



## MEMO / NOTE DE SERVICE

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| To / Destinataire | Mayor and City Council   | File/N° de fichier:     |
| From / Expéditeur | Don Herweyer<br>Interim General Manager, Planning,<br>Real Estate and Economic<br>Development Department |                         |
| Subject / Objet   | City's Position on Official Plan<br>Adjustments (Bill 150)   | Date: December 11, 2023 |

On October 27, 2023, [I provided a memorandum on the Official Plan Legislation Announcement](#). We have since received more information from the Province and I wish to share how this announcement impacts our Official Plan, the Infrastructure Master Plan (IMP), the Transportation Master Plan (TMP), the Development Charges (DC) By-law review, and next steps.

[Bill 150](#), the Planning Statute Law Amendment Act, 2023 was passed by the Legislature on December 6, 2023, and has received Royal Assent. This Bill had the effect of removing all Provincial modifications made by the Province to Ottawa's Official Plan, while retaining the in-effect date of November 4th, 2022. This means the version of the Official Plan as previously passed by Council is now the version in force today.

Mayor Sutcliffe submitted feedback to the Province on Bill 150, the proposed *Planning Statute Law Amendments Act, 2023*. The comments are in Appendix 1 attached to this memo. While the City of Ottawa had requested retention of certain modifications pertaining to retention of mid-rise heights on minor corridors, and a request for additional time to complete the Development Charge By-law, these were not included within the Bill 150 legislation due to the timing of receiving Royal Assent prior to the submission deadline. However, the Province has made clear that submissions by municipalities made before December 7th, and submissions received through the Environmental Registry of Ontario with a deadline of December 16th, 2023, would be fully considered. Staff anticipate further Provincial announcements and actions to be forthcoming, including possible further legislative steps or use of other Provincial tools.

In the meantime, the Ministry of Municipal Affairs and Housing has acknowledged receipt of Ottawa's submission, Council's request to retain mid-rise heights on minor corridors is understood, and the Province notes that consultations are ongoing. This also means that there

are multiple existing planning applications submitted to the City relying on the additional minor corridor heights that may be delayed until further legislative action is made to enact the heights on minor corridors.

City staff will be submitting information and supporting documentation on planning costs that were incurred arising out of the Provincial decisions at a later date. These costs are related to administrative tasks such as staff and consultant time and resources on including Provincially added urban expansion areas into the IMP, TMP, and DC background study.

### **Summary on Official Plan Roll-Back to Council-Approved Version**

Council adopted the new Official Plan through By-law 2021-386 on November 24, 2021. On November 4, 2022, the Minister of Municipal Affairs and Housing approved the new Official Plan with 30 modifications, of which 19 were policy/text modifications and 11 were schedule modifications to add six urban expansion parcels and the Village of Greely expansion parcel. Of the 19 policy/text modifications, seven increase the height on Minor Corridors. Through Bill 150, these have now been removed in their entirety.

At the November 8, 2023 Council, a notice of motion was presented by Councillor Gower regarding “Retain the Minor Corridor permissible heights in accordance with the November 2022 Ministry approval of the City’s new Official Plan”. This motion proposes to retain the Minor Corridor heights as noted in the above table under “Maximum Height, Provincial modification”. This motion was passed at the November 22<sup>nd</sup>, 2023, meeting of Council, requesting the Mayor to indicate to the Province Council’s desire to retain these Provincial modifications. These requests for modifications were submitted to the Province, have been acknowledged by Ministry staff, and remain under consideration for further Provincial direction on their status.

Of the six urban expansion parcels and the Village of Greely expansion parcel, building permits have not been issued nor has construction commenced, and Bill 150 has removed these Provincially added lands from the Official Plan.

Further modifications to Ottawa’s Official Plan remain a possibility, as the Province has communicated that submissions received by the Province prior to December 7<sup>th</sup> will be fully considered, as will any submissions to the [Environmental Registry Office](#), with a closing deadline of December 16<sup>th</sup>, 2023. As such, the Province retains the authority to introduce further actions through legislative steps or other planning tools as the Minister may deem desirable. Staff therefore do not consider this version of the Official Plan to be finalized.

## **Development Charges By-law**

Removal of the urban expansion areas previously added by the Province has implications for the timelines of the 2024 Development Charges By-law. The identified projects in the background study requires an update to the Infrastructure Master Plan and will impact the consultation period of the 2024 DC By-law to meet the legislated adoption requirements. The submission to the Province requested that the existing DC By-law receive a one-year statutory extension to May 22, 2025, to provide the necessary time to update the IMP and consult on the new DC By-law. Ministry staff have acknowledged this request, and staff continue to engage with the Ministry on this matter.

Staff will continue dialogue with Ministry staff and will update Council as new information arises.

Don Herweyer  
Interim General Manager  
Planning, Real Estate and Economic Development Department

## **Attachments**

**Appendix 1: Bill 150 Feedback – Mayor’s Submission**

## **Appendix 1: Bill 150 Feedback – Mayor’s Submission**

The City of Ottawa submits the following feedback with regards to Bill 150, the proposed *Planning Statute Law Amendment Act, 2023*, an Act to enact the Official Plan Adjustments Act, 2023 via [mmahofficialplans@ontario.ca](mailto:mmahofficialplans@ontario.ca)

### **Ottawa’s Official Plan**

Thank you for the opportunity to provide feedback on the proposed legislation. Our Official Plan is the foundation for how growth and development will occur in the city of Ottawa. It is the culmination of two and a half years of consistent engagement.

