Appendix 7

Review of the County Official Plan for Compliance with Provincial Changes Report

Committee of the Whole

Meeting Date: October 27, 2020

Submitted by: Durk Vanderwerff, Director of Planning

SUBJECT: REVIEW OF THE COUNTY OFFICIAL PLAN FOR COMPLIANCE WITH PROVINCIAL CHANGES

BACKGROUND:

The County through a Request for Proposal process engaged GSP Group to undertake Land Use Planning Services for a Review of the County Official Plan for Compliance with Provincial Changes. The Project involved a review of the Official Plan against the relevant planning policy changes undertaken by the Province to determine potential revisions and will form an important basis when the County Official Plan Review is re-started. It is noted that the Province was consulted during this Project.

ANALYSIS:

The review included the following issues: Planning and Conservation Land Statute Law Amendment Act (Bill 51), Green Energy and Green Economy Act (Bill 150), Strong Communities through Affordable Housing Act (Bill 140), 'Guidelines for New Development in Proximity to Railway Operations' prepared for the Federation of Canadian Municipalities and the Railway Association of Canada, Middlesex Natural Heritage System Study, Smart Growth for Our Communities Act (Bill 73), Promoting Affordable Housing Act (Bill 7), Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, Minimum Distance Separation (MDS) Document, Aggregate Resources and Mining Modernization Act (Bill 39), Building Better Communities and Conserving Watersheds Act (Bill 139), More Homes, More Choice Act (Bill 108), and the Provincial Policy Statement update.

The outcome of the Project is the preparation of the attached Background Report that identifies key policy themes that have changed as a result of Provincial Changes. The themes are to be reviewed in consultation with the included Fact Sheets that have been prepared to summarize the Provincial legislation and are also to serve as a guide to local municipal official plan updates.

The Project also includes recommended wording changes to the County Official Plan that will be incorporated into Official Plan Review process, along with other potential areas of change.

Attachment

Background Report

Review of the County Official Plan for Compliance with Provincial Changes

County of Middlesex

October 2020

GSP group

Background Report

Review of the County Official Plan for Compliance with Provincial Changes

County of Middlesex

October 2020

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1. Introduction

The County of Middlesex Official Plan was last updated in July 2006. Since that time the overall land use planning framework in Ontario has undergone significant change. This has included two updates of the Provincial Policy Statement and the release of numerous pieces of Provincial Legislation aimed at protecting matters of provincial interest such as affordable housing, employment land, prime agricultural land and natural resources and features.

Many of the Provincial changes build on one another and together are aimed at providing direction on where and how communities grow and develop.

The purpose of this report is to identify key policy themes that have changed and evolved as a result of the Provincial Changes. Ultimately, the themes that are included in this report are to be reviewed in consultation with the Fact Sheets that have been prepared to summarize the above noted Provincial legislation. The Fact Sheets are provided in Section four of this Report and are to inform an update to the County of Middlesex Official Plan and to serve as a guide to local municipal official plan updates.

The Provincial Legislation and other documents that have been released since 2006 that have been reviewed to inform this report include:

1. 2006 Planning and Conservation Land Statute Amendment Act (Bill 51);
2. 2009 Green Energy and Green Economy Act (Bill 150);
3. 2011 Strong Communities through Affordable Housing Act (Bill 140);
4. 2013 Guidelines for New Development in Proximity to Railway Operations;
5. 2014 Provincial Policy Statement;
6. 2014 Middlesex Natural Heritage Systems Study;
7. 2015 Smart Growth for Our Communities Act (Bill 73);
8. 2016 Promoting Affordable Housing Act (Bill 7);
9. 2016 Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas;
10. 2017 Minimum Distance Separation (MDS) Document;
11. 2017 Aggregate Resources and Mining Modernization Act (Bill 39);
12. 2017 Planning Act Appeal Reform (Bill 139);
13. 2019 More Homes, More Choice Act (Bill 108);
14. 2020 Provincial Policy Statement.

To create a meaningful and concise document this report has been organized by themes. The report will review all of the Provincial changes that apply within each 'theme' and will discuss the impacts on the County and municipal official plans. The intent is to be able to look at a theme and understand which Provincial changes apply to that thematic area and to understand the anticipated impacts on municipal official plans. The Fact Sheets in Section 4.0 are more inclusive in terms of identifying not only changes that impact official plans, but also procedural or legislative changes that may impact how a municipality conducts business on land use planning matters such as providing notice, or processing applications or the types of appeals permitted.

2. Provincial Changes – By Thematic Areas

2.1 Agricultural

The protection of prime agricultural land has long been a matter of Provincial interest. In 2014 with the approval of a new Provincial Policy Statement (PPS), agricultural land use policies were further clarified, and the protection of prime agricultural land further entrenched.

The 2014 PPS directed municipalities to identify and designate all Prime Agricultural Areas within their jurisdiction. Official Plans are to be updated to ensure all prime agricultural land is designated within the plan. Permitted uses in prime agricultural areas were amended to include agricultural uses, agriculture-related uses and on-farm diversified uses. On-farm diversified uses is a new term and replaces the previous term "secondary uses". The change is intended to provide clarity to what types of 'other' uses can be accommodated on an agricultural property. On-farm diversified uses is defined in the PPS as: "*uses that are secondary to the principal agricultural use of the property and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value added agricultural products*". Official plans should be updated to include this definition.

Lot creation policies in Section 2.3.4 of the PPS were updated with respect to the creation of a lot for a residence surplus to a farming operation. A surplus dwelling and the associated lot are to be "*…limited to a minimum size needed to accommodate the use and appropriate sewage and water services".* Official plans need to be updated to include this requirement for surplus farm dwellings.

The PPS update also required, among other matters, that non-agricultural uses locating in prime agricultural areas comply with the minimum distance separation formulae and that

alternative locations be evaluated (Section 2.3.6). Official plans should be updated to reflect these requirements. The 2020 PPS maintains the above noted policy changes.

Section 1.1.3.8 of the PPS was strengthened to require planning authorities to review and evaluate alternative locations (that avoid prime agricultural areas or lower priority areas) for settlement boundary expansions and that any boundary area expansion comply with the minimum distance separation formula. Settlement boundary expansion policies need to reference the PPS or include policy wording to include the review of alternative locations.

In support of the 2014 PPS and specifically policy 2.3.3.1 the Province released Guidelines on Permitted Uses in Prime Agricultural Areas in 2016. This document further explains the types and scale of uses that are permitted within Prime Agricultural Areas. These guidelines clarify what 'on-farm diversified uses' and 'agriculture-related uses' are and the permitted scale of these uses. The Guidelines provide examples of permitted uses and uses that would typically not be permitted. Official plan reviews should specifically review these guidelines and ensure policies are appropriate. Official plans may be updated to reference the Guidelines, or they may expand current policies to clarify what is permitted.

The 2020 PPS maintained the above fundamental policies for Agriculture as updated in 2014. The 2020 PPS goes one step further and encourages Planning Authorities to use an 'Agricultural System" approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network. Agricultural System is a newly defined term in the 2020 PPS.

To further support agriculture and to protect agricultural operations the Province updated the Minimum Distance Separation (MDS) Formulae in 2017. The updated MDS requires municipalities to reference the MDS formulae and implementation guidelines within official plans. There are three generally accepted methods to reference the MDS Guidelines within official plans. Municipalities may: adopt the entire MDS document as a schedule or appendix to the official plan; adopt only the definitions (Section 3), Implementation Guidelines (Section 4) and Factor Tables (Section 5) in a schedule or appendix to the official plan; or, include a text reference to the MDS Guidelines in official plan policies. At a minimum, official plans shall contain policies which require compliance with MDS I setbacks when seeking a change in the land use from a prime agricultural area designation to development.

There are other optional instances where official plans can provide direction and alter the use of the MDS implementation guidelines. For MDS I calculations official plans can exempt certain building permits from MDS I calculations (guideline 7), official plans can apply MDS I from livestock facilities or anaerobic digestors on different lots to surplus dwellings (when

surplus dwelling severance proposed) (guideline 9) and official plan policies can implement MDS I setbacks for specific agriculture-related and on-farm diversified uses that may not otherwise be required by the MDS Guidelines (guideline 35).

Official plans can specify that MDS II guidelines are not applicable for agriculture-related uses and on-farm diversified uses (guideline 35) as with MDS I for Agriculture-related and on-farm diversified uses. Official plans can specify if a cemetery is a Type A or Type B land use and therefore reduce setback requirements (guideline 38) on the implementation of the MDS guidelines.

Requirements for Municipal Official Plans:

Municipal official plans need to be updated to use current terminology of the PPS including on-farm diversified uses and agriculture-related uses. Permitted uses as outlined in the Guidelines for Permitted Uses in Prime Agricultural Areas can be adopted into official plans for clarity or reference can be provided directing readers to review the Guidelines for further reference. Official plans with supportive policies for surplus farm dwellings need to update policies to include reference to minimum lot area required for the dwelling and private services (septic and well).

Official plans need to reference the MDS Formulae. This can be through a policy reference to the MDS Formulae in the official plan or through the inclusion of the entire MDS policy as an appendix to the official plan. Should municipalities wish to alter the implementation guidelines (specifically guidelines 7, 9, 35 and 38) policies are required in official plans to direct alternative measures and implementation requirements. In the context of the County of Middlesex this level of detail is best prescribed at the local level, in lower tier Official Plans.

Recognition of ‘Agricultural Systems’ being a group of inter-connected elements that collectively create a viable, thriving agricultural system through the agricultural land base and the associated agri-food network should be recognized at the local level.

2.2 Housing

There has been long standing policy support for affordable housing, however, policies have not always had the 'teeth' to effect change related to the development of affordable housing. In 2011, the Strong Communities through Affordable Housing Act (Bill 140) was introduced and ultimately came into effect in 2012. Bill 140 included 'Affordable Housing' as a matter of Provincial Interest in Section 2 of the Planning Act. Following this change all development applications must (among other matters) identify how the proposed application has regard to "*the adequate provision of a full range of housing, including affordable housing*". Bill 140 amended Section 16 of the Planning Act to require official plans to contain policies authorizing the use of a secondary residential units. The More Homes, More Choice Act (Bill 108) expanded on the secondary residential unit policies to allow 'additional' residential unit policies. Specifically, official plans shall contain policies that authorize the use of additional residential units by authorizing:

a) *The use of two residential units in a detached house, semi-detached house or rowhouse; and*
b) *The use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse.*

Official plans are to be amended to specifically authorize additional residential units. Policies may be tailored to identify specific areas or locations where secondary units may be permitted or prohibited based on local circumstances.

In 2006, the Province passed the Planning and Conservation Land Statue Law Amendment (Bill 51). Bill 51 was a substantial overhaul of the Planning Act which was intended to provide municipalities with additional control over local planning matters. The inclusion of affordable housing as a matter of provincial interest built on other Bill 51 amendments which limited the appeals of secondary dwelling unit policies. The general idea being that allowing for secondary units would assist in making home ownership / rental more affordable for more people and to introduce additional rental stock to the housing market.

In addition to the limited appeals introduced by Bill 51, Bill 140 further restricted appeals to official plan policies and zoning by-law amendments (giving effect to the official plan policies) permitting secondary dwelling units. Bill 140 also amended Section 39 (Temporary Use By-laws) of the Planning Act; temporary garden suites may now be permitted for a period of up to 20 years from first approval whereas previously they were only permitted for a maximum of 10 years. Official plan policies permitting garden suites should be amended to reflect the expanded timeframes as permitted in the Planning Act, Section 39.1 (3).

The PPS update in 2014 recognized secondary units, affordable housing units and units for older persons as elements of healthy, liveable and safe communities in Section 1.1.1. The 2020 PPS further builds on this and recognizes appropriate affordable and market-based range and mix of residential types including additional units, affordable housing and housing for older persons as elements of healthy, livable and safe communities. To further protect secondary units, Bill 73 – Smart Growth for Our Communities Act was passed in 2015 and amended the Planning Act to clarify that at the time of an official plan update there is no ability to appeal second unit policies. Bill 108 amended second units to reflect no appeals of additional units. As outlined above, official plans are required to have policies permitting additional residential units and affordable housing policies to be consistent with the 2020 PPS.

In addition to the above policies aimed at protecting and providing for affordable housing and additional dwelling units, the Province introduced Bill 7 – Promoting Affordable Housing Act in 2016. Regulation 232/18 under the Planning Act came in to effect on April 12, 2018. Bill 7 introduced the ability to require inclusionary zoning polices within official plans. Bill 108 was further approved in 2019 to limit the location of inclusionary zoning to Major Transit Station Areas or to areas in which a development permit system is adopted or established. Inclusionary zoning is a land-use planning tool that a municipality may use to require affordable housing units to be included in residential developments. All municipalities may at this time begin the process to identify Major Transit Station Areas or areas to be subject to development permit systems in order to introduce inclusionary zoning policies should they desire. The Development permit system is intended to offer an alternative to conventional zoning practices in selected areas – such as, those where intensive new development is expected, and/or special issues must be considered over many sites and ownership. It involves establishing an up-to-date and comprehensive “as-of-right” zoning regime for the area in advance of the anticipated development, rather than responding one-by-one to applications.

