



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Bronwyn Parker, Director of Planning Policy

DATE: May 29, 2023

REPORT NO.: PD-2023-041

SUBJECT: Proposed Provincial Planning Statement and Bill 97

RECOMMENDATION:

THAT Report No. PD-2023-041 dated May 29, 2023, regarding the proposed Provincial Planning Statement and Bill 97, be received;

AND FURTHER THAT Council endorse the staff comments and concerns contained within this report regarding the proposed Provincial Planning Statement, 2023;

AND FURTHER THAT a copy of this report be forwarded to the Ministry of Municipal Affairs and Housing, the Region of Halton, the City of Burlington and the Towns of Milton and Oakville;

AND FURTHER THAT staff provide further update reports to Council as may be appropriate.

KEY POINTS:

The following are key points for consideration with respect to this report:

- On April 6, 2023, the Province released the proposed Provincial Planning Statement, 2023 (PPS) on the Environmental Registry of Ontario ([ERO Posting No. 019-6813](#))
- This proposed PPS integrates the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, into a singular, province-wide policy document. The proposed PPS represents the second significant change to the current Provincial planning regime since the last Provincial election, particularly as it relates to growth management.

- Comments on the proposed PPS, 2023 can be provided until June 5, 2023.
- In addition to releasing the proposed PPS, the Province has tabled Bill 97 – the *Helping Homebuyers, Protecting Tenants Act, 2023*.
- The bill proposes minor legislative changes to a number of Acts, including the *Planning Act, City of Toronto Act, 2006, Development Charges Act* and *Ministry of Municipal Affairs Act*.
- The comment window for Bill 97 closed on May 6, 2023. Staff level comments were prepared and sent in two forms; a letter addressed to the Assistant Deputy Minister highlighting the Town’s concerns with the proposed change to the definition of “Area of Employment”, and overarching comments sent through the ERO portal. The letter and staff comments are discussed in this report and have been included as Appendices 1 and 2 to this report.
- As set out in this report, staff has identified a number of concerns with the proposed PPS including the overall approach to growth management, the definition for area of employment, lot creation in prime agricultural areas and rural development.

BACKGROUND AND DISCUSSION:

Bill 97: the proposed *Helping Homebuyers, Protecting Tenants Act, 2023*

On April 6, 2023, the Ontario government unveiled Bill 97: the proposed *Helping Homebuyers, Protecting Tenants Act, 2023* which proposes amendments to various pieces of legislation to further the goal of the Housing Supply Action Plan of achieving the construction of 1.5 million new homes across Ontario by 2031.

Schedule 6 of Bill 97 proposes a number of amendments to the *Planning Act*. A summary of these proposed amendments and staff comments that were provided prior to the ERO comment window closing on May 6, 2023 are provided below.

1. Site Plan Control for Residential Development of 10 or Fewer Units

As part of Bill 23, the *More Homes Built Faster Act, 2022*, the *Planning Act* was amended to exclude residential developments of 10 or fewer units on a single lot from Site Plan Control. The intent of the 10-unit limit aligns with a recommendation made by the Housing Affordability Task Force to help create a more permissive land use, planning, and approvals system. It is believed that this approach will reduce the time needed to approve smaller residential developments. Through Report No. PD-2022-0050, staff highlighted the need to update the Town’s site plan control by-law in order to mirror the changes made through the Proclamation of Bill 23. In addition, staff provided clarification that Section 41, subsection 4.1.1 of the *Planning Act* continued to provide the Town with the necessary permissions in order to apply the Green Development Standards (GDS) as appropriate through the development approval process.

Through Bill 97, regulations are being proposed as part of [ERO Posting #019-6822](#), to allow Site Plan Control to be used for residential developments of 10 units or fewer,

specifically for parcels of land where any part of the parcel is located within 120 metres of a shoreline; and any part of which is located within 300 metres of a railway line.

- *Staff comments:*

Staff provided detailed comments via the ERO portal identifying that Site Plan approval for developments under these conditions is important; however, staff believe that the regulations should be extended more broadly, to apply to all parcels proposed for multi-unit residential developments, regardless of geography, in order to ensure that health, safety and accessibility considerations are addressed, at a minimum. Staff remain concerned that there will be significant challenges in addressing these matters outside of the Site Plan Control process. Detailed comments are included as Appendix 2 to this report.