Residents were engaged at every phase of policy development from early strategic directions to detailed chapters in Official Plan drafts with annotated changes outlining policy revisions. Instead of relying on a handful of public open houses, nearly 130 events were established across the city. An Ambassadors Working Group of 11 traditionally under-represented equity and inclusions communities were established. The Official Plan engaged with the First Nations, Inuit, and Metis communities in and around Ottawa. Innovative and technological tools from web polls and the Zoom platform increased opportunities to connect with diverse residents. This Official Plan is the result of over 140,000 community engagements and is grounded in extensive feedback.

Council held multiple public meetings, each multi-day events on their own to not only hear from long lists of public delegations, but to also deliberate on the feedback and concepts of the Official Plan. The Official Plan is the result of substantial thought and discussion through an open and transparent process. Starting with the growth management strategy in the spring of 2020, these public meetings can still be viewed today on YouTube.

With this in mind, we are of the opinion that many of the modifications to the Official Plan and Urban Boundary made by the Minister of Municipal Affairs and Housing are not required to achieve the strategic directions and growth management framework that are based upon extensive feedback and deliberation. The exception, however, are those modifications relating to increased maximum building heights on Minor Corridors. Since the Provincial approval of the Official Plan we have initiated a new comprehensive Zoning By-law review to implement the approved Official Plan, and provided our municipal commitment towards the Provincial challenge of increasing the supply of housing. We are concerned that a failure to retain mid-rise opportunity on Minor Corridors will negatively impact opportunity to provide a full range of future housing supply across low, mid and high-rise building forms, as well as impact existing Planning Act applications that have already been submitted to implement these permissions

and build new homes. We therefore request that all of the modifications, with the exception for those relating to maximum building heights on Minor Corridors, be removed from Ottawa’s Official Plan.

Specifically, with respect to Bill 150, the proposed *Planning Statute Law Amendment Act, 2023*, Schedule 1 to the Official Plan Adjustments Act, 2023, Table, Item 8, Column 3, we respectively submit the following modification:

Replace “None” with “Modifications numbered 7, 8, 9, 10, 12, and 13” as illustrated below.

TABLE

| Item | Column 1<br>Official plan or amendment to an official plan              | Column 2<br>Date of decision under subsection 17 (34) of the <i>Planning Act</i> | Column 3<br>Modifications set out in the decision referred to in subsection 1 (1) that apply to the official plan or amendment to an official plan |
|------|---|--|--|
| 8.   | Official plan adopted by the City of Ottawa pursuant to By-law 2021-386 | November 4, 2022   | <del>None</del> <b><u>Modifications numbered 7, 8, 9, 10, 12, and 13</u></b>   |

### Transitional Matters

For the purposes of this section, the “transitional period” is defined as being between the date identified in Column 2 to the Table in Schedule 1 and the date on which the *Planning Statute Law Amendment Act, 2023* comes into effect. For example, if the legislation comes into effect on December 14, 2023, then the transitional period for Ottawa will be from November 4, 2022 to December 14, 2023.

We recommend that during the transitional period, the Official Plan that will be modified as per the Table in Schedule 1 is the applicable Official Plan for any *Planning Act* applications received. In short, our Official Plan that will be modified through this proposed legislation is retroactive to November 4, 2022.

We recommend that the proposed *Planning Statute Law Amendment Act, 2023* also amend the *Planning Act* so that for applications made during the transitional period, potential refundable fees are paused, and further the applicable refund timeline be extended by no less than 120 days to provide sufficient time to re-process applications as needed.

We recommend that the proposed *Planning Statute Law Amendment Act, 2023* also amend the *Planning Act* so that for applications made during the transition period, the time for the failure of the municipality from making a decision be paused, and further that the statutory

timeline to make a decision be extended by no less than 120 days to provide municipalities with sufficient time to re-process applications as needed.

We recommend that the proposed *Planning Statute Law Amendment Act, 2023* also amend the *Planning Act* so that for applications made between October 23, 2023 being the date of the Minister's announcement on the proposed legislation, and the date the legislation comes into effect, applications are frozen from municipal processing and exempt from statutory timelines.

### **Development Charges By-law**

The removal of the urban expansion areas added by the Province has implications for the timelines of the 2024 Development Charges (DC) By-law. The identified projects in the background study requires an update to the Infrastructure Master Plan (IMP) and may impact the consultation period of the 2024 DC By-law to meet the legislated adoption requirements. The IMP was scheduled to be considered by Committee and Council in October 2023 in order to provide the necessary inputs on the infrastructure projects for the DC background study. Since Q1 2023, the City worked to implement the Official Plan approved on November 4, 2022, including analysing water, wastewater, and transportation servicing requirements to the urban expansion parcels added by Provincial modification.

The removal of these parcels will require a reassessment of the necessary infrastructure for the remaining urban expansion parcels adopted by Council and update the draft IMP. The new DC By-law requires adoption by Council in April 2024 in order to meet statutory timelines to establish a DC so that growth pays for their share of growth. There is, however, insufficient time to update the draft IMP and prepare the necessary DC background study with required consultation for a new DC By-law by April 2024.

We therefore request the inclusion of DC-related transitional provisions in the proposed legislation to **extend the expiry of our current DC By-law for a period of one-year (for a total of six years from enactment). This would allow until May 22, 2024 to May 22, 2025**, for the enactment of a new comprehensive development charge and area specific development by-laws and would permit all of the provisions in the current by-law, including the annual indexation of the development charges. During this additional one-year period, the City will conduct the necessary update of the IMP, preparation of background studies, and a fulsome public consultation process to align with the removal of the Provincially added urban expansion parcels through this proposed legislation.