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Staff Report PL2024-034

Title of Report: **PL2024-034-Provincial Planning Statement 2024, Bill 185 Cutting Red Tape to Build More Homes Act, 2024**
Department: Clerks
Branch: Planning Services
Council Date: April 30, 2024

Recommendation:

Be it resolved that Council receive Staff Report PL2024-034 for information; and
That Council authorize submission of the points outlined in the Concluding Comments Section of the report regarding Provincial Planning Statement 2024 and the second reading of Bill 185, and that staff continue monitoring and report back on the final policies and legislated changes to the Planning Act.

Property Location: Provincial Policy and Legislative Matter

Subject Lands: Applies in the County of Grey and the entire Township.

The Proposal: The proposed new [Provincial Planning Statement 2024](#) is out for comment until May 15. It replaces a 2023 draft Planning Statement that was consulted upon last summer. When the new Planning Statement is adopted it will replace the [2020 Provincial Policy Statement](#) as Ontario's position on land use planning matters. Municipal Council's must make land use planning decisions that are consistent with provincial land use policies.

[Bill 185](#) Cutting Red Tape to Build More Homes Act received second reading at the Province includes changes to the Planning Act, Development Charges Act, Municipal Act, Line Fences Act, and other legislation.

This report provides background information on [Provincial Planning Statement 2024](#) and [Bill 185](#) both of which are being considered by Ontario Legislators at this time.

Background: Since Ontario's Housing Task Force reported on the major lack of housing supply across the province, several legislative initiatives and policy directions were initiated to encourage building of 1.5 million homes in Ontario by 2032. Ontario's initiatives include the following:

- [Bill 109 More Homes for Everyone Act 2022](#)
- [Bill 23 the More Homes Built Faster Act, 2022](#)
- [Bill 97 Helping Homebuyers, Protecting Tenants Act](#) and
- [Draft Provincial Planning Statement 2023](#)

Applications to amend the official plan, zoning bylaw, minor variances, consents and others Township Council considers are reviewed under legal rules set in the [Ontario Planning Act](#), and associated regulations. Bills 109, 23 and 97 plus [Bill 185](#) change Planning Act procedures staff must follow when presenting applications to the public and Council.

The [2020 Provincial Policy Statement](#) to be replaced by a new [Provincial Planning Statement 2024](#) will impact on some staff recommendations in planning reports as well as Council's decisions on applications to remain consistent with Ontario's planning policy.

A chart in the appendices summarizes the difference between the Provincial Planning Statement 2023 and [Provincial Planning Statement 2024](#). The changes in [Bill 185](#) that most impact the Township are also documented the appendices.

Staff Review:

The Following summarizes potential changes to the [Provincial Planning Statement 2024](#) that will impact Township planning practices.

- Support intensification, range, and mix of housing (garden suites, multi-generational, low, and mid-rise apartments etc.).
- High growth areas and large municipalities to achieve 50 residents and jobs per hectare, smaller moderate growth areas may achieve lower densities.
- Encourages residential development in rural settlements but removed section allowing for multi-lot residential development (estate subdivisions).
- More private servicing flexibility but requiring review of environmental impacts and alternatives for rural areas and settlements when official plans reviewed/updated.
- Permits housing on prime agricultural lands within the rural cluster. Removed policies allowing residential lot creation in prime agricultural areas except for surplus farm severances and lot additions.
- More permissive policies on rural employment area expansion.
- Allowing additional residential units and housing for farm workers but removed statement that local official plan and zoning cannot be more restrictive.
- Flexibility in population forecasts including Ministry of Finance projections. 25-year planning horizon with a 15-year residential land supply, 3-year servicing capacity.
- Settlement areas can be expanded and established with more flexibility and without mandated municipal comprehensive review process but re-established the policy requiring need to be demonstrated.
- New policies encouraging residential and mixed-use development in older commercial retail areas.
- Rules for integrating industrial and manufacturing and protecting along major corridors, across boundaries, and more control over employment conversions.
- Require planning for stormwater management, water, wastewater, and waste management to accommodate growth and protect major corridors highways etc.

- Integrate planning with transportation of goods and people and consider multiple uses for schools into neighbourhoods.
- Protect specialty crop areas through minimum distance separation and promoting an agricultural systems approach to support agri-food network and make Provincial agriculture mapping optional.