2. Interim Control By-law Appeal Process

Section 38 of the *Planning Act* allows a local Council to pass a by-law prohibiting the use of land, buildings or structures for up to one year except for such uses specified in the by-law, provided that a Council resolution or by-law has been passed directing that a land use planning study be undertaken. In general terms, Interim Control By-laws (ICBL) are a tool to be utilized on a limited basis to allow a Council the necessary time to study a bona fide land use planning issue.

Bill 97 proposes changes to the *Planning Act* that would enable an individual who received notice of the passing of an ICBL to appeal the by-law at the time of initial passing (rather than only at the time of extension). In addition, the bill amends the notice and appeal timelines to provide 20 days for municipalities to give notice of the passing of an ICBL or a by-law extension (reduced from the current 30 days) and extends the timeframe for appeals to be made to within 50 days of the by-law being passed.

- *Staff comments:*

Staff are of the opinion that allowing a party to appeal an ICBL at the time of initial passing rather than only at the time of extension creates an unnecessary burden on municipalities and the Ontario Land Tribunal (OLT). Allowing individuals to appeal at the time of passing undermines the ability to undertake the appropriate land use planning study as determined by Council resolution and implement the study recommendations and raises the possibility that land uses that are contrary to the public interest are established. Staff does not support this proposed change.

3. Fee Refund

The fee refund provisions proposed through Bill 97 would delay the Bill 109 requirement for municipalities to refund zoning by-law and site plan application fees if applications are not processed within prescribed timelines such that it only applies to applications submitted on or after July 1, 2023. This is delayed from the original January 1, 2023 deadline established under Bill 109. In accordance with the recommendations of Report No. PD-2023-0006, Council adopted OPA 49 and passed By-law 2023-0010 setting out new processing procedures to respond to the challenges created by Bill 109.

- *Staff comments:*

Town staff are in support of exempting certain municipalities and complex projects from the fee refund provision. Staff believe consideration should be given to exempting municipalities which have a consistent record of completing application reviews in a timely manner and working with proponents to identify solutions in support of appropriate development.

Staff also suggest that the Province consider amending the *Planning Act* to permit applicants and municipalities to mutually agree to “stop the clock” during the review process. This would allow the parties to work collaboratively towards agreed upon solutions, within agreed upon timelines, ensuring successful development outcomes and the protection of the application fees that municipalities require to ensure growth pays for growth. Additional comments on this matter were provided through the ERO portal prior to the comment window closing on May 6, 2023 as identified in Appendix 2.

4. Areas of Employment Definition

In short, Bill 97 proposes to remove institutional and commercial uses from the definition of Areas of Employment which will prohibit uses such as retail and office uses not associated with primary industrial uses (i.e., heavy industry, manufacturing and large scale warehousing) from being located within Employment Areas. This change to the definition is also mirrored in the proposed PPS.

- *Staff comments:*

Staff have significant concerns with these proposed changes to the *Planning Act* and PPS. Staff believe that prohibiting institutional and commercial uses in strategically located Areas of Employment is not in keeping with the proposed PPS goal of supporting a modern economy and promoting economic development and competitiveness. In addition, it will require that employment areas in the Town, such as the Premier Gateway Employment Area, which are already designated and, in some cases, zoned to allow supportive commercial and institutional uses to be stripped of those existing land use permissions.

Staff provided comments directly to the Assistant Deputy Minister (Appendix 1) and through the ERO portal (Appendix 2) which explained that the Town’s Premier Gateway Employment Area has been planned to support local job growth and attract innovative investment and a talented workforce given its strategic location near Hwy 401, Hwy 407 and the proposed Hwy 413. The comments identified that existing and proposed land use permissions allow for institutional and commercial uses including business and professional offices, hotels, banquet halls, full-service restaurants, convenience stores and commercial fitness centres as well as limited retail and service commercial uses.