Regulation 232/18 requires municipalities to first prepare an Assessment Report to identify affordable housing needs in the municipality and goals and targets to be set as benchmarks. Once an Assessment Report is approved, the municipality may then adopt official plan policies to require inclusionary zoning in accordance with Section 16 (4) of the Planning Act. There is no right to an appeal of the inclusionary zoning policies.

Requirements for Municipal Official Plans:

Official plans are to be updated to include policies permitting additional dwelling units. To implement these policies a zoning by-law amendment is required to be passed. As noted above, inclusionary zoning powers are now available through the Planning Act in limited

areas. Municipalities must prepare affordable housing assessment reports and identify Major Transit Station Areas or enact an area subject to a development permit system. Inclusionary zoning policies are to be implemented through zoning by-laws. Garden suites as another form of affordable and secondary dwelling units are permitted for an initial period of up to 20 years. Official plan policies should be updated to reference this additional timeframe.

2.3 Employment Areas

The protection of employment areas has evolved significantly over the past number of years. Bill 51 – Planning and Conservation Land Statue Law Amendment Act first introduced the defined term “area of employment”. The term “area of employment” was added to Section 1 of the Planning Act along with clarification that an “area of employment” referred to manufacturing uses, warehousing uses, office uses, and associated retail uses to the foregoing. Official plans need to be updated to align with this definition of “area of employment”.

Bill 51 amended Section 22 of the Planning Act (applicant initiated official plan amendment) to limit appeal opportunities for the removal of land from employment areas (if the Official Plan contains policies dealing with the removal of land from areas of employment). These amendments have been maintained through to the most recent amendments provided by Bill 108.

Bill 73 Smart Growth for our Communities Act amended Section 26 of the Planning Act (updating official plans) to require official plans to be reviewed every ten years to ensure the official plan:

i) Conforms with provincial plans or does not conflict with them as the case may be,

ii) Has regard to the matters of provincial interest listed in Section 2, and,

iii) Is consistent with policy statements issued under subsection 3(1).

Bill 51 included a further requirement to those outlined above wherein at the time of an official plan review if there were existing employment area policies within an official plan, those policies and limits of designations were to be reviewed. This requirement was subsequently removed by Bill 73 – Smart Growth for Our Communities Act, as further outlined below.

The 2014 PPS enhanced the protection of areas of employment by requiring planning authorities to protect and preserve employment areas for current and future uses and to ensure the necessary infrastructure is provided to support current and projected needs (Section 1.3.2). The 2020 PPS maintains this policy. The PPS uses the defined term ‘employment areas’ as opposed to the Planning Act term ‘area of employment’, however the definitions of the two phrases are the same.

Bill 73 - Smart Growth for Our Communities Act received Royal Assent and came into effect in December 2015. Bill 73 amended the Planning Act with the intent to make planning appeals more predictable, to increase resident input and to give municipalities more independence to resolve disputes among other matters. Bill 73 provided additional protections for employment areas by deleting the requirement for official plan conformity reviews to revisit/amend existing employment area policies. The goal was to avoid 'opening up' the existing employment area policies to appeal.

Requirements for Municipal Official Plans:

Municipalities need to ensure that employment area policies are consistent with the definitions of the Planning Act and 2020 PPS. Prior to updating official plans, municipalities should review existing employment area policies and the areas and quantities of land designated for employment uses. The review is necessary to determine if these policies and designated employment areas need to be further amended. If upon review the policies and designated areas are determined to be sufficient, then no further review is required and therefore the ability to appeal existing policies is removed.

2.4 Growth / Density

Growth and development pressures are the driving force behind many of the policy changes that have occurred over the past 10 years. As outlined in the PPS, healthy, liveable and safe communities include many elements including settlement areas, employment areas and natural areas.

To manage growth and physical change, the Planning and Conservation Land Statue Law Amendment Act (Bill 51) requires official plans to specifically contain goals, objectives and policies to address the effects of growth and physical change on the social, economic and natural environment functions and features of a municipality. Additionally, official plans are to provide a description of the procedures to obtain the goals and objectives of the municipality.

Bill 51 introduced "*the promotion of development that is designed to be sustainable, to support public transit and be oriented to pedestrians*" as a matter of Provincial Interest in Section 2 of the Planning Act. Bill 73 – Smart Growth for Our Communities Act introduced "*the promotion of built form that is well designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant*" as an additional matter of Provincial Interest. Official plan policies with respect to development applications are to be consistent with the PPS which implements matters of Provincial Interest. Policies for sustainable, pedestrian oriented development and high quality built form can be included as stand-alone policies or in multiple policy areas of the official plan.

The 2014 PPS introduced a new term "Active Transportation". Active transportation is defined as: *…human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.* Active transportation is promoted throughout the 2014 and 2020 PPS including in policies for settlement areas, housing, public spaces, parks and open space, infrastructure, transportation and energy conservation and climate change.

Active transportation policies are aimed at reducing the dependency on individual use of private automobiles and the associated impacts of that mode of transportation. Official plans should be updated to include the term active transportation and to implement policies that are supportive of alternative modes of travel. These policies can be stand-alone policies or included in multiple policy areas of the official plan.

Cultural heritage and archaeology policies of the 2014 PPS were updated to require land adjacent to built heritage resources and significant cultural heritage landscapes to demonstrate how these features and landscapes will be conserved when faced with

development. The interests of Indigenous communities also need to be considered in conserving cultural heritage and archaeological resources. The 2020 PPS maintains these directives. Official plans need to be updated to include cultural heritage and archaeology policies for development proposed on adjacent land. Protection of these resources may impact development densities, setbacks or overall feasibility. Policies for consultation with Indigenous communities should also be established.

Requirements for Municipal Official Plans:

Official plans need to have regard to matters of Provincial Interest when they are updated. Updates could include additional policies around built form, sustainable development and pedestrian-oriented development. Goals and objectives of official plans need to be specific to the point of identifying growth and development goals and the manner and policies that will assist the municipality in achieving these goals. New terms such as 'active transportation' and additional cultural heritage policies referencing adjacent land and consultation with Indigenous communities should be incorporated into official plans to ensure consistency with the PPS.

2.5 Natural Heritage / Natural Resources / Environmental Considerations

The 2014 PPS required municipalities to identify Natural Heritage Systems within Official Plans. Section 2.1.3 states "*Natural heritage systems shall be identified in Ecoregions 6E and 7E…."* The County of Middlesex is located within Ecoregion 7E. Official plan mapping needs to identify natural heritage systems. This direction is maintained in the 2020 PPS.

Natural Resources

The 2014 PPS required deposits of mineral aggregate resources to be identified within official plans as stated in Section 2.5.1 of the PPS – *Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified*. This is consistent with the 2020 PPS. Official plan mapping is to be updated (where information is available) to identify mineral aggregate resources. Land adjacent to known mineral deposits is also required to demonstrate how it will not preclude or hinder the resource extraction or why doing so serves a greater long-term public interest. Previously adjacent land wasn't specifically identified in this policy (Section 2.5.2.5). Official plans need to address adjacent lands in their policies related to mineral deposits.

The 2014 and 2020 PPS encourage comprehensive rehabilitation planning where there is a concentration of mineral aggregate operations. Extraction of minerals within prime agricultural areas is permitted as an interim use provided that the site is rehabilitated back to an agricultural condition. Policy direction is provided for situations when complete rehabilitation back to an agricultural condition is not required (Sections 2.5.4). Official plans should update mineral extraction policies to be consistent with the 2020 PPS.

In addition, the 2014 PPS introduced the need to consider the impacts of changing climate. The 2020 PPS maintained this directive. Planning authorities are to support energy conservation and efficiency along with climate change adaptation through land use and development patterns. To achieve this policy directive official plans are to promote active transportation, energy conservation, renewable energy systems, impacts of building design and orientation and maximizing vegetation within settlement areas.

The Aggregate Resources and Mining Modernization Act (Bill 39) was passed in 2017. Bill 39 did not amend the Planning Act but amended the Aggregate Resources Act and the Mining Act.

Amendments to the Aggregate Resources Act require additional consultation with Indigenous communities and public participation, increased environmental protection, amended fees and reports on rehabilitation.

Amendments to the Mining Act include the implementation of a new electronic mining lands administration system. The new electronic mining lands administrative system is proposed to include an online registration system for mining claims, a mining claim record, abstracts, and maps among other matters.

Official plan policies related to aggregates and mineral deposits should specifically reference the Aggregate Resources Act and the Mining Act as other applicable legislation.

Requirements for Municipal Official Plans:

Official Plans are to be updated to include mapping for Natural Heritage Systems and mineral aggregate resources. Cultural heritage policies are to be updated in accordance with the 2020 PPS.

2.6 General

Since the passing of the Planning and Conservation Land Statute Law Act (Bill 51) in 2006 there have been several changes to the Planning Act. As noted throughout this report many of the changes are directed to various land uses and their associated policies. Official plans are more than a collection of land use policies, they are guidance documents that set a vision for where and how municipalities are to grow. In support of this, official plans need to contain guidance and vision on how to achieve that goal.

Goals and Objectives:

Bill 51, Bill 73, Bill 139 and Bill 108 all recognized that official plans are more than a set of specific land use policies and enacted changes to Section 16 of the Planning Act. Following the proclamation of Bill 108 Section 16 of the Planning Act now requires official plans to contain *goals, objectives and policies to manage and direct physical change, such policies and measures as are practicable to ensure the adequate provision of affordable housing, and measures and procedures for informing and obtaining the views of the public.*

Official plan updates are required to provide goals and objectives to manage growth. Further, official plans need to provide clear measures and procedures for informing and obtaining the views of the public.

Complete Applications:

In support of managing growth and reviewing applications for amendments to official plans Bill 51 amended the Planning Act allowing municipalities to create “Complete Application” policies. The Planning Act was amended to confirm that a municipality may require that a person or public body that requests an amendment to its official plan or zoning by-law or wishes to subdivide land or apply for site plan approval may need to provide any other information or material that the municipality consider it may need, but only if the official plan contains provisions relating to such requirements. Official plans should contain policies outlining the requirements for complete applications.

The complete application policies can identify a list of potential reports, studies and drawings that may be required as part of a complete application or the policies may outline the procedures that will be taken to identify the complete applications requirements – such as the requirement for pre-submission consultation meeting.

Bill 51 Amended the Planning Act to allow municipalities to require mandatory pre-submission consultations. The outcome of the pre-submission consultation is intended to provide clear direction of the studies, reports and drawings that will be required in support of a complete application.

Zoning with Conditions:

Bill 51 amended Section 34 of the Planning Act by including subsection 16 which allows official plans to contain policies relating to zoning with conditions. Specifically, if the official plan contains policies relating to zoning with conditions, the council may (in a by-law passed under section 34) permit the use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location. Official plans can be updated to include policies related to zoning with conditions.

Site Plan Approval:

Bill 51 amended the Planning Act to provide further control to approval authorities for matters related to site plan approval. Notably, Section 41 was amended to include matters related to exterior design, sustainable design and accessibility. In order to give effect to these matters of site plan approval official plan policies need to be clear in either defining all matters that are subject to site plan review or to confirm that all matters included in Section 41 of the Planning Act are so included within their policies. In addition, the municipal site plan control by-law should clearly reflect the matters to be addressed though site plan control.

Alternative Notice Procedures and Effect of Public Input:

The Smart Growth for Our Communities Act (Bill 73) amended the Planning Act to require official plans to include a description of the measures and procedures used to inform and obtain the views of the public (Public Consultation Strategy) for official plan reviews and amendments, zoning by-law amendments, plans of subdivisions and consent applications. Official plans need to be amended to include a Public Consultation Strategy.

Bill 73 also amended the Planning Act to allow alternative notice procedures for applications for plans of subdivision and consent applications to be adopted in official plans. Further, Bill 73 expanded the ability to adopt alternative notices procedures for official plan amendments, zoning by-law amendments, draft plans of subdivision and community improvement area applications. These alternative procedures could include matters such as who receives notice, how notice is given and the timing for public meetings.

Community Benefits Charges:

Bill 108 introduced a Community Benefits Charge to replace the Section 37 - Increased density (bonusing) policies of the Planning Act. The council of a local municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. Section 37 of the Planning Act now directs:

A Community Benefits Charge can be imposed only for development or redevelopment that requires:

(a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34;

(b) the approval of a minor variance under section 45;

(c) a conveyance of land to which a by-law passed under subsection 50 (7) applies;

(d) the approval of a plan of subdivision under section 51;

(e) a consent under section 53;

(f) the approval of a description under section 9 of the *Condominium Act, 1998*; or

(g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

A community benefits charge may not be imposed with respect to,

(a) development of a proposed building or structure with fewer than five storeys at or above ground;

(b) development of a proposed building or structure with fewer than 10 residential units;

(c) redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;

(d) redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or

(e) such types of development or redevelopment as are prescribed

Clarification is provided in Section 37 (5) confirming that a community benefits charge can be imposed with respect to land for park or other public recreational purposes provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded by a development charge by-law.