The following summarizes potential impacts of Planning Act Amendments proposed in [Bill 185](#)

- Pre-consultation on official plan, zoning, site plan control and plan of subdivision applications can be required but not by bylaw and if no decision made on a complete application within 90 days there is an appeal to OLT.
- No member of public can appeal an official plan amendment.
- Developers can apply to amend a settlement area boundary in an Official Plan and if it is not approved now has appeal right unless site is within Greenbelt.
- Fee refunds for zoning bylaw amendments not processed within 90-210 days are eliminated.
- Developers can apply to amend a settlement area boundary in the zoning bylaw and if it is not passed now has appeal right unless site is within Greenbelt.
- No member of public can appeal a zoning bylaw amendment.
- Minister's Zoning orders (three in Southgate) are and always have been bylaws passed by Council.
- Additional residential units on full municipal services (up to 2, including 1 in an accessory building) may be regulated as far as a qualifying parcel and the existing building or structure, unless all buildings are demolished. The Minister may enact rules to override zoning restrictions.
- Fee refunds for site plan approvals not processed within 60-120 days are eliminated.

Provincial Policy Statement: This report is to comment on new [Provincial Planning Statement 2024](#) which replaces the [2020 Provincial Policy Statement](#)

Township Official Plan: Depending on final [Provincial Planning Statement 2024](#) that is approved by the government, and wording of [Bill 185](#) upon Royal Assent the official plan may need to be updated.

Zoning By-law: Depending on final [Provincial Planning Statement 2024](#) that is approved by the government, and wording of [Bill 185](#) upon Royal Assent the zoning bylaw may need to be updated.

Concluding Comments: Both the [Provincial Planning Statement 2024](#) and [Bill 185](#) are not yet final. It is recommended Council consider commenting on the following areas:

1. Support policies in the Planning Statement that permit additional residential units in prime agricultural and rural areas within the farm cluster, where private servicing appropriate and in compliance with MDS so long as municipalities can be more restrictive if community need demands.

2. Support flexibility in settlement boundary areas expansions, including rural settlements provided a comprehensive planning analysis is completed including an assessment of need for boundary expansion.
3. Request a clearer definition of infilling and rounding out existing rural subdivisions on private services.
4. Do not support elimination of private citizens right to appeal to the Ontario Land Tribunal an official plan or zoning bylaw amendments provided the citizen lives within the area where notice was given, actively participated in the public meeting process, specifies reasons for the appeal including taking legal and planning advice in submitting an appeal.
5. Support the elimination of fee refunds on Planning Act applications (zoning amendments and site plan control) but allow appeal to Ontario Land Tribunal if decisions are not made in a timely manner.
6. Support additional residential units in fully serviced areas allowing municipalities to determine appropriate zoning rules for the units based on community need and input.

Respectfully Submitted,

Municipal Planner: *Original Signed By*
Bill White, Triton Engineering

CAO Approval: *Original Signed By*
Dina Lundy, CAO

Appendices:

Comparison Provincial Planning Statement 2023 & Provincial Planning Statement 2024.

Section	2023	2024
2.1 Planning for People & Homes (1)	25 yr projection at each OP update, longer for infrastructure, public service etc.; clarify impact of MZO	Authorities shall base pop & employ growth on Moff. 25 yr. projection, may modify
2.1 (2)	Range & mix of housing for regional area, 15 years land designated and available, 3 years servicing capacity	Municipalities can continue to use previous Provincial population and employment projections
2.1(3)	Lower tiers maintain land and unit supply of Upper tier approval authorities	20 yr. projection at each OP update, but no more than 30 longer for infrastructure, public service etc.; clarify impact of MZO is in addition to needs over OP horizon
2.1 (4)	Complete communities a mix of housing, transit etc.; improve accessibility for all; improve social equity & quality of life	Range & mix of housing for regional area, 15 years land designated and available, 3 years servicing capacity
2.1(5)	n/a	Lower tiers maintain land and unit supply of Upper tier approval authorities
2.1(6)	n/a	Complete communities a mix of housing, transit etc.; improve accessibility for all; improve social equity & quality of life
2.2 Housing (1)	Plan range of mix of housing options, densities, of regional market	Plan range of mix of housing options, densities, of regional market (similar)
2.3 Settlement Areas and Settlement Area Boundary Expansions	1. Settlement Areas focus of growth 2. Land Use patterns a-e 3. Support intensification and redevelopment, complete communities	2.3.1 General Policies for Settlements 1. Settlement Areas focus of growth 2. Land Use patterns a-e 3. Support intensification and redevelopment, complete communities
2.3(4)	New settlement areas or boundary expansions a) – e) criteria As in new 2.3.2	Authorities encourage to establish min. targets for intensification & re-development in built-up areas, consider local conditions
2.3(5)	Authorities to establish density targets for new settlements and expansions; large fast growing 50 residents & jobs/hectare	Authorities to establish density targets for designated growth areas; large fast growing 50 residents & jobs/hectare
2.3(6)	n/a	Authorities establish & implement phasing policies, align designated growth areas with infrastructure & public services
		2.3.2 New Settlement Areas & Settlement Boundary Expansions

