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The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Provincial Planning Statement, 2024
DATE: 2024-09-24
REPORT #: CDS-24-160
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DEPARTMENT: Community & Development Services

BACKGROUND INFORMATION

The purpose of this report is to inform Council of the changes related to the implementation of the new Provincial Planning Statement, 2024 (PPS, 2024).

Over the last several years, the Province has passed a number of aggressive legislative changes to address the housing crisis. Further to these changes, the Province released a draft consolidated Provincial Planning Statement document for comment in April 2023, which proposed significant changes to how municipalities undertake land-use planning. Following a consultation period, the Province reviewed comments and considered updates to the draft document.

On April 10, 2024, the Province released a revised proposed Provincial Planning Statement, 2024, which was updated to reflect comments received through last year's consultation period. Staff reviewed the document and provided comments via Staff Report CDS-24-082 and submitted comments to the Environmental Registry of Ontario (ERO) posting prior to the May 10, 2024 closing date.

At the Association of Municipalities of Ontario (AMO) Conference on August 20, 2024, the Minister of Municipal Affairs and Housing announced the release of the new PPS, 2024.

The PPS, 2024 will combine and replace the Provincial Policy Statement, 2020, and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the "Growth Plan"). The PPS, 2024 was issued under the *Planning Act* and will come into effect on October 20, 2024.

The Growth Plan will be revoked the same day the PPS, 2024, takes effect through a regulation that was filed on August 20, 2024, revoking the designation of the Growth Plan Area effective October 20, 2024.

The PPS, 2024, implements changes that will shift how, where, and when municipalities grow.

Specifically of interest to Niagara-on-the-Lake are the changes to growth management through eliminating density and intensification targets, changing how a municipality protects employment areas, and protecting and conserving important resources and agricultural lands.

Key changes in the PPS, 2024 from the current provincial planning framework include:

Growth Forecasts: Growth forecasts are no longer allocated by the Province.

- Planning authorities will no longer be required to plan specific population and employment targets for a horizon year. Planning authorities shall base population and employment growth forecasts on Ontario Ministry of Finance projections and may modify these forecasts, as needed. Municipalities may continue to use previous forecasts issued by the Province until the next Official Plan review.
- Municipal Comprehensive Reviews (MCR) are no longer mandated.
- At the time of an Official Plan update, sufficient land shall be available to accommodate projected needs over a minimum of 20 years, to a maximum of 30 years. Planning horizon is not set by the Province (i.e. like Growth Plan to 2051).
- Growth resulting from an approved Minister's Zoning Order (MZO) is not counted towards the projected land needs but must be integrated into infrastructure planning. This growth may be accommodated through the next Official Plan update.

Intensification and Density Targets: While intensification is defined the same as the PPS, 2020 and Growth Plan, the concept of the Delineated Built Boundary, Delineated Built-up Areas, and Designated Greenfield Areas (DGA) from the Growth Plan have been removed.

- Intensification targets will no longer be established by the Province and must be established for built-up areas based on local conditions. Planning authorities are required to implement minimum targets for intensification and redevelopment within built-up areas; however, without a Delineated Built Boundary, it is unclear how intensification would be measured.
- In the Town, there is no minimum proportion of overall forecasted growth which is required to be "intensification" as set out by the Province. Density targets are encouraged for designated growth areas but will no longer be identified or mandated by the Province.
- There are no mandated minimum density targets from the Province. Planning authorities are encouraged to establish density targets for designated growth areas.
- Large and Fast-Growing Municipalities are encouraged to plan for a target of 50 residents and jobs per hectare in designated growth areas; however, this does not appear to be a requirement. The Town is not identified as a Large and Fast-Growing Municipality.
- Density targets continue to represent minimum standards and planning authorities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the PPS, 2024, or any other provincial plan.

New Settlement Areas and Settlement Area Boundary Expansions: The identification of new settlement areas is now permitted, and settlement area boundary expansions may occur at any time given the removal of MCRs.