Prior to imposing a community benefits charge the municipality must pass a by-law that authorizes the collection of community benefits charges to pay for the capital cost of facilities, services, and matters required because of development or redevelopment in the area.

The amount of the community benefits charge cannot exceed a specified percentage of land value (based on the value the day before the first building permit is issued).

Only one community benefits charge by-law may be in effect in a local municipality at a time. In the context of the County of Middlesex (being an upper tier municipality) there is not a

requirement/ability to impose a Community Benefits Charge. Community Benefits Charges are to be imposed at the local municipal level.

Development in Proximity to Railway Operations:

The Railway Association of Canada and the Federation of Canadian Municipalities prepared a guide for new development in proximity to railways. The guidelines propose building setbacks, noise and vibration influence areas, security fencing and warning clause guidelines. The guidelines provide standard recommendations that will be provided by the applicable railway operator when consulted on a development application. The following guidelines are recommended to be included in Official Plans however, there is no legislation requiring their inclusion.

Building Setbacks – Residential Development:

- Freight Rail Yard: 300 metres
- Principle Main Line: 30 metres
- Secondary Main Line: 30 metres
- Principal Branch Line: 15 metres
- Secondary Branch Line: 15 metres
- Spur Line: 15 metres

Noise Mitigation – Minimum Noise Influence Areas:

- Freight Rail Yards: 1,000 metres
- Principal Main Lines: 300 metres
- Secondary Main Lines: 250 metres
- Principal Branch Lines: 150 metres
- Secondary Branch Lines: 75 metres
- Spur Lines: 75 metres

Noise Mitigation – Minimum Noise Barrier Heights:

- Principal Main Line: 5.5 metres above top of rail
- Secondary Main Line: 4.5 metres above top of rail
- Principal Branch Line: 4.0 metres above top of rail
- Secondary Branch Line: no minimum
- Spur Line: no minimum

Vibration Mitigation:

The minimum vibration influence area is to be considered 75m from a railway corridor or rail yard.

Safety Berms:

- Principle Main Line: 2.5 metres above grade with side slopes not steeper than 2.5 to 1
- Secondary Main Line: 2.0 metres above grade with side slopes not steeper than 2.5 to 1
- Principle Branch Line: 2.0 metres above grade with side slopes not steeper than 2.5 to 1
- Secondary Branch Line: 2.0 metres above grade with side slopes not steeper than 2.5 to 1
- Spur Line: no requirement

Security Fencing:

At a minimum, all new residential developments in proximity to railway corridors must include a 1.83 metre high chain link fence along the entire mutual property line, to be constructed by the owner entirely on private property. Other materials may also be considered, in consultation with the relevant railway and the municipality. Noise barriers and crash walls are generally acceptable substitutes for standard fencing, although additional standard fencing may be required in any location with direct exposure to the rail corridor in order to ensure there is a continuous barrier to trespassing.

Warning Clauses and Other Legal Agreements:

Warning clauses are considered an essential component of the stakeholder communication process, and ensure all parties interested in the selling, purchasing, or leasing of residential lands in proximity to railway corridors are aware of any property constraints and the potential implications associated with rail corridor activity.

Official plans can be amended to reflect the above noted requirements for development in proximity to railways. The guidelines and proposed setbacks are widely adopted in official plans and zoning by-laws.

3.0 Conclusions

As outlined in the above document there have been a number of changes within the land use policy framework over the past 10 years. The Planning Act has been amended numerous times and the requirements for information that is required to be provided within municipal official plans has consistently increased. Official plans are long range documents that are to be reviewed periodically to ensure they are consistent with policies provided by the Province.

The above guidelines along with consideration of the Fact Sheets contained in Section 4.0 of this report are intended to help municipalities within Middlesex County understand where changes have occurred in the policy landscape since their last official plan reviews.

4.0 Provincial Legislation – Fact Sheets

FACT SHEET

2006 Planning and Conservation Land Statue Law Amendment Act Bill 51

Summary

Bill 51 was a substantial overhaul of the Planning Act by the Province to provide municipalities with additional control over local planning matters. Summarized below are the highlights of the Planning Act Amendments resulting from Bill 51. The amendments have been noted as being either Procedural changes or Policy changes. Procedural changes reflect changes to processes while Policy changes identify where direct changes in policy are required in Official Plans to reflect the legislation.

Procedural Changes:

- Required municipal and provincial planning decisions be consistent with provincial policies and to conform with provincial plans.

- Restricted appeals of Official Plan and Zoning By-law Amendments altering settlement area boundaries, establishing a new settlement area, policies/regulations permitting second units within dwellings and employment land conversions (if Official Plan policies exist dealing with the employment land removals).

- Clarified 'Right to Appeal' for the adoption of New Official Plans (Section 17) and Zoning By-law Amendments (Section 34) to persons who made oral or written submissions at a public meeting or to Council, the Minister, the approval authority or the applicant (in the case to amend an Official Plan).

- Provided the Ontario Municipal Board (now the Local Planning Appeal Tribunal – "LPAT") the opportunity to notify council and provide council an opportunity to reconsider a recommendation if new material / evidence is provided at the Ontario Municipal Board hearing. Confirmed that the Ontario Municipal Board (LPAT) is to have regard to the recommendation of council.

- Provided further authority to the Ontario Municipal Board (LPAT) to dismiss an appeal without a hearing if in the Board's opinion the application to which the appeal relates is substantially different from the application that was before council (Official Plan, Zoning By-law Amendments and Subdivision Approvals).

- Allowed municipalities to establish local appeal boards to hear minor variances or consent applications appealed for lack of a decision, refusal or a change in conditions.

- Required Official Plans to be updated every 5 years to ensure conformity with provincial plans, matters of provincial interest listed in Section 2 of the Planning Act, the PPS.

- Include employment land conversion policies if plan currently contains policies dealing with areas of employment.

- Required Zoning By-laws to be updated no later than 3 years after a 'five-year review' of the Official Plan.

- Required Council to ensure fulsome consultation on the preparation of a new Official Plan or an Official Plan Review and to provide an opportunity to review all supporting material.

- Required at least one public meeting to be held to give the public the opportunity to make representations in respect of the proposed plan.

- Official Plan Reviews (Section 26) require at least one open house to be held no later than seven days prior to the required public meeting.

- Public meeting requires minimum of 20-day notice with all material (including proposed plan) to be available for public review at that time.

- Identified exempt undertakings within the meaning of the Environmental Assessment Act.

- Identified regulations that the Minister may make.

Policy Changes:

- Required Official Plans to contain "goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it."

    - Official Plans may contain measures and procedures to attain the objectives of the Plan.
    - Official Plans may contain a description of the measures and procedures for informing and obtaining the views of the public in respect to an Official Plan Amendment, Official Plan Review or Zoning By-law Amendment.

- A new matter of provincial interest was added to Section 2 of the Planning Act as follows: "the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians".

- Required to revise the Official Plan (if it contained employment land policies) to designate areas of employment and provide policies dealing with the removal of land from employment areas.

- Allows the Official Plan to contain policies relating to zoning with conditions. Subject to Official Plan policies and the passing of a by-law council may permit a use of land, erection, location or use of buildings or structures subject to imposed conditions on the use, erection or location. Confirmed that a committee of adjustment is not authorized to permit a minor variance from conditions imposed.

- Clarified circumstances in which Site Plan Approval may include drawings identifying matters related to exterior design including character, scale, appearance and design features of buildings and their sustainable design along with facilities having regard for accessibility for persons with disabilities if the Official Plan contains such policies.

- Amended Section 42 (6) of the Planning Act permitting Official Plans to contain policies allowing for the payment of money to the value of the land otherwise to be conveyed in lieu of conveying land and to allow for reductions of payment requirements where criteria are satisfied.

- Defined the term 'community improvement' and identified Community Improvement Plan eligible costs, maximum amounts and allowed upper and lower tier municipalities to participate in each other's CIPs.

- Clarified that municipalities can establish minimum and maximum height and density provisions in the Zoning By-law (Section 34).

- Provided the ability to appeal a Zoning By-law Amendment Application after 120 days (since changed by Bill 139) of confirmation of a complete application if a council refuses or neglects to make a decision.

- Municipalities can prescribe conditions to Zoning By-law Amendments.

Pre-consultation / Complete Applications:

- Allowed a municipality to pass a by-law requiring mandatory pre-application consultation meetings for Official Plan Amendments, Zoning By-law Amendments, Site Plan Approval, and Subdivision Approvals.

- Provided for the submission of "other information or material" as considered needed to fully review the application, so long as the Official Plan contains policies identifying this requirement.

- Set time lines on deeming applications complete (30 days after submission to confirm if all material required has been submitted) and identified timing for appeals on dispute of material provided and reasonable of requests for such material.

Implications

- Official Plan must be consistent with PPS and conform to provincial plans
- Official Plans must be reviewed every 5 years (this has been amended and is now required every 10 years)
- An Open House must be held as part of an Official Plan Review
- Employment land conversions are to be considered only within a comprehensive Official Plan review
- Official Plans must include goals, objectives, and policies to manage and direct physical change and the effects on the social, economic, and natural environment of the municipality
- Complete application requirements may be included in Official Plan
- Second unit policies may be established as-of-right and cannot be appealed

FACT SHEET

Green Energy and Green Economy Act, Bill 150

The Green Energy and Green Economy Act (Bill 150) was passed on May 14, 2009. The stated goal of the Green Energy and Green Economy Act (GEGEA) was to "green" Ontario's energy sector through increased energy conservation and renewable energy generation. The GEGEA amended the Planning Act to exempt renewable energy generation projects from numerous sections of the Planning Act.

Summary

Bill 150 was created to increase energy conservation and to encourage renewable energy in the Province. Bill 150 amended the following sections of the Planning Act.

- Subdivision and Part Lot Control restrictions as outlined in Subsection 50 (3) and 50 (5) of the Planning Act have been amended to exempt renewable energy projects and allow for renewable energy leases between 21 and 50 years.

- A new section was added to the Planning Act (Section 62.0.2) which exempts renewable energy generation projects from numerous sections of the Planning Act including:

    - Official Plans
    - Zoning By-laws
    - Demolition Control Areas; and,
    - Development Permit Systems

Implications

- Renewable energy proposals supersede municipal planning approvals.

- Official Plan policies related to renewable energy will have no effect on the final decisions for renewable energy projects.

FACT SHEET

Strong Communities Through Affordable Housing Act, 2011 (Bill 140)

The Strong Communities Through Affordable Housing Act fully came into effect on January 1, 2012. The Strong Communities Through Affordable Housing Act amended the Planning Act for the stated purpose of providing municipalities with enhanced land use planning tools to support the creation of second units and garden suites. Further, this Act amended the Planning Act to identify Affordable Housing as a matter of Provincial Interest in Section 2.

Summary

The Strong Communities Through Affordable Housing Act specifically amended the following Sections of the Planning Act:

- Section 2 (j) was amended to insert the words 'affordable housing' as follows: "the adequate provision of a full range of housing, including affordable housing" to the matters of provincial interest.

- Section 16 was amended to add a new subsection (3) requiring Official Plans to contain policies to authorize the use of a second residential unit within a detached house, semi-detached house or rowhouse or within a building accessory thereto.

- Second units – also known as accessory or basement apartments, secondary suites and inlaw flats – are self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings.

- Sections 17 (24.1) and 17 (36.1) were repealed and updated to specifically reference Section 16 (3) and to further protect second units from appeal. Specifically, these sections prohibit appeals of Official Plan policies authorizing second units.

- Section 34 (19.1) was amended to clarify that there is no appeal in respect to a by-law that gives effect to Official Plan policies permitting second units.

- Section 35.1 (1) was added to direct the council of each local municipality to ensure Zoning By-laws give effect to Second Unit Policies required in Official Plans.

- Section 39.1 was amended to increase the number of years garden suites may be authorized under a temporary use by-law from 10 to 20 years.

Implications

- Official Plan and Zoning By-law must permit second units as-of-right. The permissions do not have to be municipality wide. An implementing zoning by-law can identify regulations for secondary units.

- Councils must pass Zoning By-laws that give effect to Second Unit policies.

- Second unit Official Plan policies and the related zoning by-law that gives effect to such policies cannot be appealed, including requirements or standards that are part of such policies.

- A by-law authorizing a temporary Garden Suite must define the area the garden suite occupies, and the use may not continue for more than 20 years.