		<p>1. New SA's or SABE's shall consider need to plan for mix or land uses, where sufficient service capacity, if specialty crop areas, alternatives to avoid prime ag., comply with MDS, impacts on ag system, plan for phased urban dev't</p> <p>2. a new settlement identified only where infrastructure & public services available</p>
2.4 Strategic Growth Areas	Major transit centre, urban growth centres with existing or planned transit services or high order transit corridors	Definition strategic growth area slightly changed, focus existing & emerging downtowns, land adjacent to post-secondary inst. & other areas, underused shopping malls and plazas
2.4.1 General Policies for Strategic Growth Area	1. planning authorities may and large and fast-growing municipalities shall focus growth on SGA (a) set min. density target and (b) identify scale and type of development	<p>1. identify & focus growth in these areas</p> <p>2. complete communities' range of housing options and mixed use for (a) significant pop. & employment growth (b) focal areas education, commercial, recreational cultural (c) support transit locally 7 regionally (d) affordable, accessible, and equitable housing</p>
	2. reduction or change urban growth are in an OP only during new OP or S 26	3. a-e prioritize infrastructure, scale of development, complete communities, compact form, student housing strategy, redevelopment of commercial retain lands underused malls and plazas to mixed use
2.4.2 Major Transit Area		1. define major transit station areas or higher order transit corridors in OP within 500-800 m of a transit station to maximize
		2. within major and high order transit areas same density target for subways, light rail, regional rail (200-150 residents and jobs per ha)
		More or less the same 2-6 (7 repeats)
2.5 Rural Areas in Municipalities	1. Healthy integrated viable rural areas (a) though (h)	Same 2. In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.
	2. When directing development in rural settlements: locally appropriate, scale of development etc. Growth and development for rural land as per 2.6	3. Same as 2 in previous
2.6 Rural Lands in Municipalities	1. Rural lands permitted uses include: (a) through (g)	1. Same except c) remove "and multi-lot residential development"
	2- 5 other rural development criteria	2-5 same except 4. Planning authorities <u>should support</u> a diversified rural

		economy by protecting agriculture and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses
2.7 Territory Without Municipal Organization	n/a	n/a
2.8 Employment Supporting A Modern Economy	2.8.1 1. a-c	2.8.1 1. same a-d, new d encourages intensification of compatible, compact mixed use for complete communities, new e allow transition uses from employment to sensitive uses
	2,3	2 same, 3 similar with reference to 3.5 (land use compatibility)
	4, require OP cannot be more restrictive than 2.8.1.3	Section removed
	5	5. major office and institutional to major transit areas or strategic growth areas
2.8.2 Employment Area	1 a,b Plan protect preserve employment areas, ensure infrastructure, locate near major goods movement corridors	1, 2 the same
	2 a-e protect employment areas	3 a-e the same to protect employment areas, prohibit residential uses
	3 assess and update employment areas in OP to ensure appropriate	4 is the same plus add
	4 criteria for removal of employment lands	5. basically the same new that accommodate employment growth in OP
2.9 Energy Conservation, Air Quality and Climate Change		Same re reducing greenhouse gas and prepare for climate change
Chapter 3: Infrastructure and Facilities 3.1 General Policies for Infrastructure & PSF		Essentially same adding public service facilities should be planned and colocated with one another, along with parks and open space where appropriate
3.2 Transportation Systems		Same – safe, energy efficient for projected needs, use infrastructure, connectivity of multi model transportation systems
3.3 Transportation and Infrastructure Corridors		Same – plan and protect corridors and infrastructure rights-of-way; preserve and protect linear corridors where possible including collocating

3.4 Airports, Rail and Marine Facilities		Same – protection NEF/NEP etc.
3.5 Land Use Compatibility		Same – protect sensitive uses, mitigate adverse effects protect long term viability of major facilities
3.6 Sewage, Water and Stormwater		<p>Same – planning for sewage and water services including opportunities to allocated and reallocated unused system capacity to municipal water and sewer.</p> <p>2. municipal preferred to support settlement area growth</p> <p>3- 8 same (including 4 which requires at OP review or update assess environmental health and viability of other servicing</p>
3.7 Waste Management		same
3.8 Energy Supply		same
3.9 Public Spaces, Recreation, Parks, Trails and Open Space		same
Chapter 4: Wise Use and Management of Resources 4.1 Natural Heritage		
4.2 Water		Same 1-3 plus 4 related to upper and lower tier for fast growing municipalities and 5. Collaboration with conservation authorities in watershed planning
4.3 Agriculture, 4.3.1 General Policies		Same 1-3 agricultural systems approach, maintain geographically continuous agricultural land base, prime ag and specialty crop protected for long-term, Class 1-3 priority
4.3.2 Permitted Uses		<p>Same 1-4 prime agricultural areas include agricultural uses, agricultural related uses and on-farm diversified uses</p> <p>5. Where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted provided they</p> <p>a-meet MDS</p> <p>b-compatible with and not hinder ag operations.</p> <p>c- have appropriate water, sewer</p> <p>d-address public health and safety</p>