The staff comments highlighted that the Premier Gateway Employment Area has been planned to support local job growth and attract innovative investment and a talented workforce, stressing the fact that restricting institutional uses will prevent skilled trades and apprenticeship programs and other technology institutions from locating close to key advanced manufacturing, agri-business, clean technology, and food and beverage processing sectors. In addition, the comments identified that commercial uses

contribute to creating comprehensive and complete employment areas and influence the vitality and connectivity of the local economy, while minimizing vehicle use and contributing to the long-term success of the employment area.

Staff believe it is crucial for the Town of Halton Hills that supportive institutional and commercial uses continue to be permitted within Areas of Employment, and that providing this flexibility is imperative for developing vibrant, stable, and innovative employment areas, better positioned to respond to the changing needs of the job market. To that end, the revised definition of Areas of Employment is not supported by staff.

5. New Ministerial Powers

Bill 97 proposes new powers to the Minister of Municipal Affairs and Housing that would allow them to make regulations and give orders with respect to planning matters previously managed by municipalities. These include the exemption of certain lands from complying with provincial policies and local official plans; requiring landowners and municipalities to enter into agreements where a Provincial Land Development Facilitator has been appointed, and making regulations regarding transition of the new Provincial Planning Statement wherein all planning decisions must be consistent with the new PPS regardless of whether or not a municipal Official Plan or Zoning By-law has been updated to reflect the new policy approach.

- *Staff comments:*

Staff are concerned that these additional powers, when considered holistically, suggest a potential loss of local input and involvement on various planning matters. When the Minister is provided the authority to make land use decisions in the absence of consideration of local Official Plans and/or Zoning By-laws, the community driven processes which underpin local plans and priorities could easily be ignored.

Proposed Provincial Planning Statement, 2023

As was first identified in report PD-2023-0002, in conjunction with the Bill 23 changes to the land use planning system in Ontario, the Province had embarked on a review of the Growth Plan (A Place to Grow) and the Provincial Policy Statement, 2020 earlier this year.

Bill 23, the *More Homes Built Faster Act, 2022* was introduced into the Ontario Legislature on October 25, 2022, and received Royal Assent on November 28, 2022. The Province has been clear that changes to the current land use planning system in Ontario are required to ensure a housing-supportive policy framework is in place. The Province believes this approach is integral to the implementation of the Housing Supply Action Plan and meeting the target to construct 1.5 million new housing units across Ontario by 2031.

The PPS, 2020 and Growth Plan

The Provincial Policy Statement, 2020 (PPS, 2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), both provide policy direction on key land use planning matters. These include:

- Growth management, housing and economic development;
- Infrastructure planning and investment, such as sewage, water and stormwater management services, transportation, transit, energy supply and corridor protection;
- Protection and management of resources, such as aggregates, natural heritage, water, cultural heritage, recreation and prime agricultural areas; and
- Protection of public health and safety, such as mitigating potential risks due to natural and human-made hazards.

While the PPS, 2020 is issued under the *Planning Act*, the Growth Plan is issued under the *Places to Grow Act, 2005*. The PPS, 2020 currently applies across the entire Province of Ontario and is the principal land use planning policy document upon which all planning decisions in Ontario must be based. The Growth Plan is a more detailed land use plan, which provides the framework for where and how growth should occur across the Greater Golden Horseshoe, including setting out the Schedule 3 population and employment forecasts for upper and single tier municipalities in the Greater Golden Horseshoe. It works with and is intrinsically linked to the Greenbelt Plan, Niagara Escarpment Plan and Oak Ridges Moraine Conservation Plans, with mirrored definitions and policies, creating a framework for which municipal Official Plans must follow.

Given the Provincial direction to create a housing-supportive policy framework, the Province is proposing the integration of the PPS and Growth Plan into a single, province-wide planning policy document. The intent of the singular document is to enable municipalities to approve housing faster and increase housing supply. This new document has been called the proposed Provincial Planning Statement, 2023 (PPS) and was introduced on the ERO on April 6, 2023. Key themes and staff comments on each are presented below.

1) Growth Management

Time horizon and forecasting:

One of the proposed changes specific to the management of long-term growth comes from draft policy 2.1.1, which will require municipalities when updating their Official Plans to provide for sufficient land to be made available to accommodate a range and mix of land uses for a time horizon of **at least** 25 years. This is a change from the current requirement to plan for a horizon of **up to** 25 years. In addition, the proposed policy would allow planning for infrastructure, public service facilities, strategic growth areas and employment areas to be extended beyond this 25-year time horizon.