- A Garden suite is defined in Section 39.1 (2) of the Planning Act: “garden suite” means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

FACT SHEET

2013 Guidelines for New Development in Proximity to Railway Operations

Summary

The guidelines were prepared by the Railway Association of Canada and the Federation of Canadian Municipalities to guide new development within proximity to railways. The intention of these guidelines is to provide a level of consistency in the approach to the design of buildings and their context in proximity to railway corridors and the type of mitigation that is provided across the country.

Building Setbacks:

- Section 3.3 of the Guidelines provides standard recommended building setbacks for new residential development in proximity to railway operations as follows:

    - Freight Rail Yard: 300 metres
    - Principle Main Line: 30 metres
    - Secondary Main Line: 30 metres
    - Principal Branch Line: 15 metres
    - Secondary Branch Line: 15 metres
    - Spur Line: 15 metres

- Setback distances are to be measured from the mutual property line to the building face.

- Reductions up to 5 metres may be considered through a reciprocal increase in the height of the safety berm.

- Setback reductions may be permitted should the railway be located in a cut.

Noise Mitigation:

The recommended minimum noise influence areas to be considered for railway corridors when undertaking noise studies are:

- Freight Rail Yards: 1,000 metres
- Principal Main Lines: 300 metres
- Secondary Main Lines: 250 metres
- Principal Branch Lines: 150 metres
- Secondary Branch Lines: 75 metres
- Spur Lines: 75 metres

- The objective of the noise impact study is to assess the impact of all noise sources affecting the subject lands and to determine the appropriate layout, design, and required control measures.

- A noise barrier can effectively reduce outdoor rail noise by between 5dBA and 15dBA. Noise barriers provide significant noise reductions only when they block the line of sight between the noise source and the receiver.

- Minimum noise barrier heights vary by the classification of the neighbouring rail line. Though the required height will be determined by an acoustic engineer in a noise report, they are typically at least:

    - Principal Main Line: 5.5 metres above top of rail
    - Secondary Main Line: 4.5 metres above top of rail
    - Principal Branch Line: 4.0 metres above top of rail
    - Secondary Branch Line: no minimum
    - Spur Line: no minimum

- Differences in elevation between railway lands and development lands may significantly increase or decrease the required height of the barrier, which must at least break the line of sight.

- **Policy Recommendation** Municipalities should consider amending their Official Plan to require noise impact studies as part of any rezoning or Official Plan amendment near railway operations.

Vibration Mitigation:

- **Policy Recommendation** Municipalities should consider amendments to their Official Plan, where necessary, to make vibration studies a requirement for any zoning by-law amendment and Official Plan amendment applications.

- The recommended minimum vibration influence area to be considered is 75 metres from a railway corridor or rail yard.

Safety Berms:

- Principle Main Line: 2.5 metres above grade with side slopes not steeper than 2.5 to 1

- Secondary Main Line: 2.0 metres above grade with side slopes not steeper than 2.5 to 1

- Principle Branch Line: 2.0 metres above grade with side slopes not steeper than 2.5 to 1
- Secondary Branch Line: 2.0 metres above grade with side slopes not steeper than 2.5 to 1
- Spur Line: no requirement
- **Policy Recommendation** Urban Design Guidelines may be useful tools for establishing specifications for the proper use and design of berms.

Security Fencing:

- At a minimum, all new residential developments in proximity to railway corridors **must include a 1.83 metre high chain link fence** along the entire mutual property line, to be constructed by the owner entirely on private property. Other materials may also be considered, in consultation with the relevant railway and the municipality. Noise barriers and crash walls are generally acceptable substitutes for standard fencing, although additional standard fencing may be required in any location with direct exposure to the rail corridor in order to ensure there is a continuous barrier to trespassing

Stormwater Management:

- The proponent should consult with the affected railway regarding any proposed development that may have impacts on existing drainage patterns. Railway corridors/properties with their relative flat profile are not typically designed to handle additional flows from neighbouring properties, and so development should not discharge or direct stormwater, roof water, or floodwater onto a railway corridor.

Warning Clauses and Other Legal Agreements:

- Warning clauses are considered an essential component of the stakeholder communication process, and ensure all parties interested in the selling, purchasing, or leasing of residential lands in proximity to railway corridors are aware of any property constraints and the potential implications associated with rail corridor activity.

Implications

- Municipalities should take a proactive approach and develop Official Plan policies to address study requirements for land adjacent to railways.
    - Railways to be part of the pre-application consultation.
    - Noise Impact Studies, Vibration Impact Studies, and Stormwater Management Reports to be required as part of the complete application for developments.
    - Urban Design Guidelines are recommended to suggest building layout and design, which can reduce noise impacts. Urban design guidelines can address balconies, windows, orientation, walls, vegetation, and other factors that can reduce noise.

- Zoning By-laws should include minimum setbacks from rail corridors based on the type of corridor.

- Site Plan should address Urban Design issues, stormwater management, fencing, the location of the crash wall or berm, etc.

- Ensure rail companies are circulated on all development applications within 300 metres of a rail line for Official Plan Amendments, Zoning By-law Amendments, and Plans of Subdivision.

FACT SHEET

Provincial Policy Statement, 2014

Summary

The Provincial Policy Statement (PPS) is the Province's primary policy directive and addresses matters of provincial interest related to land use planning. All planning matters in Ontario must be consistent with the PPS, and municipal Official Plans are required to contain policies to implement the PPS. The PPS focuses on directing development and intensification to settlement areas, directing development to occur on municipal services, preventing employment and agricultural land from being converted to other uses, the protection and preservation of natural and built heritage, and the protection of public health from natural and human-made hazards.

Many of the PPS changes are structured to further promote, enhance, encourage, strengthen and clarify existing policies. However, some of the changes are 'required' and necessitate changes to Official Plans. A review of the required changes are provided below with a summary of the other changes following.

Required Changes to Official Plans:

- Official Plans to establish and implementation of phasing policies to ensure intensification and redevelopment targets are achieved prior to new development in designated growth areas; and that development in designated growth areas occurs in an orderly progression in coordination with the provision of infrastructure and public service facilities.
- Natural Heritage Systems shall be identified in ecoregions 6E and 7E (which includes Middlesex County).
- Identify surface water features including shoreline areas.
- Ensure consideration for environmental lake capacity, where applicable.
- Prime Agricultural Areas are to be designated in Official Plans.
- Permit on-farm diversified uses (new term) and agriculture-related uses (amended term) as per PPS definitions.
- Identify mineral, petroleum and mineral aggregate resources.

- Consider the potential impacts of climate change that may increase the risk associated with natural hazards.

Policy Changes to PPS that impact Official Plan Policies:

- Second units, affordable housing and housing for older persons are to be considered as part of healthy, livable and safe communities in Section 1.1.1.

- Employment uses in the context of Section 1.1.1 b) have been expanded to specifically include places of worship, cemeteries and long-term care homes in addition to the previously identified industrial, commercial and institutional uses.

- Electricity generation facilities and transmission distribution lines are included as necessary infrastructure in Section 1.1.1.

- Development and land use patterns that conserve bio-diversity and consider impacts of changing climate are promoted in Section 1.1.1 h).

Settlement Areas:

Section 1.1.2 was strengthened to identify that within settlement areas sufficient land should be made available through intensification and redevelopment and if necessary designated growth areas. Further, settlement areas are to be based on settlement patterns and densities that support active transportation, are transit-supportive and freight-supportive.

Settlement area expansions and comprehensive reviews are to evaluate alternative locations when proposing to expand into prime agricultural areas. Further, settlement area expansions are to comply with Minimum Distance Separation formulae.

Rural Area Policies:

New policies are introduced in Section 1.1.4.1 supportive of healthy, integrated and viable rural areas. Rural areas include Prime Agricultural Areas and are to be supported by building on rural character and leveraging rural amenities, promoting regeneration and redevelopment of brownfield sites, supporting a range and mix of housing in rural settlement areas and encouraging the conservation and redevelopment of rural housing stock and promoting diversification of the economic base and employment opportunities.

In rural areas, rural settlement areas shall be the focus of growth and development. Development in rural settlement areas are to give consideration to rural characteristics and the scale of development.

Coordination:

Additional matters for coordination across all levels of government are introduced including:

- economic development strategies;
- electricity generation facilities and transmission and distribution facilities;
- multimodal transportation systems;
- addressing housing needs such as the Ontario Housing Policy Statement;
- coordination of planning matters with Aboriginal communities;
- support of efficient and resilient communities.

Major Facilities and Sensitive Land Uses:

Major Facilities is a new defined term in the 2014 PPS which is as follows: *means facilities which may require separation from sensitive land uses, including but not limited to airports, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.* Section 1.2.6 of the PPS was introduced to provide appropriate buffers or separation of land uses from Major Facilities and Sensitive Land Uses.

Employment and Employment Areas:

Planning Authorities are to (among other matters) support economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities.

Planning authorities are to plan for and protect employment areas for current and future uses and to ensure the necessary infrastructure is provided to support current and projected needs.

Infrastructure and Public Service Facilities:

Infrastructure, electricity generation facilities and distribution systems along with public service facilities are to consider impacts from climate change while accommodating projected needs. Further, planning authorities are to promote green infrastructure to complement existing infrastructure.

Sewage, Water and Stormwater Management:

Section 1.6.6.4 replaces the former section 1.6.4.4 and allows for development on individual on-site private services beyond five lots provided that site conditions are suitable for the long-term provision of such services.

Section 1.6.6.7 has been added to outline policies for stormwater management. Planning for stormwater management shall:

- minimize or prevent increases to contaminant loads;
- minimum changes to water balance and erosion;
- not increase risk to human health or safety;
- maximize extent and function of vegetative and pervious surfaces;
- promote best practices and low impact development.

Transportation and Infrastructure Corridors:

Planning authorities are to plan for infrastructure including electricity generation facilities and transmission systems along with major goods movement facilities and corridors (a new defined term). New development adjacent to these facilities should be compatible with and supportive of the long-term purposes of the corridor and transportation facilities.

Waste Management and Energy Supply:

Planning authorities are to consider the implications of development and land use patterns on waste generation, management and diversion (1.6.10.1).

Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities, transmission and distribution systems and should promote renewable energy systems and alternative energy systems where feasible (1.6.11).

Agriculture:

Permitted uses within Prime Agricultural Areas has been expanded to include a new term ‘on-farm diversified uses’.

Lot creation policies in Section 2.3.4.1 have been expanded to identify that a residence surplus to a farming operation as a result of farm consolidation is permitted provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services

Section 2.3.6 of the PPS has been further refined to identify policies for non-agricultural uses in Prime Agricultural Areas. The policies identify that planning authorities may only permit non-agricultural uses in prime agricultural areas for:

a) extraction of minerals, petroleum resources and mineral aggregate resources

b) limited non-residential uses, provided that all of the following are demonstrated:

1. the land does not comprise a specialty crop area;
2. the proposed use complies with the minimum distance separation formulae;
3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
4. alternative locations have been evaluated, and
    i. there are no reasonable alternative locations which avoid prime agricultural areas; and
    ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Section 2.5.4.1 of the PPS was amended to confirm that restoration of Prime Agricultural Lands to an agricultural condition is not required in specialty crop areas only when it is identified that there is a substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible

Cultural Heritage and Archaeology:

Policies in Section 2.6.4 have been expanded to promote the preparation of archaeological management plans and cultural plans to conserve cultural heritage and archaeological resources. Further the policies direct municipalities to consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

FACT SHEET

2014 Middlesex Natural Heritage Systems Study

Summary

The Middlesex Natural Heritage Systems Study ("Study") updated the 2003 Natural Heritage Study and was prepared by the five conservation authorities in Middlesex County, with the Upper Thames River Conservation Authority taking the lead. The study focused on characterizing the natural heritage system within Middlesex County landscape. The Study includes comprehensive mapping of Vegetation, which was used in conjunction with 15 criteria to determine the significance of the features. The study concludes that 20% of the County is covered in natural vegetation, and 19.7% of the County is significant natural heritage.

Implications

- Official Plans should refer to the MNHSS as the study that is relied on to identify significant features and areas and the significant natural heritage system.
- Mapping overlays to be considered during Official Plan reviews to implement the findings of the MNHSS.
- Official Plans should include policies governing the protection of Natural Heritage Systems through land use change.
- Official Plans to include policies addressing the protection and restoration of natural heritage systems and should require assessment for land use changes.
    - Small scale applications should require the preparation of a Development Assessment Report or edge management process to identify impacts;
    - Larger developments and urban expansions should use a subwatershed scale for impact assessments.
- Natural heritage features not identified in the MNHSS should be considered candidates for significance unless proven otherwise.

FACT SHEET

2015 Smart Growth for Our Communities Act, Bill 73

Summary

Bill 73 makes changes to the Planning and Development Charges Act. The intent of the changes is to give residents more say in how their communities grow, set out clearer rules for land use planning, give municipalities more independence to make local decisions, make it easier to resolve disputes and to make Planning Act Section 37 density bonusing and parkland dedication systems more predictable, transparent and accountable. Bill 73 builds on previous land use reforms including Bill 51 – Planning and Conservation Land Statue Law Amendment Act, 2006 and Bill 26 – Strong Communities Act, 2004.