		<p>e – limited in scale located close to principal dwelling or farm cluster</p> <p>f-minimize ag land loss</p> <p>Additional residential units only severed through surplus farm operation</p>
4.3.3 Lot Creation and Lot Adjustments	2024 version Removed 4.3.3 2. Official plans and zoning bylaws shall not contain provisions that are more restrictive	<p>1. Is discourage only permitted in prime agriculture areas for a. agricultural uses, b. agricultural related uses limited to minimum size needed</p> <p>c. one surplus residence to an agricultural operation of minimum size with retained lot zoned to prohibit any dwelling</p>
4.3.4 Removal of Land from Prime Agricultural Areas		Same for expansions of or identification of settlement areas as per 2.3.2
4.3.5 Non-Agricultural Uses in Prime Agricultural Areas		Same only permit non-agricultural uses for mineral extraction, limited non-residential uses not in specialty crop areas, meets MDS, identified need and alternate locations evaluation
4.3.6 Supporting Local Food and the Agri-food Network		Planning authorities to support local food, facilitate near-urban and urban agriculture and foster a robust agri-food network

The following summarizes [Bill 185](#) changes impacting Township planning:

- Amend Section 17(24) to remove appeal right on an official plan from a “person or public body” to a “specified person or public body” (definition of specified person includes mostly private utility companies like Hydro One, OPG, Natural Gas companies etc.) – includes transition rules new subsections (24.0.1, 24.0.2, 24.0.3, 24.0.4).
- Amend Section 17(36) to remove appeal rights on an upper tier decision on a lower tier official plan from a “person or public body” to a “specified person or public body” (same definition as above – includes transition rules (36.0.1, 36.0.2, 36.0.3, 36.0.4).
- Amend Section 22 regarding persons or public bodies requesting Council’s amend their official plan, including new 3.1 that allows pre-consulting on requests to amend the OP but removes ability of Council to require pre-consultation through a by-law – new subsection 6.2 about persons and public bodies or Council appealing to OLT on whether information on request to amend the OP is complete – new section 22(7.2) appeals only prohibited on a settlement area boundary within the Provincial Greenbelt.
- Amend Section 34 regarding amending zoning bylaws, including new 3.1 that allows pre-consulting on requests to amend the OP but removes ability of

Council to require pre-consultation through a by-law – new subsection 10,5 about persons and public bodies or Council appealing to OLT on whether information on request to amend a Zoning Bylaw is complete – new section 34(11.0.4) (a) appeals only prohibited on a settlement area boundary within the Provincial Greenbelt.

- Repeal Sections 34 (10.12) and (10.14) which requires fee refunds for zoning amendments (50% if no decision in 90 days; 75% no decision in 150 days; 100% no decision in 210 days)
- New Section 34(11.0.4) (a) appeals only prohibited on a settlement area boundary amendment to zoning bylaw if within the Provincial Greenbelt.
- Section 34(19) 2. to remove appeal right on zoning bylaw amendment from a “person or public body” to a “specified person or public body” (definition of specified person includes mostly private utility companies like Hydro One, OPG, Natural Gas companies etc.) – includes transition rules new subsections (19.0.0.1, 19.0.0.2, 19.0.0.3, 19.0.0.4).
- Section 34.1 repealed and replaced regarding Minister’s Orders which state they are to be and always have been a bylaw passed by Council.
- Section 35.1 (2) that allows Minister to make regulations and standards for up to 2 additional residential units (detached, semi-detached, row), including 1 in a separate building, now including identifying which parcels and which buildings may qualify –superseded lot size and lot coverage provisions.
- Section 41 (3.1) and (3.2) repealed and replaced regarding pre-consulting on site plans including new 3.1 that allows pre-consulting on site plans but removes ability of Council to require pre-consultation through a by-law.
- Section 41 (11.1) to (11.3) are repealed which requires fee refunds for zoning amendments (50% if no decision in 60 days; 75% no decision in 90 days; 100% no decision in 120 days)
- New Section 49.2 allows the Minister to make regulations that apply to additional residential units.
- Changes to Section 51 (16.1) (19.2) (19.3) and (32) regarding pre-consultation on subdivisions, and expiry of draft plan approvals