One of the fundamental changes proposed through the new PPS is that upper-tier municipalities such as Halton Region will no longer be required (or permitted) to allocate population and employment targets with specific horizon years to the local

municipalities. In effect Official Plans with established 2051 targets (including Regional Official Plan Amendment No. 49) are to treat those growth targets as minimums. In addition, over time, municipalities are expected to carry out their own population and employment forecasting.

- *Staff comments:*

Under the current Growth Plan, the Schedule 3 population and employment forecasts were provided by the Province for each upper (and single)-tier municipality within the Greater Golden Horseshoe to 2051. Policy 5.2.4.2 required that all upper-tier municipalities apply these Schedule 3 forecasts through the municipal comprehensive review process in order to plan for and manage growth to the 2051 horizon year. Further, Section 2.2.1.3 of the Growth Plan required that through the MCR process, upper-tier municipalities give direction to lower-tier municipalities with regard to managing and distributing that forecasted growth.

Given the foregoing, staff have concerns that overarching growth forecasts post 2051 will no longer be prepared by the Province, requiring individual municipalities to ultimately carry out population and employment forecasting on their own. This will create considerable uncertainty for local municipalities regarding the preparation of longer-term growth forecasts.

Section 6.2 of the proposed PPS identifies the need for coordination when dealing with planning matters across lower and upper-tier municipalities and with other agencies, boards etc. Staff seek clarification as to how this coordination is expected to occur, particularly where the upper-tier municipality maintains control of the water and wastewater infrastructure, as is the case in Halton Region.

Built Boundaries:

In the Growth Plan, a 'built boundary' effectively represents the geographic area within urban areas where intensification is to be delivered. Both Georgetown and Acton currently have built boundaries that were established by the Province as part of the 2006 Growth Plan. The concept of a delineated built boundary as currently contained in the Growth Plan has not been carried forward into the 2023 PPS.

Strategic Growth Areas (SGAs) and Major Transit Station Areas (MTSAs):

Strategic Growth Areas are lands within settlement areas, nodes and corridors that have been identified by municipalities to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Within the Town, these include MTSAs such as the Georgetown and Acton GO Station areas and may also include infill, redevelopment and brownfield sites.

The proposed PPS provides policy direction on matters that only apply to Ontario's largest and fastest growing municipalities. *Large and fast-growing municipalities* is a defined term and the list of these municipalities is identified in Schedule 1 to the proposed Statement. Within the context of Halton Region, the City of Burlington, Town of Milton and Town of Oakville have all been identified as *large and fast-growing municipalities*. At this time, the Town of Halton Hills is not included within this list.

Presumably this could be revised by the Province through a subsequent PPS review as planned growth starts to materialize on the ground in the mid-2020s and the pace of development accelerates in the Town.

Draft policy 2.4.1 identifies that *“planning authorities may, and large and fast-growing municipalities shall, identify and focus growth and development in strategic growth areas by:*

a) identifying an appropriate minimum density target for each strategic growth area; and

b) identifying the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas”.

In the context of Halton Hills, given we are not one of the identified 29 large and fast-growing municipalities, this would mean that while we are not required to focus future growth within nor identify minimum density targets for the Town’s SGAs, as per draft policy 2.3.1, “...settlement areas shall be the focus of growth and development”. In addition, in accordance with proposed policies 2.3.2 and 2.3.3, land use patterns within settlement areas are encouraged to have a mix of land uses and be based on densities that efficiently utilize land and resources, are transit-supportive and support active transportation etc. In addition, a range and mix of housing, intensification and redevelopment to support complete communities are also encouraged.

- *Staff comments:*

The removal of specific density targets outside of large and fast-growing municipalities represents a less prescriptive approach to growth management. It may have the effect of making the delivery of intensification more challenging which would seem counter intuitive vis a vis the Province’s objective of increasing housing supply across the entire housing continuum. Moving forward, Town staff would recommend to Council that locally appropriate density targets and contextually sensitive built form continue to be identified within the Town’s SGAs through future Official Plan Review and Secondary Plan exercises.