Citizen Engagement Changes:

- Section 8 of the Planning Act amended to require Planning Advisory Committees to be established by every upper tier (the County).
    - Citizen representation (non-Council member, non-municipal employee) required on the Planning Advisory Committee (PAC).
    - Municipalities have flexibility / discretion to determine most effective role for PACs. Not all applications need to be heard by PAC and existing advisory committees (e.g. heritage committee, etc.) could fulfil this role.

- Ontario Municipal Board (now Local Planning Appeals Tribunal (LPAT)) to have regard to all information received from the municipality when adjudicating non-decision appeals. Including oral and written submissions received at municipal level. Previously, Planning Act did not specifically require OMB to have regard to any information received by the municipality (Section 2.1).

- Alternative notice procedures can now be adopted in Official Plans for consent and plan of subdivision applications (Section 17, 34, 51, 53).

- Municipalities and approval authorities must explain the effect of public input on planning decisions. Notices of adoption for Official Plan, Official Plan Amendment, Zoning By-law, Zoning By-law Amendment, Minor Variance, Consent, or Plan of Subdivision must contain a description of the effect that written and oral submissions had on the decision (Section 17, 22, 34, 45, 51, 53).

- Requires Official Plans to include a description of the measures and procedures used to inform and obtain the views of the public (public consultation strategy) for:

  - Proposed Official Plan Amendments or Official Plan Reviews
  - Proposed Zoning By-law Amendments
  - Proposed Plans of Subdivisions
  - Proposed Consents
    (Section 16 (1) – (2))

- Provincial Policy Statement review cycle changed from 5 years to 10 years (Section 3 (10)).

- Proposed Official Plans are to be provided to MMA at least 90 days prior to giving notice for public meeting (where MMA is approval authority) (Section 17 (17.1) (17.2)).

- Upper tier municipalities cannot approve any part of a lower tier municipality's Official Plan / Lower tier cannot appeal non-decision Official Plan / Official Plan Amendment of upper tier if the plan does not:

  - Conform with the upper tier Official Plan.
  - The upper tier has a new Official Plan that was adopted before 180 days after the lower tier adopted its plan, but the upper tier plan is not yet in effect.

    - Note, the upper tier can modify the lower tier plan to ensure conformity and approve the modified policies (Section 17 (34.1) (34.2), 17 (40.2) (40.4) and 21(2)).

- New Official Plans (i.e. repeal and replacement of an official plan) must be reviewed and revised, as necessary within 10 years of coming into effect. 5 year review cycle continues to apply in situations where an official plan is being updated and not replaced in its entirety. (Section 26 (1) (1.2) and 26 (7)).

- No privately initiated amendments to a new Official Plan or new comprehensive zoning by-law may be requested for 2 years after the Official Plan / Zoning By-law was approved and in effect, unless Council provides a resolution authorizing applications (Section 22 (2.1) (2.2), 34 (10.0.0.1) (10.0.0.2)).

- No appeals of specific provincial approvals and scoped appeals. Entire Official Plans cannot be appealed, and appeals are not permitted for policies that implement provincially-approved matters, including:

  - Lands within a vulnerable area as defined in the Clean Water Act, 2006
  - Settlement areas in lower-tier municipalities that have already been approved in an upper-tier Official Plan (Section 17 (24.4) (24.5) (36.4)).

- Clearer reasons for appeals. Appeals of Official Plans or Official Plan Amendments that are made based on inconsistency with PPS or non-conformity with provincial or municipal plans must explain why the decision is inconsistent/doesn't conform (Section 17 (25.1)(37.1)(45 c.1), 34 (19.0.1)(25 b.1)).

- No ability to appeal entire new Official Plan. This does not apply to 5 year reviews / Official Plan updates (Section 17 (24.2) (24.3)(25a)(36.2)(36.3)(37a) 21(1)).

- 90-day "time-out" for Official Plans/Official Plan Amendments. Councils have the ability to increase the period of time to make a decision on a requested Official Plan / Official Plan Amendment from 180 days by an additional 90 days provided the notice is given before the 180- day deadline. Only one extension is permitted. Applicant and approval authority must both agree to "time-out" (Section 17 (40) (40.1)). Note Bill 139 – Planning Act Appeal Reform increases the timeframe to make a decision on Official Plan Amendments to 210 days.

- Limit open-ended appeals for non-decisions. New tool to allow approval authority, after receiving a notice of appeal, with the option to give a notice establishing a 20-day time limit to appeal a non-decision. Once 20-day window closes, no additional appeals of non-decisions may be permitted on any part of an official plan. When municipality uses this tool notice would be provided to those who would have received a notice of decision (Section 17(41.1)).

- Development Permit System renamed to Community Planning Permit System (Section 70.2 (2.1)). New authority authorizing MMA Minister or upper-tier municipality to require use of Community Planning Permit System for specific purposes (Section 70.2.2, requires implementing regulation).

- If the Minister believes a matter of provincial interest will be affected by an Official Plan, the Minister will give Council a deadline to remedy the issue. If they do not, the Minister can amend the Official Plan.

- Two-year "time-out" for Minor Variances from applicant initiated Zoning By-law Amendments. Applicant cannot apply for a minor variance to an applicant-initiated Zoning By-law amendment, unless supported by resolution of council (Section 45 (1.2)(1.4)).

- Council can pass by-laws to establish additional criteria for Minor Variances to reflect local context. Applications for Minor Variances must meet the four tests as well as conforming with the prescribed criteria (provincial regulation required) and any other criteria established by the local municipality by by-law (Section 45(1.0.1)(1.0.4) and required regulation).

- Added 'built form' to the matters of Provincial Interest. Built form policies are required to be included in the Official Plan and contain goals, objectives and policies to manage and direct physical change. (Section 2, 16(1)).

- No appeal of Second Unit policies at the time of an Official Plan update (Section 17 (24.2) (36.2)).

    - Employment land policies are no longer required to be revised during an Official Plan review – intended to help prevent erosion of employment land supply through OMB appeal of employment land policies during Official Plan review/update (Section 26 (1)).

- Alternative Dispute Resolution – Council/Approval Authority has a new option when Official Plans, Official Plan Amendments, Zoning By-laws, Zoning By-law Amendments, Plans of Subdivision, or Consents are appealed. They can initiate an alternative dispute resolution process – during this time they can use mediation, conciliation, or other dispute resolution techniques to try to resolve the dispute. If they do so, a 60-day time out period begins. The time to forward an appeal record to the OMB increases from 15 days to 75, which gives 60 additional days to resolve the issue. Participation in the Alternative Dispute Process is voluntary (Section 17, 22, 34, 51 and 53).

- Alternative Parkland Rate for Cash-in-lieu dedications. A Parks Plan must be created to examine the need for parkland in the municipality before the alternative cash-in-lieu rate of 1 ha / 500 units can be included in an Official Plan. Schoolboards must be consulted (Section 42 (4.1 – 4.3)(6)(6.0.3), 51.1 (2.1 – 2.3)(3)(3.2)).

- Reporting for Density Bonusing and Parkland Fees. Money received under Section 37 agreements and cash-in-lieu of parkland must be placed in a special account and spent only for matters specified in the by-law. The Treasurer must give Council an annual update on the balance of the account and how money has been spent throughout the year (Section 37, 42, 51.1, 70.1).

- Development Permit System renamed the "Community Planning Permit System."

Implications

- New Official Plans don't have to be reviewed for 10 years, but must be reviewed every 5 years thereafter unless a new Official Plan is put into effect:

    - Employment areas don't have to be reviewed as part of an Official Plan review
    - Second Unit policies not appealable

- Policies are required to address public consultation for Planning Act applications and built form.

- Planning Advisory Committee must be established with citizens represented (required for both Upper Tier and Lower Tier councils).

    - Advisory boards only, Council can decide which matters are reviewed by a Planning Advisory Committee and Planning Advisory Committees recommendations aren't binding.

- Park Plans must be established before new alternative parkland dedication rate of 1 ha/500 units can be required in the Official Plan.

    - Park Plans are not required if the municipality wants to use the standard 2% and 5% rates, or if the existing Official Plan has policies dealing with alternative parkland. A Park Plan is only required if a municipality adopts new alternative parkland rate policies in its Official Plan.

- An alternative parkland dedication requirement of a maximum of 1 hectare per 500 dwelling units may be established to address high density developments.

- Alternative Notice circulation can be incorporated into the Official Plan if desired for Planning Act applications except Minor Variance's.

- Notice of decision must contain descriptions of how oral and written statements by the public impacted the decision.

- There are no amendments to Official Plans for 2 years once the new Official Plan is in effect, unless Council provides a resolution authorizing amendments.

- There are no amendments to comprehensive zoning by-laws for 2 years after they're put into effect unless Council provides a resolution authorizing applications.

- There are no Minor Variance's permitted within 2 years of a comprehensive Zoning By-law Amendment or site-specific Zoning By-law Amendment being approved, unless permitted by Council.

- Money provided in a Section 37 agreement must be placed in an account dedicated to the matters specified in the by-law.

    - The Treasurer must give Council an annual update on the balance of the account and how money has been spent throughout the year.

- Official Plan/Official Plan Amendment decision timeline of 180 days can be extended once for 90 days if both the applicant and approval authority agree.

- Appeals dealing with inconsistency/non-conformity must explain why the decision is inconsistent or doesn't conform.

- Alternative dispute resolution may be used for appeals of Official Plans, Official Plan Amendments, Zoning By-laws, Zoning By-laws, Consents, and Subdivisions, subject to conditions. Activates a 60 day "time out" to avoid an OMB hearing.

FACT SHEET

2016 Promoting Affordable Housing Act, Bill 7

Summary

Bill 7 – Promoting Affordable Housing Act received Royal Assent in December 2016. Ontario Regulation 232/18 was made under the Planning Act on April 11, 2018. This regulation came into effect on the same day Sections of the Promoting Affordable Housing Act, 2016 (Bill 7) came into force, which created a comprehensive enabling framework for municipal use of inclusionary zoning under the Planning Act. Bill 7 introduced the ability to require inclusionary zoning polices within official plans. Inclusionary zoning is a land-use planning tool that a municipality may use to require affordable housing units to be included in residential developments of 10 units or more.

- Amended Section 16 of the Planning Act to allow municipalities to develop Official Plan policies authorizing Inclusionary Zoning.

- The Required Official Plan policies must identify goals and objectives and a description of the measures proposed to attain the goals and objectives.

- Municipalities must prepare an Assessment Report before adopting inclusionary zoning policies. Ontario Regulation 232/18 identifies the information to be contained within Assessment Report.

    - An Assessment Report shall include:

        1. An analysis of the demographics and population in the municipality.
        2. An analysis of household incomes in the municipality.
        3. An analysis of housing supply by housing type currently in the municipality and planned for in the official plan.
        4. An analysis of housing types and sizes of units that may be needed to meet anticipated demand for affordable housing.
        5. An analysis of the current average market price and the current average market rent for each housing type, taking into account location in the municipality.
        6. An analysis of potential impacts on the housing market and on the financial viability of development or redevelopment in the municipality from inclusionary zoning by-laws, including requirements in the by-laws related to the matters mentioned in clauses 35.2 (2) (a), (b), (e) and (g) of the Act, taking into account:
            i. value of land,
            ii. cost of construction,

iii. market price,

iv. market rent, and

v. housing demand and supply.

7. A written opinion on the analysis described in paragraph 6 from a person independent of the municipality and who, in the opinion of the council of the municipality, is qualified to review the analysis.

- The analysis described in paragraph 6 of subsection (1) shall take into account the following related to growth and development in the municipality:
  1. Provincial policies and plans.
  2. Official plan policies.

- The approach to authorizing inclusionary zoning shall be set out in Official Plans as required by Section 16 (4) of the Planning Act. Ontario Regulation 232/18 identifies the following matters to be included in Official Plan policies:

  1. The minimum size, not to be less than 10 residential units, of development or redevelopment to which an inclusionary zoning by-law would apply.
  2. The locations and areas where inclusionary zoning by-laws would apply.
  3. The range of household incomes for which affordable housing units would be provided.
  4. The range of housing types and sizes of units that would be authorized as affordable housing units.
  5. The number of affordable housing units, or the gross floor area to be occupied by the affordable housing units, that would be required.
  6. The period of time for which affordable housing units would be maintained as affordable.
  7. How measures and incentives would be determined.
  8. How the price or rent of affordable housing units would be determined.
  9. The approach to determine the percentage of the net proceeds to be distributed to the municipality from the sale of an affordable housing unit, including how net proceeds would be determined.
  10. The circumstances in and conditions under which offsite units would be permitted.
  11. The circumstances in which an offsite unit would be considered to be in proximity to the development or redevelopment giving rise to the by-law requirement for affordable housing units.

