council regarding planning application process updates that are needed to meet new decision timelines as a result of Bill 109.</p> <p>The Town is supportive of the implementation date for accelerated timelines to be July 1, 2023.</p> <p>The Town recommends that smaller municipalities, such as the Town of Lincoln, be exempt and added as a prescribed municipality due to the significant impact fee loss may have. Typical practice has previously allowed growth to pay for growth, and the application fees reflect the cost of processing the applications. When refunds are issued to developers, the cost of staff cannot be recouped by the applicant and this may have longer term impacts on the municipality as a whole.</p>
<b>Additional Residential Units on Rural Lands</b>	
<p>Bill 23 previously limited additional residential units to urban residential lands. Bill 97 expands these permissions to rural parcels of lands.</p>	<p>This change will have an impact on agricultural lands within the Town as rural lands will be permitted to have three residential units as of right.</p>
<b>Orders of the Minister</b>	
<p>The proposed legislation would provide additional powers to the Minister under the <i>Planning Act</i>. The changes would increase the Minister’s power and authority by exempting orders made under Section 47 of the <i>Planning Act</i> (Minister’s Zoning Orders) from the requirement to be consistent with policy statements</p>	<p>This proposed change would result in a shift away from the policy-led planning system that has been established in Ontario. The Minister would be able to choose whether or not to follow any established planning policies, even policies established by the province.</p>

under Section 3 (i.e., provincial plans and official plans)	
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## Implementation

The province has also released a Proposed Approach to Implementation of the Proposed Planning Statement. The province is aiming for fall 2023 to release the final policies of the proposed PPS. Any decision on a planning matter made on or after the implementation date would be subject to the new policies. It will be a requirement that the Town update the Official Plan to account for the changes brought forward in the PPS 2023 and Bill 97.

## Analysis and Comments

The proposed Provincial Planning Statement 2023 and Bill 97 will significantly change the existing policy approach to planning. The following is a summary of the direct impacts to the Town and the recommendations made to the Province in this report as they review comments on the proposed legislation:

- Confirmation that the 2051 growth allocation is to be adopted.
  - Town staff request confirmation from the Province that the 2051 growth allocation for Lincoln, recently set by the Niagara Region, is still expected to be adopted.
- Consideration for smaller municipalities to be removed from the refund requirements of Bill 109.
  - The new legislation allows the province to prescribe municipalities to be excluded from this requirement, and consideration should be given for smaller municipalities where the impact of fee loss will be greater. The cost of planning fees for applications accurately reflect the cost of processing the development applications and enforces the common practice of “growth paying for growth”.
- Additional Areas for Site Plan Control for a Parcel with No More than 10 Residential Units.
  - Heritage areas
  - Downtowns, redevelopment projects and other more intensive areas
  - Near the 400 series highways, employment areas and airports
  - Areas where the proposed development and existing are significantly different and have the opportunity to be incompatible should they not consider relevant details at the site plan stage (i.e., small apartment in an area with single detached housing)
- Clarification on Site Plan Timing
  - Amend Language in the Planning Act to clarify that the 60-day period for the review of site plans follows the application being deemed complete.

- Housing, Housing Options, Growth Targets and Settlement Areas.
  - Request for additional policies that recognize the impact the Greenbelt policies have on the provision of lands to meet longer time horizons, potential settlement expansions, etc., recognizing that the timelines may not be achievable based on the location within the Greenbelt.
  - Request that all references to the regional market area be reviewed and alternative policy be developed respecting coordination with nearby municipalities, where applicable.
  - Clarify how municipalities through land use planning support social equity and overall quality of life (S. 2.1.4(c)).
  - Clarify the relevant ‘service manager’s’ that municipalities are intended to work with for coordinating land use and planning for housing.
  - Include additional guidance or provisions to help limit the requests for the creation of new settlement areas or expansions by considering preferred locations on lower quality agricultural land (Classes 4-7) or including timing based considerations for applications.
- Confirmation on the expansion of Settlement Areas.
  - Delay the proclamation of the change to the Planning Act from additional units on ‘urban residential land’ to ‘parcel of land’ until the PPS has been finalized
  - Town staff request clarification where additional residential units are permitted on a rural parcel if they may be considered for future severance.
  - Staff request clarification on if there will be a minimum size requirement for prime agricultural parcels after a severance.
- Indigenous Consultation Guidance, Timing for Designations.
  - Request for clear guidance for municipalities to engage with Indigenous communities.
  - Clarification of the input anticipated from Indigenous communities on built heritage resources.
  - Recognition of the role listed properties can play in developing a sense of place in a community / neighbourhood, especially when the history of a place is limited to support a full designation, with the addition of a policy that recognizes those parcels that may be in the process of designation.
- Timing and Transition.
  - The implementation guidelines indicate that the PPS will be finalized in the fall of 2023. Town staff are requesting that municipalities be provided at least 6 months to implement the new legislation as it will require Official Plan Amendments. There have been a number of changes to planning policy over the past year and Town staff are still working to implement the previous changes as a result of Bill 23 and Bill 109.

- Staff are requesting clarification on the timing for changes to upper tier municipality responsibilities.

### **Financial, Legal, Staff Considerations:**

#### **Financial:**

Bill 97 provides the implementation dates for the shortened planning application processing times introduced through Bill 109. Beginning July 1, 2023, refunds of application fees would be applicable if Town staff are unable to process applications in the legislated timeframes.

#### **Staffing:**

N/A

#### **Legal:**

N/A

### **Public Engagement Matters:**

Comments on the legislative changes on Bill 97 were open until May 6, 2023, and comments on the Provincial Planning Statement are open until June 5, 2023.

### **Conclusion:**

The new PPS includes some foundational changes to how long term growth planning is conducted in Ontario. Staff have concerns with respect to a few of these changes. Specifically, that the new PPS 2023 will require that Town staff prepare population and employment forecasts which may be onerous on the Town. Further to preparing future forecasts, the legislation now creates an easier and simplified process for converting employment lands.

Additionally, though settlement area expansions would be limited in the Town due to the Greenbelt Plan, staff are concerned that there will be an impact on existing farmland in the prime agricultural area in addition to the impacts of the proposed permissions for severances. Specialty Cropland will continue to be protected, but the introduction of this legislation has the potential to significantly alter the agricultural land base within the Town and lead to a shift back to urban sprawl in certain instances, which is in direct conflict with other provincial policies that require efficient use of land and infrastructure.

Respectfully submitted,

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### **Appendices:**

Appendix A: Town of Lincoln Comments on ERO 019-6821

**Report Approval:**

Report has been reviewed and approved by the Manager of Special Projects and the Director of Planning and Development. Final approval is by the Chief Administrative Officer.