2) Settlement Area Boundaries

Significant changes have also been proposed to the Settlement Area policies previously contained within the Growth Plan.

Municipal Comprehensive Reviews (MCRs):

Municipal Comprehensive Reviews, or Comprehensive Reviews, are a defined term under the 2019 Growth Plan, which effectively identify the upper-tier Official Plan Review process under Section 26 of the *Planning Act* as the primary mechanism through which settlement area boundary expansions could occur. These settlement area expansions were subject to specific tests including the land needs assessment process. Through the proposed changes in the 2023 PPS, the concept of municipal comprehensive reviews has not been carried forward.

Settlement Area Boundary Expansions (SABEs):

As noted above, given the removal of the municipal comprehensive review process through the proposed PPS, new policies which would allow landowners to apply for, or for a municipality to identify settlement area boundary expansions at any time have been proposed.

In addition, the stringent tests that were applied through the SABE process under the 2019 Growth Plan have also been significantly revised. Instead of the requirement to satisfy the previous tests, the proposed PPS only requires that planning authorities “should consider” the following:

- that there is sufficient capacity in existing or planned *infrastructure* and *public service facilities*;
- the applicable lands do not compromise *specialty crop areas*;
- the new or expanded *settlement area* complies with the *minimum distance separation formulae*;
- 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
- the new or expanded *settlement area* provides for the phased progression of urban development.

One noteworthy element however is that as of the date of this report, the *Planning Act* continues to limit the appeals of refusals for any such applications to expand settlement area boundaries.

- *Staff comments:*

As it relates to these revised permissions to allow settlement area boundary expansions at any time, staff are concerned that this could lead to premature Official Plan Amendment applications to permit potential urban boundary expansions in the future without the benefit of a more comprehensive assessment. In the context of the Town, these proposed policies could potentially permit applications for SABEs for the remaining ‘whitebelt’ lands located south of No. 5 Side Road and north of the ROPA 49 approved Employment Area boundary (see map in Appendix 3 to this report). Effectively, this will create a lack of stability as it pertains to urban boundaries.

In addition, the criteria noted above as established by the Province are rather general, and municipalities are not required to consider them when applications are received (the policy simply states municipalities “should consider” the criteria). Given the 2019 Growth Plan already provided some flexibility to allow amendments for boundary expansions up to 40 ha in size, subject to specific conditions identified in policy 2.2.8.5, staff believe the additional flexibility in the proposed PPS to consider settlement boundary expansions is unnecessary.

Settlement Area Density Targets:

The current Growth Plan contains policies requiring municipalities to plan for specific minimum density targets within designated greenfield areas (50 persons and jobs per hectare).

The proposed PPS removes this requirement. Proposed policy 2.3.5 states that *“Planning authorities are encouraged to establish density targets for new settlement areas or settlement area expansion lands, as appropriate, based on local conditions. Large and fast- growing municipalities are encouraged to plan for a minimum density target of 50 residents and jobs per gross hectare”*.

- *Staff comments:*

Staff are of the opinion that the minimum density target of 50 residents and jobs per gross hectare is rather low for municipalities within the Greater Toronto and Hamilton Area (GTHA), and especially low for those that were identified as large and fast-growing municipalities who signed the required Provincial housing pledges. In addition, it is worth noting that while the Town was participating in the Region’s Integrated Growth Management Strategy process, it was assumed that a minimum density target of 65 persons and jobs per hectare for any new urban greenfield lands would be required through the implementation of ROPA 49.

Similar to the earlier comments regarding establishing targets within Strategic Growth Areas, staff would recommend that the Town continue to apply minimum density targets within the ROPA 49 identified designated greenfield areas, to ensure the contextually appropriate and wise use of those future community areas. In addition, it is worth noting that the Vision Georgetown Secondary Plan Area, as approved by Halton Region has a minimum planned density of approximately 60 residents and jobs per hectare, with the calculation being net of the Natural Heritage System lands.