- Official plan policies described in subsection 16 (4) of the Act shall set out the approach for the procedure to monitor and ensure that the required affordable housing units are maintained for the required period of time.

- Section 17 of the Act amended to clarify that inclusionary zoning policies (as required to be implemented in Section 16) are not appealable.

- Section 34 of the Planning Act amended to clarify that there is no appeal of parts of a by-law passed to give effect to policies required by Section 16 of the Act.

- A By-law must be passed by Council under Section 34 to give effect to Policies required in Section 16.

- Section 35 of the Planning Act amended to clearly identify the matters to be included within by-laws passed under Section 34 to give effect to the policies required in Official Plans under Section 16. These by-laws shall:

    - Require that the development/redevelopment of specified land, building or structures include the number of affordable units specified under the regulations; or, the gross floor area for affordable housing;
    - Require that affordable housing units meet the requirements and standards under the regulations;
    - May include additional requirements beyond those specified by regulation;
    - Provide for measures and incentives specified in the regulations;
    - Require that when affordable units are sold or leased, they be sold or leased at the rents determined by regulation or the by-law;
    - Require owners of land, buildings or structures to enter into agreements with the municipality to deal with the above matters;
    - Council must pass a by-law to establish a procedure to monitor the units to ensure the affordable units are maintained for the required amount of time;
    - Units can be located on another Site, subject to policies.

- Bonusing provisions under Section 37 of the Planning Act are deemed not to include:

    - The height and density associated with the affordable housing units required in an inclusionary zoning by-law;
    - Any increase in height and density permitted in an inclusionary zoning as incentive described in clause 35.2 (2) (e) of the Planning Act (By-laws giving effect to inclusionary zoning policies).

- Payments in lieu of providing affordable housing is not permitted.

- Section 45 of the Planning Act amended to confirm that a Committee of Adjustment cannot authorize a minor variance from the provisions of the by-law that give effect to the Official Plan Policies required under Section 16.

- Section 50 (3) and 50 (5) is to be amended to permit the leasing of land for a period of not less than 21 years and not more than 99 years, for the purpose of constructing or erecting a building or project that will contain affordable housing units.

- Section 51 (24) matters to be considered when reviewing a draft plan of subdivision is to be amended to include the suitability of any proposed units for affordable housing.

- Section 51 (39.1) (43) and (48.1) are all to be amended to confirm there is no appeal in respect of a decision, condition or changed condition that gives effect to a policy included in Official Plans under Section 16.

- Section 69 of the act is to be amended to confirm that the council of a municipality shall not require the payment of a fee that is greater than the maximum fee prescribed for the type of application being made when affordable housing units are involved.

- Section 70 of the Act is to be amended to permit the Minister to prescribe which municipalities are to implement inclusionary zoning policies in their Official Plans under Section 16. Other municipalities may enact policies even if they are not prescribed.

Implications

- Municipalities now have the authority to implement Inclusionary Zoning policies.

- An assessment report is required to be prepared before adopting Inclusionary Zoning in an Official Plan, and must be updated a minimum of every five years thereafter.

- Ontario Regulation 232/18 provides direction on matters to be included in Assessment Reports, Official Plan policies, proceeds from sales of affordable units, restrictions on offsite units, restriction on Bonusing Provisions of Section 37 of the Planning Act.

- Municipalities that adopt Inclusionary Zoning should budget for the provision of affordable housing units.

- Future regulations from the Province may prescribe Municipalities that must implement inclusionary zoning policies.

- Amendments to the Planning Act related to Section 17 (36.1.1), Section 34(19.1), Section 50 (3), 50 (5), Section 51 (17), (24), (25), (39.1), (39.2), (43.1) and (48.1) as identified in Schedule 4 of Bill 7 are not yet in force and are awaiting proclamation.

FACT SHEET

2016 Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

Summary

The purpose of this Provincial document is to provide guidelines for municipalities to interpret permitted uses in Prime Agricultural areas under the PPS. The document describes which uses are agriculture, agricultural-related and on-farm diversified uses; discusses the removal of land for new and expanding settlement areas; and discusses how to mitigate impacts from new or expanding non-agricultural uses.

The guidelines clarify permitted uses and explain defined terms as outlined below:

- Agricultural uses:
    - Includes the growing of crops, raising of livestock, livestock facilities, manure storage, value-retaining facilities, accommodation for full-time farm labour.
    - Examples include cropland, pastureland, feedlots, manure storage, grain dryers and feed storages (individual use), horse farm, greenhouse, tobacco kiln.
- Agriculture-related uses:
    - Includes farm-related commercial and industrial uses, needs to be compatible with the surrounding agricultural uses, needs to support agriculture and benefit from close proximity to agriculture while also providing direct products or services to farm operations as a daily activity.
    - Examples include apple storage and distribution for farm operators in the area, grain dryer for farm operations in the area, farmer's market for products grown in the area, winery using grapes grown in the area, farm equipment repair shop, livestock assembly yard serving farms operating in the area, auction for produce grown in the area, etc.
- On-farm diversified uses:
    - Must be located on a farm and secondary to the principal agricultural use of the property, must be limited in area (generally 2% of lot coverage), and can include home occupations, home industries, agri-tourism, and uses that produce value-added agricultural products. They must be compatible with surrounding agricultural operations and cannot hinder their operations.

- Examples include home occupations (hairdresser, bookkeeper, etc), home industries (sawmill or welding shop, equipment repair, etc), agri-tourism (bed and breakfast, corn maze, wine tasting, petting zoo, hayrides), retail use (antique business, seed supplier, tack shop), or café/small restaurant (cheese, etc).

- Uses that are not on-farm diversified uses: uses with high water and sewage needs and/or that generate significant traffic, large-scale equipment or vehicle dealerships, large-scale recurring events with permanent structures, institutional uses, and large-scale recreation facilities such as golf courses.

- Encouraged to be zoned using partial lot zoning to restrict the use. Note the PPS does not permit severances for on-farm diversified uses.

- Settlement Areas and Prime Agricultural Areas:
  - Removal of land from prime agricultural areas can only be considered when there are no reasonable alternatives outside of prime agricultural areas (PPS 1.1.3.8 c)). In this case lower-priority agricultural lands within prime agricultural areas must be identified and considered.
    - The Guidelines identify the order of priority for protection of farmland within prime agricultural areas shall be:
      - Specialty crop areas;
      - Canadian Land Inventory (CLI) Class 1, 2 and 3 lands;
      - CLI Class 4 through 7.

    - When identifying lower-priority agricultural lands the following factors are to be considered:
      - Existing OP designations;
      - CLI Mapping
      - Soil types and characteristics
      - Current land uses
      - Existing levels of agricultural land fragmentation;
      - Farm parcel size relative to types of agriculture;
      - Access to water for agriculture;
      - Differing climatic conditions;
      - Presence, use and capital investment in farm buildings and infrastructure;
      - Proximity to farm supply, storage, distribution or processing facilities.

    - Normally this evaluation would include the land need for settlement area expansion and an area extending 1.5 km from the potential settlement area.

    - Agricultural Impact Assessments are to:

- Describe the agricultural area and uses;
- Identify all agricultural operations that may be impacted by a proposed development;
- Identify potential agricultural impacts including limitations on future farming operations;
- Recommend how impacts can be avoided, reduced or mitigated,
- Identify net impacts to agriculture.

- Once impacts are identified, then the study must find ways to limit or mitigate impacts.

Implications

- The Guidelines identify Official Plans as the "most important" tool for implementing the PPS and the permissions for agricultural uses, agricultural-related uses and on-farm diversified uses. These uses must be explicitly identified within Official Plan polices.

- Official Plan policies outlining how on-farm diversified uses and agricultural-related uses should be dealt with in local zoning by-laws can help to provide direction for these types of uses without the need for Official Plan Amendments.

- The Guidelines suggest that municipalities should adopt 'as of right' zoning for agricultural uses and other permitted uses that are clearly compatible and appropriate in prime agricultural areas.

- Temporary use zoning by-laws should be used for events like concerts, rodeos, and farm shows, but such events should be directed to fairgrounds or parks when possible.

- Site Plan Control should exempt agricultural uses, though agriculture-related uses and on-farm diversified uses may be appropriate to be subject to site plan control. An expedited site plan approval process is recommended.

- MDS Implementation Guideline #35 confirms that typical agricultural related and on-farm diversified uses will not require MDS setbacks. However, some uses such as those characterized by a higher density of human occupancy or activity may benefit from application of MDS setbacks.

- Settlement area expansions need to be done at the time of a comprehensive review. Policies within Official Plans should be clear in defining what is required in terms of determining land classifications for priority of protection, agricultural impact assessments and potential mitigation measures to avoid impacts

FACT SHEET

2017 Minimum Separation Distance Document

Summary

The Minimum Distance Separation (MDS) formulae is defined in the Provincial Policy Statement, 2014, and regulates the minimum separation distances between livestock and new development to minimize land use conflicts due to odours. The intent is to protect existing livestock facilities and anaerobic digesters and allow their expansion.

- MDS formulae applies to lot creation, Zoning By-law Amendments, Official Plan Amendments, and building permits in *prime agricultural areas* or *rural lands*. Certain uses are exempt, including aggregate extraction, kennels, greenhouses, and other such uses that are unlikely to be impacted by livestock odour.
    - MDS I applies to new or existing land uses that are dwelling/non-agricultural in nature and are usually used for Planning Act applications.
    - MDS II applies to new or expanding buildings, usually for first or altered livestock facilities or anaerobic digestors.
- Type A uses: less sensitive, include industrial uses, open space uses, etc.
- Type B uses: more sensitive, include new or expanded settlement area boundaries, dwellings, the creation of 4 or more contiguous lots, etc.
- Requires the MDS formulae and Implementation Guidelines to be referenced in Official Plans.
- Requires MDS setbacks to be included in all zones where livestock facilities and anaerobic digesters are permitted.
- Sections 3 (definitions), 4 (Implementation Guidelines), and 5 (Factor Tables) must be incorporated into the Official Plan. This can be done by:
    - Adopting the entire MDS Document as an appendix or schedule to the Official Plan.
    - Adopting only Sections 3, 4, and 5 as an appendix or schedule to the Official Plan.
    - Including a text reference to the MDS Document in the Official Plan and Zoning By-law with a provision that refers to the MDS “as amended by the Province from time to time”.

- At a minimum, Official Plan policies must require compliance with MDS I setbacks when seeking a change in land use from a *prime agricultural area* type designation to a designation that permits development, including settlement area boundary expansions.

- At a minimum, Zoning By-law must require compliance with MDS I and MDS II setbacks when seeking a rezoning to change the land use from an "agricultural or rural" type zone to another land use.

- Municipalities can alter the application of MDS I setbacks in 3 cases, subject to implementing policies in the Official Plan:

    - Implementation Guideline 7 – MDS I setbacks for building permit applications on existing lots (implement in Zoning By-law)

        - Municipality may exempt certain building permit applications from the MDS I setbacks on lots that exist prior to March 1, 2017. For example, the municipality may determine that MDS I setbacks are only required to be met in certain circumstances (on rural lots of a specific zone, on specific lot sizes, vacant lots, for specific types of buildings, etc. See page 95 in document for more examples)

    - Implementation Guideline 9 – MDS I setbacks from surrounding livestock facilities on different lots than the residence surplus to a farming operation proposed to be severed (implement in Official Plan)

        - Where a surplus farm dwelling is proposed to be severed, MDS I distances are not applied as the odour conflict is already existing. However, a municipality may choose to apply MDS I from the livestock facility or anaerobic digestor that are already on different lots than the surplus dwelling. These policies would need to be included under the Official Plan's consent section.

    - Implementation Guideline 35 – MDS I setbacks for agriculture-related uses and on-farm diversified uses (implement in Official Plan and Zoning By-law)

        - Agriculture-related uses and on-farm diversified uses are not required to meet MDS I setbacks. However, a municipality can choose to implement the setbacks in the Official Plan and Zoning By-law for specific uses, such as wineries with patios, bed and breakfasts, or other agri-tourism uses. If implemented, the uses shall be considered Type A land uses.

- Municipalities can alter the application of MDS II setbacks in 3 cases, subject to implementing policies in the Official Plan:

- Implementation Guidelines 35 – MDS II setbacks for agriculture-related uses and on-farm diversified uses (implement in Zoning By-law)
    - Similar to above, a municipality is not required to implement MDS II guidelines for existing agriculture-related used or on-farm diversified uses, but may.
- Implementation Guidelines 38 – MDS II setbacks from cemeteries (Implement in Zoning By-law)
    - Municipalities can change specific cemeteries from a Type B to Type A land use if the cemetery is closed and receives low levels of visitation. Does not permit municipalities to consider cemeteries to be exempt from MDS guidelines.

- Minor variances to reduce distances are permitted, but discouraged.