- Bill 185 also restored the ability of landowners to appeal settlement area expansions to the Ontario Land Tribunal outside of the Greenbelt Plan area.
- The tests for new settlement areas and expansions are less stringent. One criterion that must be considered is whether the applicable lands comprise specialty crop areas. Per policy 3.1.2.3 of the Greenbelt Plan, Towns/Villages are not permitted to expand into specialty crop areas.

Housing: The definition of housing options is expanded. Support for residential intensification continues, including development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas).

Employment: Employment Area conversions are permitted to occur at any time, whereas previously conversions may only occur during an MCR.

- Policy 2.8.2.5 sets out conversion tests, including that there is an identified need for the conversion, the proposed uses would not negatively impact the viability of the employment area, there is existing or planned infrastructure available, and the municipality has sufficient employment lands to accommodate the projected employment growth over the planning horizon.
- New policy requires planning authorities to promote economic development and competitiveness by addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.
- The definition of employment area has changed, to reflect the definition in the *Planning Act*. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use (primary employment uses include manufacturing, research, and development, in connection with manufacturing, warehousing, goods movement, associated retail, and office).

Agriculture: Planning authorities are now required to use an agricultural system approach, whereas previously planning authorities were encouraged to use an agricultural system approach (Policy 4.3.2.5).

- Where a residential dwelling is permitted on a lot in the prime agricultural area, up to two additional units shall be permitted, provided that where two additional residential units are proposed, at least one of those dwellings is located within or attached to the principal dwelling, subject to criteria.
- The additional residential units that are permitted on a lot in the prime agricultural area are in addition to farm worker housing permitted as an agricultural use.
- Lot creation and lot adjustments – most policy direction has been carried forward, but the definition has changed from residence surplus to a “farming” operation to residence surplus to an “agricultural” operation.

Land Use Compatibility: It appears that the policies make it easier to establish sensitive land uses in the vicinity of existing or planned industrial, manufacturing, or other major facilities that are vulnerable to encroachment (employment areas).

Natural heritage: The natural heritage policies of PPS, 2020 are carried forward with no changes.

Watershed planning: Watershed planning is required for "large and fast-growing municipalities" and encouraged for other municipalities.

Policies Represent Minimum Standards: The policies represent minimum standards, and planning authorities may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the PPS, 2024.

Relationship with Provincial Plans: Provincial Plans, such as the Greenbelt Plan, take precedence over the policies of the PPS, 2024, to the extent of any conflict, except where the relevant legislation provides otherwise. The more specific policies of the provincial plans apply where there are overlapping matters with the PPS, 2024.

General Policies for Implementation and Interpretation: Where a planning authority must decide on a planning matter before their Official Plan has been updated to be consistent with the new Provincial Planning Statement, its decision shall be consistent with the PPS, 2024.

Additional changes have also been made, or take effect, to implement the new PPS 2024:

- Amendments made through Bill 97 (*Helping Homebuyers, Protecting Tenants Act, 2023*) to the definition of "areas of employment" in the *Planning Act* have been proclaimed to come into effect on October 20, 2024, in alignment with the new PPS, 2024 definition.
- To maintain existing protections within the Greenbelt Plan, it was amended to ensure that policies within the Provincial Policy Statement, 2020, and A Place to Grow: Growth Plan for the Greater Golden Horseshoe continue to apply where the Greenbelt refers to them. This amendment will also take effect on October 20, 2024.

Further to the announcement of the PPS, 2024, the Province also posted, on the ERO, an opportunity for consultation on a transition regulation under the *Planning Act* to facilitate implementation of the PPS, 2024. The Minister is seeking feedback on any specific planning matters in process that should be addressed through a transition regulation to facilitate its implementation. The consultation closes on October 4, 2024. Staff are currently reviewing, and comments will be provided if required.

NEXT STEP / CONCLUSION

Over the last several years, the Province has passed several aggressive pieces of legislation that significantly changed the planning process that has guided growth management and land use planning policy over the last two decades. The most recent, the PPS, 2024, takes effect on October 20, 2024. All applications and decisions from this date forward will need to be reviewed against this document for consistency. Staff will continue to monitor how the changes roll out and any additional implementing regulations and bulletins for the transition.

ATTACHMENTS

N/A