3) Agricultural and Rural Areas

Prime Agricultural Areas:

Under the current provincial plans, municipalities are required to utilize the provincially mapped Agricultural System and designate and protect prime agricultural areas for the long-term. With the proposed PPS, section 4.3.1.2 states that “...prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture. The proposed PPS also encourages a geographically continuous agricultural land base through an agricultural system approach. The draft PPS proposes to allow the creation of up to two additional residential units within prime agricultural areas, subject to criteria. These criteria are identified in policy 4.3.2.5 and require that,

“a) any additional residential units are within, attached to, or in close proximity to the principal dwelling;

b) any additional residential unit complies with the minimum distance separation formulae;

c) any additional residential unit is compatible with, and would not hinder, surrounding agricultural operations; and

d) appropriate sewage and water services will be provided.”

There are also proposed policies within the new PPS that if approved, would permit the creation of new residential building lots within prime agricultural areas, albeit subject to specific conditions. These conditions differ if the proposed new lots are created from a lot or parcel of land that existed on January 1, 2023, or if they are proposed as a residence surplus to an agricultural operation as a result of farm consolidation. If they are the former, conditions require that:

1. agriculture be the principal use of the existing lot or parcel of land,
2. that the total number of lots created does not exceed three,
3. that any residential use is compatible with and would not hinder surrounding agricultural operations, and
4. that any new lot be:
 - a. located outside of specialty crop areas,
 - b. comply with MDS,
 - c. be limited to the minimum size needed while ensuring appropriate sewage and water services;
 - d. that it have access on a public road and be adjacent to existing non-agricultural land uses or consist primarily of lower-priority agricultural land.

In addition, draft policy 4.3.3.2 directs that official plans and zoning by-laws shall not contain provisions that are more restrictive except to address public health or safety concerns.

- *Staff comments:*

Staff are of the opinion that the proposed changes related to development within prime agricultural areas are significant and could have long term implications to the Town's agricultural land base. Staff are also mindful of the existing Strategic Plan priority to ensure a vibrant agricultural community, while balancing the need to accommodate appropriate future growth. Simply put, fragmentation of the agricultural land base is not in keeping with the Town's strategic priorities.

Staff also that a [recent letter/joint statement](#) dated May 18, 2023 prepared by Ontario's Farm Leaders and lead by the Ontario Federation of Agriculture asks that the Province take a pause with Bill 97 and the proposed PPS. It notes "...strong opposition to the 3 lot severances per farm parcel proposed in prime agricultural areas as well as other measures that weaken local farmland protection". The letter also states that "Additional lot severances proposed will make it difficult or impossible for farmers to operate, expand and grow their farms" and advises that the signatories to the letter "...do not support policies that will increase residential lot creation in prime agricultural areas or in rural areas that are actively farmed".

Rural Areas:

Section 2.6 of the proposed PPS proposes to allow “residential development, including lot creation and multi-lot residential development, where site conditions are suitable for the provision of appropriate sewage and water services”. Effectively, this new policy would permit on-site private and private communal water and sewage servicing to be used to support proposals for rural lot creation. In the case of communal systems, this applies to residential development for 6 or more lots.

- *Staff comments:*

Staff have significant concerns with this proposed change. The suggestion that rural lot subdivisions will assist in providing what the province describes as, ‘much needed housing’, within the next 8 years in order to meet their goal of delivering 1.5 million new homes across Ontario by 2031 is rather perplexing. New applications for rural lot subdivisions outside of settlement areas have not been permitted within Halton Region for the last two decades, a number of years prior to the establishment of the Growth Plan. While staff fully supports the goal of achieving 1.5 million new homes province-wide in keeping with the Housing Supply Action Plan, it is questionable that reversing these permissions within Greater Golden Horseshoe (GGH) municipalities will ultimately assist in achieving those goals to any significant extent. In the context of more rural municipalities, outside of the GGH, where growth and development opportunities within settlement areas is limited, policies permitting some form of rural residential development may be appropriate.

4) Affordable Housing

In the proposed PPS, “affordable housing” is no longer a defined term, and all references to it have been removed throughout.

- *Staff comments:*

Staff have significant concerns with the removal of the definition and references to “affordable housing”¹ from the proposed PPS. Without a consistent approach to defining housing affordability, municipalities will be challenged even more when it comes to planning for and making available, affordable housing for low and moderate income households. Staff strongly recommends that the Province reconsider this approach, and re-introduce the existing definition, policy framework and requirements with respect to affordable housing in Ontario.