Implications

- MDS Sections 3-5 must be incorporated into the Official Plan and setbacks must be put into the Zoning By-law for all zones that permit livestock facilities or anaerobic digestors
    - Zoning By-law must be updated to include the 2017 MDS setbacks so they are in effect for the Chief Building Official to apply
- Building permits should specify if the permit is for a livestock facility or anaerobic digester, and include the number of livestock to be housed.
- Each Official Plan Policy for rural or agricultural lands must be checked to ensure they meet the requirements of the guidelines.
- Municipality must decide if they want to change any of the optional MDS formulaes or use the standards. The following are the specific Implementation Guidelines where MDS options are available to municipalities:
    - Implementation Guideline #7 – MDS I setbacks for building permits on existing lots
    - Implementation Guideline #9 – MDS I setbacks and lot creation for a residence surplus to a farming operation
    - Implementation Guideline #35 – MDS I setbacks for agriculture-related uses and on-farm diversified uses
    - Implementation Guideline #35 – MDS II setbacks for agriculture-related uses and on-farm diversified uses

  - Implementation Guideline #38 – MDS II setbacks for cemeteries
  - Implementation Guideline #43 – Reducing MDS Setbacks

- Sections 3 (definitions), 4 (Implementation Guidelines), and 5 (Factor Tables) must be incorporated into the Official Plan. This can be done by:

  - Adopting the entire MDS Document as an appendix or schedule to the Official Plan.
  - Adopting only Sections 3, 4, and 5 as an appendix or schedule to the Official Plan.
  - Including a text reference to the MDS Document in the Official Plan and Zoning By-law with a provision that refers to the MDS "as amended by the Province from time to time".

FACT SHEET

2017 Aggregate Resources and Mining Modernization Act, Bill 39

Summary

The Act did not amend the Planning Act, but amends the Aggregate Resources Act and the Mining Act.

- Requires consultation with Aboriginal communities.
- Increases environmental protections through clearer regulations and better oversight.
- Allows online claims registration in an electronic mining lands administration system.
- Updates the process for fee and royalties increases on aggregates.
- Expands public participation in the extraction application process.
- Reports on rehabilitation activities are required.
- The Minister may restrict areas of Crown land as areas where no removal of aggregates is permitted.
- The Minister may compel the preparation of a Site Plan.

Implications

- The amendments require greater consultation and provides greater authority to the minister to limit aggregate extraction areas or require additional information such as the preparation of a Site Plan.
- The Bill did not amend the Planning Act. Aggregate policies in the Official Plan should continue to refer to the authority and procedures required by the Aggregate Resources Act.

FACT SHEET

Bill 139 – Planning Act Appeal Reform

Building Better Communities and Conserving Watersheds Act, 2017

Summary

Bill 139 repeals the *Ontario Municipal Board Act* and replaces it with the *Local Planning Appeal Tribunal Act*, thereby abolishing the Ontario Municipal Board (OMB) and replacing it with a new planning appeals system. The Bill also establishes the Local Planning Appeal Support Centre and makes significant revisions to the appeals process in the *Planning Act.* The Bill received royal assent on December 12, 2017, and as proclaimed by the Lieutenant Governor came into effect on April 3, 2018. Below is a summary of key changes:

- OMB to be replaced by the Local Planning Appeal Tribunal ("LPAT").
- Local Planning Appeal Support Centre created to assist qualified stakeholders with navigating the appeals process.
- Case management, which provides an opportunity for negotiation and mediation, will be mandatory for the majority of applications, including Official Plan Amendments and Zoning By-law Amendments.
- Official Plans must contain policies that ensure the adequate provision of affordable housing as well as policies that identify goals, objectives, and actions to mitigate greenhouse gas emissions and provide for adaptation to a changing climate.
- Provides upper-tier municipalities with the opportunity to designate areas surrounding existing or planned higher order transit stops (transit on a dedicated right-of-way, such as a train or LRT) as "protected major transit station areas".
- Changes to appealable items:

    1. Secondary Plans and Official Plans have a two year moratorium on amendment requests, though Council can choose to permit amendment requests.
    2. Interim control by-laws cannot be appealed (with the exception of extensions) except by the Province.
    3. Provincially-approved Official Plan Amendments that are part of an Official Plan review (Section 26) cannot be appealed.
    4. Major Transit Station Areas policies and zoning by-laws cannot be appealed.

- New “Standards of Review”: Official Plans, Zoning By-laws, and amendments thereto can only be appealed to the LPAT if the municipality has made a decision that is:

    1. Inconsistent with the Provincial Policy Statement, 2014
    2. Non-conforming with provincial plans
    3. Non-conforming to the Official Plan

- If any of the above noted three (3) decisions have been made and the application is appealed to the LPAT, the following must be addressed:

    - The appeal letter must explain how the municipality’s decision fails the standard of review.

    - If the LPAT agrees that the municipality’s decision is inconsistent with the PPS or does not conform to applicable provincial plans or the Official Plan, the LPAT will provide the municipality with a second opportunity to make a decision within 90 days.

    - Only if the municipality again makes a decision that fails the standard of review can the LPAT substitute its own new decision in place of the municipality’s.

- Appeals of Minor Variances, Consents, refusal or approval of Plans of Subdivision, conditions of Draft Plan of Subdivision approval, and Site Plans can be appealed to the LPAT without having to meet the standard of review.

- Extended timelines to provide municipalities with additional time to make a decision on the following applications:

    1. Zoning By-law Amendment: from 120 days to 150, unless a concurrent Official Plan Amendment is requested, in which case it is 210 days
    2. Holding provisions: from 120 days to 150 days
    3. Official Plans: from 180 days to 210
    4. Official Plan Amendments: from 180 days to 210 days

- Changes to who may be involved in LPAT hearings.

Implications

- Municipalities can establish local appeal bodies to hear appeals of consents, variances, site plans.

- Additional policy content required in Official Plans to address affordable housing, mitigation of greenhouse gas emissions and climate change adaptation.

- Higher test must be met for appeals of Official Plans, Zoning By-laws, and amendments, and these matters may be sent back to the municipal Council after appeal, for a second decision.

- Municipalities will have longer time periods to make decisions, extended timelines for considering applications apply to complete applications filed after December 12, 2017.

- Changes to notices to detail new appeal rules (or remove mention of appeals if not permitted).

FACT SHEET

Bill 108 – More Homes, More Choice Act, *2019*

Summary

Bill 108 received royal assent on June 6, 2019 and amends the *Planning Act, Development Charges Act, Education Act, Local Planning Appeal Tribunal Act, Ontario Heritage Act, Conservation Authorities Act, Endangered Species Act, Environmental Assessment Act, and Environmental Protection Act,* among others. The bill repeals many of the 2017 Bill 139 changes, including changes to the LPAT.

Most changes to the *Planning Act* and *Local Planning Appeal Tribunal Act* came into force on September 3, 2019. Those that are in effect are described below:

- Previously Official Plans were required to permit secondary units. Bill 108 requires Official Plans to permit an additional residential unit in a building or structure ancillary to a house. A maximum of one parking space (including tandem parking) can be required for each additional residential unit.
- Inclusionary zoning can only be implemented in Major Transit Station Areas or areas subject to a development permit in response to an order by the Minister.
- Timelines for making decisions have been reduced:
    - Official Plan / Official Plan Amendments are reduced from 210 days to 120 days (was 180 days prior to Bill 139)
    - Zoning By-law Amendments are reduced from 150 days to 90 days, except when concurrent with an Official Plan Amendment (was 120 days prior to Bill 139)
    - Removal of Holding provision – 90 days
    - Draft Plan of Subdivision applications are reduced from 180 days to 120 days (was 180 days prior to Bill 139)
- Changes to appeals:
    - Appeals are no longer limited to the requirements of Bill 139 (being that the decision was inconsistent with the PPS, or that it fails to conform or conflicts with a provincial or Official Plan).
    - The two-step LPAT appeal process where the LPAT would provide the municipality with the opportunity to review their decision is eliminated in favour of a single hearing. The LPAT can now make a final decision in the same way the OMB could. This applies to all appeals that had not been scheduled for a hearing before September 3, 2019.
    - The LPAT can limit examination or cross-examination of a witness
    - Third party appeals of Official Plan Amendments and Draft Plans of Subdivision are no longer permitted.
- The Minister can now require municipalities to adopt a community planning permit system which combines zoning, minor variance, and site plan processes.
- Community Benefits Charge policies have replaced the former Section 37 agreements (bonusing) of the *Planning Act.*

- Community Benefit Charge policies include:
    - The municipality must pass a by-law for community benefits that authorizes the collection of community benefits charges to pay for the capital cost of facilities, services, and matters required because of development or redevelopment in the area. Community benefits charges cannot be imposed to cover the cost of items already covered in the *Development Charges Act*.
    - The amount of the community benefits charge cannot exceed a specified percentage of land value (based on the value the day before the subject building permit is issued) and may range in percentages to account for varying values of land or varying municipalities.
    - Values to be determined by an appraisal.
    - All money received from this charge must be placed in a dedicated account and 60% of the fund must be spent or allocated each year.
    - Community benefits charges apply to Zoning By-laws, Zoning By-law Amendments, Plans of Subdivision and Condominium, Minor Variances, and Building Permits. Municipalities with a community planning permit system cannot use community benefits charges.
    - Prior to passing a by-law the municipality must first prepare a strategy that identifies which facilities and services are to be funded by the charge. Annual reporting is required.
- The *Building Code Act* is proposed to be amended to include the community benefits charge to the list of applicable law. This ensures the charges will be paid prior to issuance of a building permit.
- Appeals of heritage designating by-laws are proposed to be heard by the LPAT instead of the Conservation Review Board
    - Council must notify a property owner if their property has been included in the register for having cultural interest or value within 30 days. The owner may object to this decision but cannot demolish the property once it has been listed without providing 60 days' notice to Council. Council must make a final decision within 90 days of an appeal.

Implications

- Municipalities are now required to permit additional residential units whereas previously only had to permit secondary residential units.

- Inclusionary Zoning is only permitted in protected Major Transit Station Areas. Municipalities need to establish the supporting policy framework

- Option now exists to prepare a Community Benefits Charge to pay for the capital cost of facilities, services, and matters required because of development or redevelopment in the area. There are necessary requirements in terms of studies and annual reporting and spending that are required should a community benefits charge be enacted.

FACT SHEET

Provincial Policy Statement, 2020

Summary

The 2020 Provincial Policy Statement ("PPS") came into effect on May 1, 2020 and updates the 2014 PPS. All planning decisions continue to be required to be consistent with the PPS.

Many of the policies and policy themes from the 2014 PPS are continued, including emphasizing a range and mix of housing, directing growth to settlement areas, transit supportive development, the hierarchy of services, and protection of prime agricultural land and natural and cultural resources. There is a new emphasis on market-based housing.

The major changes are outlined below:

- The planning horizon has been increased from 20 years to 25 years and planning authorities are required to maintain the ability to accommodate residential growth for a minimum of 15 years from the previous 10 years

- Boundary adjustments are now permitted outside of a municipal comprehensive review if there is no net increase in land within the settlement area (using a land swap approach), the adjustment supports intensification and redevelopment targets, prime agricultural areas are addressed, and if the lands to be added can be appropriately serviced with adequate servicing capacity.

- The requirements for a comprehensive review have changed and "*the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.*"

- Section 1.3.2, Employment Areas, has stronger language requiring the protection of employment areas through the separation or mitigation between employment uses and sensitive land uses.
    - New land use compatibility guidelines are provided when major facilities cannot be separated from sensitive land uses – they are permitted if there is an identified need for the proposed use, there are no alternative locations, adverse effects have been minimized and mitigated, and impacts to industrial uses are minimized or mitigated.

- A new policy regarding employment conversions outside of a municipal comprehensive review: *"… lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:*

a) *there is an identified need for the conversion and the land is not required for employment purposes over the long term;*
b) *the proposed uses would not adversely affect the overall viability of the employment area; and*
c) *existing or planned infrastructure and public service facilities are available to accommodate the proposed uses."*

- A new policy has been added to employment: *"Planning authorities shall promote economic development and competitiveness by facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment."*

- Lot creation is allowed in rural areas if it is locally appropriate

- Consultation with Indigenous communities is required to coordinate land use planning matters.

- Planning for stormwater is to be integrated with water and sewage servicing

- Long term impacts of individual on-site water and sewage services on the environmental health and character or rural areas is to be assessed, and the feasibility of other forms of servicing is to be considered during Official Plan Reviews.

- Preparing for the impacts of climate change is emphasized.

- Local re-use of soil has been encouraged.

Implications

- Planning Authorities must increase their planning horizon from 20 years to 25 years and are required to maintain the ability to accommodate residential growth for a minimum of 15 years from the previous 10 years

- Boundary adjustments that result in no net land area increase can be completed outside of a comprehensive review. This may help with boundary rationalization exercises.

- Removal of land from designated employment areas may be permitted outside of a Municipal Comprehensive Review in limited circumstances.

- Municipalities must consult with Indigenous Communities to coordinate land use planning approvals.

Bill 108 Comparison Chart

Pre-Bill 139 (2017)	Bill 139 (2017)	Bill 108 (2019)
Grounds for Appeal		
Ontario Municipal Board	Replaced the Ontario Municipal Board with the Local Appeal Planning Tribunal	LPAT continues but operates like the former OMB
Any party who participated in the land use planning process could appeal a decision on any application.	Changed what can be appealed. Official Plans and Secondary Plans could not be appealed for two years, interim control by-laws cannot be appealed at all, Provincially-approved Official Plan Amendments that are part of a MCR cannot be appealed, and Official Plan policies and implementing Zoning By-law Amendments related to Major Transit Station Areas cannot be appealed.	Continues. Two-year moratorium on Secondary Plan amendments, minor variances, and ZBAs remains (ZBA and MV freeze is after approval of a site-specific ZBA or a comprehensive ZBL). MTSA policies and zoning by-laws cannot be appealed. Interim control by-laws cannot be appealed.
There were no distinctions between appeals for OPAs and ZBAs with other applications. Appeals were based on good planning.	New grounds for appeal. For OPAs and ZBAs, decisions can only be appealed if the municipality has made a decision that is inconsistent with the PPS and/or does not conform with Provincial plans or the Official Plan.	The new grounds have been eliminated. OPA and ZBAs can now be appealed on any reasonable grounds.
	Subdivisions, site plans, minor variances, and consents could be appealed without having to meet the standard of appeal noted above.	Draft Plans of Subdivision, as well as their conditions or lapsing, can only be appealed by the applicant, municipality, public body, or Minister.
The OMB could substitute their decision for Council's.	If the LPAT agreed with the grounds of the appeal, the LPAT provides the municipality with a second opportunity to make a decision within 90 days. If the decision continues to be inconsistent or not conform, only then can the LPAT substitute a new decision for Council's.	This has been eliminated and returns to pre-Bill 139 protocols where the LPAT can substitute their decision for Council's without going back to Council for a second decision. If new information is provided to the LPAT that was not available to Council that may have affected Council's decision, the LPAT may allow Council to reconsider its decision based on the new information.
Case management was not required.	Requires mandatory case management.	Mandatory case management is continued.
Any party who participated in the land use planning process could appeal a decision on any application.		Third party appeals of OPAs and ZBAs are no longer permitted.
Timing for decisions: OP / OPAs: 180 days ZBAs: 120 days DPoS: 180 days	Timing for decisions: OP / OPAs: 210 days ZBAs: 150 days DPoS: 180 days	Timing for decisions: OP / OPAs: 120 days ZBAs: 90 days DPoS: 120 days
Required Official Plan Policies		
	Required affordable housing to be included in Official Plan policies.	
Second residential units permitted – no appeals permitted (Bill 73 – Smart Growth for our Communities Act)	A second residential unit is required to be permitted	Additional residential units are required to be permitted within a house and/or within a structure ancillary to a house
	Upper-tier municipalities are required to designate existing or planned higher-order transit stops as "protected major transit station areas"	Continues.
	Inclusionary zoning was not limited to specific areas	Inclusionary zoning can only be implemented in MTSAs or areas subject to a development permit if ordered by the Minister.

Pre-Bill 139 (2017)	Bill 139 (2017)	Bill 108 (2019)
Additional Impacts		
Section 37 agreements are permitted.	Section 37 agreements are permitted.	Replaces Section 37 density bonusing with a Community Benefits Charge (proclaimed September 18, 2020). Charge is no longer related to height or density and is instead based on a percentage of land values. CBC is to be applied to ZBA, MV, Consent, DPoS, DPoC, and building permit approvals. Municipalities have 2 years from Sept. 18, 2020 to transition to these new policies.
		Minister may order a municipality to adopt a Development Permit System
		Development charges to be calculated as of the date of filing for the respective SPA or ZBA that facilitated the development.
		Development charges for institutional, industrial, commercial, and rental housing is to be payable over 6 installments. Non-profit housing can pay in 21 installments.

PPS 2014 to 2020 Comparison Chart - Highlights

Policy	2014 PPS	2020 PPS	Change
Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns			
1.1.2	Planning horizon is 20 years	Planning horizon is 25 years	An increase in the planning horizon from 20 to 25 years.
Settlement Areas			
1.1.3.2(a)		Adds “preparing for the impacts of a changing climate” to criteria for land use patterns in settlement areas	Climate change is introduced to the 2020 PPS.
1.1.3.6 and 1.1.3.7	New development taking place in designated growth areas…. shall have a compact form…	New development taking place in designated growth areas…. should have a compact form…	Change from “shall” to “should” with regard to compact form in designated growth areas.
1.1.3.8	Identifying or expanding settlement areas is only permitted during a MCR where it has been demonstrated that: sufficient opportunities for growth….	Identifying or expanding settlement areas is only permitted during a MCR where it has been demonstrated that: sufficient opportunities to accommodate growth and satisfy market demand…	Added consideration of market demand to the criteria for settlement area identification or expansion.
1.1.3.8		In undertaking a MCR, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.	New direction to streamline less complex boundary expansions.
1.1.3.9		Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of settlement area boundaries outside of a MCR provided: there would be no net increase in land within the settlement areas; the adjustment would support the municipality’s ability to meet intensification and redevelopment targets established by the municipality; prime agricultural areas are addressed in accordance with 1.1.3.8(c), (d), and (e); and the settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.	New policy permitting settlement boundary adjustments outside the MCR process. One of the requirements is that the adjustment does not result in an increase to the land within the settlement areas (land swap)
Rural Lands in Municipalities			
1.1.5.2	On rural lands in municipalities, permitted uses are …. Limited residential development….	On rural lands in municipalities, permitted uses are …. Residential development, including lot creation, that is locally appropriate; agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;	Less restrictive permissions for residential lot creation on rural lands and adds agricultural related uses (these agricultural uses were formally mentioned in Section 1.1.5.8 of the 2014 PPS).
Coordination			
1.2.1	A coordinated, integrated and comprehensive approach should be used when…. Managing and/or promoting growth and development…	A coordinated, integrated and comprehensive approach should be used when…. Managing and/or promoting growth and development that is integrated with infrastructure planning	Added a reference to integration between development proposals and growth with infrastructure planning.
1.2.2	Planning authorities are encouraged to coordinate… with Aboriginal communities.	Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.	Change from “encouraged” to “shall” regarding consultation with Indigenous communities.
Land Use Compatibility			
1.2.6.1	Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered, and/or separated from each other….	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects…	New PPS changes language from “should” to “shall” for compatibility between sensitive land uses and major facilities.
1.2.6.2		Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing, or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following	New policy regarding mitigation for land use compatibility concerns between major facilities and sensitive land uses.

Policy	2014 PPS	2020 PPS	Change
		are demonstrated in accordance with provincial guidelines, standards, and procedures: there is an identified need for the proposed use; alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; adverse effects to the proposed sensitive land use and minimized and mitigated; and potential impacts to industrial, manufacturing, or other uses are minimized and mitigated.	
Employment			
1.3.1(c)		Planning authorities shall promote economic development and competitiveness by: facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market ready sites, and seeking to address potential barriers to investment.	New policy regarding employment planning.
1.3.2.2		At the time of the Official Plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area. Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.	New policy requiring employment area land uses to be scrutinized during a MCR and for separation between employment uses and sensitive land uses to be incorporated into the planning of employment areas.
1.3.2.3		Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment uses.	New policy prohibiting residential uses within employment areas and requiring a transition between employment and sensitive land uses.
1.3.2.5		Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following: there is an identified need for the conversion and the land is not required for employment purposes over the long-term; the proposed uses would not adversely affect the overall viability of the employment area; and existing or planned infrastructure and public service facilities are available to accommodate the proposed use.	New policy permitting the conversion of employment lands to non-employment uses outside of a MCR if the land is not provincially or regionally significant and meets the required criteria.
1.3.2.7	Planning authorities may plan beyond 20 years for the long-term protection of employment areas….	Planning authorities may plan beyond 25 years for the long-term protection of employment areas…	Increase in the planning horizon from 20 years to 25 years.
Housing			
1.4.1(a)	… planning authorities shall: maintain at all times the ability to accommodate residential growth for a minimum of 10 years….	… planning authorities shall: maintain at all times the ability to accommodate residential growth for a minimum of 15 years…	Increase in the required residential land accommodation horizon from 10 years to 15 years.
1.4.1		Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.	New policy that permits upper and single-tier municipalities to maintain a 5 year supply of serviced residential lands.
1.4.3	Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by: establishing and	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: establishing and implementing minimum	New emphasis on market-based and affordable housing and coordination with housing and homelessness plans.

Policy	2014 PPS	2020 PPS	Change
	implementing minimum targets for the provision of housing which is affordable to low and moderate income households….	targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans…	
1.4.3.(b)(2)	… permitting and facilitating: … all forms of residential intensification, including second units…	… permitting and facilitating: … all types of residential intensification, including additional residential units…	Change from second units to additional residential units.
1.4.3.(e)		Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: … requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations…	New policy requiring transit-supportive development and intensification in proximity to transit stations and transit corridors.
Sewage, Water and Stormwater			
1.6.6.1(b)		Planning for sewage and water services shall: … ensure that these systems are provided in a manner that: … prepares for the impacts of a changing climate	New policy requiring climate change to be considered in sewage and water service planning.
1.6.6.1(e)		Planning for sewage and water services shall: … be in accordance with the servicing hierarchy outlined through policies 1.6.6.2 - .5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3 - .5 provided that the specified conditions are met.	New policy clarifying that private communal services, individual on-site services, and partial services may be permitted where municipal services are not available.
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, whenever feasible.	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of services.	Revised policy strengthens connection between municipal services and protecting the environment and protecting human health.
1.6.6.3	Where municipal sewage services and municipal water services are not provided, municipalities may allow the use of private communal sewage services and private communal water services.	Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.	Revised policy states that private communal services are preferred for multi-lot and multi-unit developments that do not have access to municipal services.
1.6.6.4		… At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site services and individual on-site water services on the environmental health and the character or rural settlement areas. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-suite sewage services and individual on-site water services on the environmental health and the desired character of rural settlement areas and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.	New policy requires the impact of private services on environmental health and rural character as part of the MCR process.
1.6.6.5		… Where partial services have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in rural areas in municipalities may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In accordance with subsection (a), the extension of partial services into rural areas is only permitted to address failed individual on-site sewage and individual on-site water services for existing development.	New policy regarding the extension of partial services in the event of failed private services.
1.6.6.7(a)		Planning for stormwater management shall: be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term…	New policy that requires integration of stormwater management planning with planning for water and wastewater services.

Policy	2014 PPS	2020 PPS	Change
1.6.6.7.(c)	Planning for stormwater management shall: … minimize changes in water balance and erosion	Planning for stormwater management shall: … minimize erosion and changes in water balance and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure.	Revised policy adds climate change to stormwater management planning.
Transportation Systems			
1.6.7.2	Efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	Change from shall to should in the new PPS.
1.6.7.5	Transportation and land use considerations shall be integrated at all stages of the planning process.		Deleted in the 2020 PPS.
Transportation and Infrastructure Corridors			
1.6.8.5		The co-location of linear infrastructure should be promoted, where appropriate.	New policy in the 2020 PPS.
Waste Management			
1.6.10.1	Deleted: … Planning authorities should consider the implications of development and land use patterns on waste generation, management, and diversion.		Deleted policy regarding the implications of land use planning decisions on waste generation and management.
Long-term Economic Prosperity			
1.7.1(b)		Long-term economic prosperity should be supported by: … encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce…	New policy in the 2020 PPS.
1.7.1(i)	Long-term economic prosperity should be supported by: … providing opportunities to support local food and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts.	Long-term economic prosperity should be supported by: … sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network.	Revised policy to strengthen and clarify policies for protecting the agricultural and agri-food network.
Water			
2.2.1		Planning authorities shall protect, improve or restore the quality and quantity of water by: … evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level.	New policy requiring the impacts of climate change to be considered on water resources.
Agriculture			
2.3.2		… Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network.	New policy in the 2020 PPS.
Protection of Long-term Mineral Aggregate Resource Supply			
2.5.2.4		… Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations.	New sentence in the 2020 PPS to clarify mineral aggregate extraction policies.
Cultural Heritage and Archaeology			
2.6.5	Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.	Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.	Revised policy requires engagement with Indigenous communities.
Natural Hazards			
3.1.3	Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.	Planning authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards.	Revised policy strengthening the impacts of climate change on natural hazards from consideration to preparation.
Human-made Hazards			

Policy	2014 PPS	2020 PPS	Change
3.2.3		Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.	New policy requiring re-use of excess soil.