¹ In the PPS, 2020, “Affordable”: means a) in the case of ownership housing, the least expensive of: 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area; b) in the case of rental housing, the least expensive of: 1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or 2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

5) Employment Areas

Significant changes are proposed to the employment area policies within the draft PPS.

The intensification of employment uses such as office, retail, industrial, manufacturing and warehousing are encouraged in draft policy 2.8.1.1 d), specifically noting these uses as being compatible with compact, mixed-use development. Similarly, proposed policy 2.8.1.2 suggests that industrial, manufacturing and small-scale warehousing uses could be located adjacent to sensitive land uses without adverse effects and encourages these uses within strategic growth areas and other mixed-use areas where frequent transit service is available, outside of designated employment areas.

Further, draft policy 2.8.1.3 requires that on lands for employment outside of employment areas, a diverse mix of land uses, including residential, employment, public service facilities and other institutional uses shall be permitted to support the achievement of complete communities. Similar to the provisions within the agricultural area policies, proposed policy 2.8.1.4 states that “municipal official plans and zoning by-laws shall not contain provisions that are more restrictive than policy 2.8.1.3 except for purposes of public health and safety”.

Additional changes are proposed to the employment area policies regarding employment land conversions. Currently, lands can only be proposed for conversion from employment uses to residential or mixed use through a municipal comprehensive review process, subject to specific tests. In the proposed PPS, given the deletion of the MCR process entirely, draft policy 2.8.2.4 would permit applications for employment conversions at any time, subject to specific tests which demonstrate:

- a) there is an identified need for the removal and the land is not required for employment area uses over the long term;*
- b) the proposed uses would not negatively impact the overall viability of the employment area by:
 - 1. 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*
 - 2. maintaining access to major goods movement facilities and corridors;**
- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.*

Another amendment in the proposed PPS is the change to the definition of *Employment Area* to mirror the Bill 97 definition of *Areas of Employment*. The definition specifically states that employment areas are:

“... those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. Uses that are excluded from employment areas

are institutional and commercial, including retail and office not associated with the primary employment use...”

- **Staff comments:**

Overall, as identified earlier in this report, the proposed changes to the employment area policies are of concern to Town staff. Staff provided specific comments attached as Appendices 1 and 2 to this report as it relates to Bill 97 and the impacts of the proposed definition of “Areas of Employment” to the Town’s employment lands. These same comments apply in the context of the proposed changes to the PPS.

In the letter to the Ministry, staff noted that the Province recently approved ROPA 49 which expanded the urban boundary in Halton Hills to accommodate approximately 873 ha of employment lands within the Town. Staff noted that it is essential that those lands allocated to accommodate employment to the year 2051 develop to support large industrial and manufacturing uses but also other employment uses that generate significant job opportunities, including institutional, office and commercial uses to support a strong economic base for the Town and its residents.

Staff believe it is crucial for the Town of Halton Hills that supportive institutional and commercial uses continue to be permitted within employment lands; providing this flexibility is imperative for developing vibrant, stable, and innovative employment areas, better positioned to respond to the changing needs of the job market. To this end, the Town strongly recommends that the Province revise the proposed definition of Employment Area to provide for such uses as identified above.

Further, staff are concerned about the possibility for employment land conversion applications to be permitted at any time. This establishes the potential to create fragmented employment areas, where potentially sensitive residential uses are encroaching within historically established employment areas. In the absence of clearly identified policy requirements and continued protection of employment areas, staff are concerned about the potential long-term impacts on the Town’s overall employment land supply as a result of the proposed PPS policies.

6) Natural Heritage System

As of the date of writing of this report, the natural heritage policies and related definitions currently contained with the PPS, 2020 and the Growth Plan remain under consideration by the Province. Once proposed policies and definitions are ready for review and input, they will be made available through a separate posting on the Environmental Registry of Ontario. ERO# 019-6813 will be updated with a link to the relevant posting once it is available.

Given the lack of information currently available for review, staff will report back to Council once the draft policies have been released for comment.

7) Climate Change

The proposed PPS revises the existing Growth Plan and PPS 2020 policies related to climate change. The proposed policies contained in Section 2.9.1 are as follows:

“Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:

- a) support the achievement of compact, transit-supportive, and complete communities;*
- b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;*
- c) support energy conservation and efficiency;*
- d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and*
- e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.”*

- **Staff comments:**

Given the Town’s Strategic Plan directions regarding climate change and the environment, staff recommend that the existing Growth Plan and PPS 2020 policies regarding climate change remain.

Summary of Key Concerns:

Key comments that staff wish to highlight regarding the sweeping changes proposed through Bill 97 and the proposed Provincial Planning Statement include the following:

- Overall, the changes proposed through the draft Provincial Planning Statement and Bill 97 appear to be heading back to the planning regime as it existed prior to introduction of the Growth Plan for the Greater Golden Horseshoe in 2006, wherein there were limited growth management targets and requirements for the municipalities within the GGH.
- With respect to Site Plan Control for 10 or fewer units, staff believe that the regulations should be extended more broadly to apply to all parcels proposed for multi-unit residential developments, to ensure that health, safety and accessibility considerations are addressed.
- Staff does not support the proposed change to allow for appeals to an Interim Control By-law at the time of initial passing rather than only at the time of extension as this creates an unnecessary burden on municipalities and the OLT and increases the possibility that land uses that are contrary to the public interest are established.
- Staff have significant concerns with the proposed changes regarding Employment Areas. Staff believe that prohibiting institutional and commercial uses is not in keeping with the proposed PPS goal of supporting a modern economy, and that it will require that employment areas in the Town, such as the Premier Gateway Employment Area, to be stripped of existing institutional and commercial land use permissions.

- Staff have concerns that overarching growth forecasts post 2051 will no longer be prepared by the Province, requiring individual municipalities to ultimately carry out population and employment forecasting on their own. This creates considerable uncertainty for local municipalities regarding the preparation of longer-term growth forecasts.
- With respect to settlement area boundary expansions, the proposed changes are of concern to staff. Allowing applications for urban boundary expansion at any time will create a lack of stability with respect to a municipality's urban boundary and in the case of Halton Hills, given the extent of lands approved for future growth to 2051, this policy provision could lead to premature applications to expand the Town's urban boundary.
- Staff are of the opinion that the proposed changes related to development within prime agricultural areas are significant and could have long term implications to the Town's agricultural land base.
- Staff have significant concerns with the proposed change to allow new applications for rural lot subdivisions outside of settlement areas.
- Staff have significant concerns with the removal of the definition and references to "affordable housing" from the proposed PPS and strongly recommends that the Province re-introduce the existing definition, policy framework and requirements with respect to affordable housing in Ontario.
- As it relates to the climate change policies of the draft PPS, staff recommend that the existing Growth Plan and PPS 2020 policies regarding climate change remain.

Next Steps:

Based on the information shared by the Province, it is expected that implementation of the proposed PPS, 2023 will occur sometime in the Fall, 2023.

Staff will continue to keep Council informed on any potential changes to the draft policies and will report back when the Natural Heritage System policies have been released for review and comment.

STRATEGIC PLAN ALIGNMENT:

This report has ramifications for many aspects of the Town's Strategic Plan such as:

- preserve, protect and enhance the Town's natural environment;
- preserve, protect and enhance our countryside;
- protect and enhance our agriculture;
- to achieve sustainable growth to ensure that growth is managed so as to ensure a balanced, sustainable, well planned community infrastructure and services to meet the needs of residents and businesses; and,
- to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

RELATIONSHIP TO CLIMATE CHANGE:

The potential impacts to the Town's Climate Change portfolio and initiatives are not fully understood. Staff have provided comments through ERO submissions highlighting the importance of including policies that support municipalities in their effort to take direct action to protect the environment, reduce greenhouse gases and develop effective climate change initiatives.

PUBLIC ENGAGEMENT:

Public Engagement is coordinated by the province through the ERO. Where possible, at the implementation stages, the Town will ensure the public is provided an opportunity to be engaged and consulted on any required changes to local policies and procedures.

INTERNAL CONSULTATION:

Internal consultation on these ERO postings included staff from the Economic Development and Business Concierge, Development Engineering, Transportation, Development Review and Planning Policy teams.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer