

**Appendix 3 Bill 98, Building Homes & Improving Transportation Infrastructure Act**

| Category   | What the Bill proposes  | Impact on the Town of Essex   | Recommendation to Council for Commentary Submission  |
|--|---|---|--|
| <b>1. Official Plan Reform:</b>                    | <p>Introduces standardized provincial formats and rules for municipal official plans</p> <p>Limits municipalities' ability to create unique land-use policies</p> <p>Eliminating the requirement for municipalities to include climate change in their Official Plans. In particular, the changes will remove municipal authority to institute green development standards, making them voluntary for developers.</p> <p>Removing municipal authority to require "enhanced development standards" at the lot level, such as landscaping, aesthetic and ornamental design considerations outside what is needed for health, safety, and accessibility.</p> <p>All references to "sustainable design" in site plan control by-laws are to be removed.</p>   | <p>Essex is close to completing a new Official Plan; unknown at this time if we will need to revise this Official Plan any further, and if so how much time it will take, and additional budget required to do so</p> <p>Less flexibility to reflect local priorities (e.g., rural character, agricultural protection nuances); We have a couple special policy areas currently proposed in the Draft new OP (CR 50, Pleasant Valley, Highway 3) and unknown at this time if this can remain</p> <p>Our current OP does make Low Impact Development features voluntary. However, the removal of climate change from OP's should not remove the municipalities rights to protect future residents from the impacts of climate change, including Storm Water Management practices to protect against flooding.</p> <p>It is not clear how this will impact Essex, however, its likely that it will impact our minimum landscape area for the required front yard from our Zoning By-Law.</p>  | <p>Request more details on how implementation is expected in an upper &amp; lower tier setting such as Essex County where a new OP was recently approved by the Province; Request more information on prescribed uses under the proposed standardized set of land uses; Encourage the Province to allow municipalities to maintain the rights to protect future residents against Climate Change Impacts.</p>  |
| <b>2. Building Code Review:</b>                    | <p>Section by section review of the OBC so it better meets modern challenges and the reality of building in Ontario;</p> <p>Could restrict municipalities from imposing additional local construction requirements</p>  | <p>OBC has quadrupled in size; streamlining would be a benefit; some requirements are antiquated or irrelevant to some regions in Ontario;</p> <p>Supportive of this initiative; However, if we wanted to, Essex would not be able to require higher local standards (e.g., enhanced energy efficiency beyond the OB. We currently do not, but if we ever wanted to in support of local sustainability/climate goals we would not have this ability.</p>  | <p>Generally supportive of the Building Code review in an effort to modernize and streamline, reduce construction costs, and maintain high health and safety standards.</p>  |
| <b>3. Site Plan Control:</b>                       | <p>Reduces scope (e.g., landscaping, design elements may be restricted)</p> <p>Reduces Municipal Scope (e.g., landscaping, Soil Composition, design elements may be restricted)</p> <p>Remove site plan control as a land use planning tool. Establish new municipal site plan approval streams for different kinds of proposed developments. This would mean a full site plan would only be required for larger, complex developments. Less complex ones would be triaged.</p> <p>Scope site plan review to a short checklist of functional aspects of the site (e.g. health and safety), using certified professionals for acceptance and approval of reports and studies. Cities will not be able to request studies beyond those included in the checklist. If all technical requirements are met in the checklist, site plan approval is granted.</p> <p>Require municipalities to have a maximum of three circulations, after which a mandatory meeting is triggered with all relevant municipal departments to resolve issues and require a municipal arbitration process and/or site plan review panel for site plans that exceed the 60-day timeline and specified number of circulations. This is meant to avoid Ontario Land Tribunal (OLT) hearings and speed up approvals.</p> | <p>Less municipal ability to shape urban design and aesthetics; Essex is in the midst of initiating urban design guidelines for downtowns. The Town will need to ensure the principles for these guidelines are written into the OP, otherwise they could be unenforceable</p> <p>The Town will have little say on the aesthetics of a site plan, but this is not much of a concern from an Infrastructure perspective. The Bill states that soil composition comments will be restricted. Given Windsor-Essex unique soil characteristics, we have concerns with the Province limiting geotechnical analysis to determine adequate engineering methods for building infrastructure.</p> <p>It is not clear what a "complex" development will be. This could result in site plan being fully removed for most Essex developments as complex may be relative to large city developments.</p> <p>Its not clear what will be on this checklist. The checklist should allow for enough flexibility to allow for unique geographical and engineering challenges to be imposed by municipalities such as our flat topography and unique soil conditions.</p> <p>No concerns from Infrastructure Services perspective.</p> | <p>Site plan is preferred to remain a land use planning tool under the Planning Act, along with the various O'Regs that support processing applications. Moreover, Council request more details on the new provincial site plan checklist and terms of reference for new arbitration processes, as well as what constitutes a "complex" application that would trigger a full site plan review.</p>  |
| <b>4. Minimum Lot Sizes:</b>                       | <p>Encourages smaller lot sizes to 175 square metre (1,884 square foot) minimum lot size standard, therefore higher density</p>   | <p>More efficient use of land, lower-cost housing types, increases housing supply, however, may may conflict with Essex's traditional low-density or rural character; Potential servicing constraints with more density; Parking/traffic concerns; Unknown if other zoning regulations would be met particularly if ADUs are added on these reduced lots</p> <p>Current min lot size in the Town of Essex is R1, R2 for 360m2 (4000f2) for single unit dwellings</p>  | <p>Encourage retaining municipal control to determine appropriate lot sizes for development to meet local needs and context.</p>   |
| <b>5. Non-Profit Retirement Homes:</b>             | <p>Exempts DCs for non-profit and seniors housing</p>   | <p>Non-profit residential developments, retirement homes or otherwise, in Essex are already exempt from DCs therefore no further impact than we already would have</p>  | <p>Supportive of the exemption of DCs for non-profit retirement homes since this is currently a discretionary exemption in the Town's DC By-law.</p>   |
| <b>6. Communal Water &amp; Wastewater Systems:</b> | <p>Supports shared/private communal servicing systems for developments</p> <p>Encourages alternatives where full municipal servicing isn't available</p> <p>Supports shared/private communal servicing systems for developments</p>   | <p>Could enable development in areas without full municipal services such as McGregor, and potentially Colchester in the future;</p> <p>Raises concerns about long-term maintenance and oversight, potential risk if systems fail or require municipal takeover later</p> <p>Communal systems have been generally cost prohibitive for the housing market in Windsor-Essex, however, Infrastructure is supportive of this infrastructure so long as the Province continues to allow for responsible approvals, operations/maintenance, flexibility to allow municipalities to enter into capital and maintenance agreements with developers, and the ability to remove these systems when servicing becomes available to the area. It should be noted that not all development applications could/should have a communal systems, and municipalities should have the flexibility to approve or deny such a system based on sound engineering and financial rationale.</p>   | <p>Supportive of the use of communal systems where municipal servicing is not available, but only at the discretion of the municipality to ensure that servicing is not reasonably feasible. Further, there needs to be oversight through the ECA process from the MECP for environmental approvals. Municipalities do not have the resources or expertise to be the approval authority for these systems. Municipalities should have authority to enter into capital and maintenance agreements with developers</p> |

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| <b>7. Parkland Dedication Requirements:</b>             | Limits how much land or cash municipalities can require for parks<br><br>Standardizes parkland dedication rules across Ontario  | The proposed changes would reduce municipal parkland contributions from development, either through less land or less cash-in-lieu, placing greater pressure on existing parks as communities grow. Prescribed provincial criteria would limit municipal discretion, constrain the ability to refuse applications that meet minimum standards, and increase appeal risk at the OLT, weakening negotiating leverage with developers. There is also a likely shift away from cash-in-lieu contributions, reducing flexibility to strategically acquire parkland in priority locations or assemble larger, centrally located parks. Collectively, these changes may result in increased costs, legal complexity, and staff resources required to manage appeals, agreements, and compliance.<br><br>The framework is expected to increase reliance on non-traditional parkland, including encumbered lands and privately owned public spaces, often resulting in smaller, constrained, or fragmented areas integrated into developments rather than dedicated park blocks. While such spaces may meet technical criteria, they may be less functional for recreation, harder to program, and more challenging to manage over the long term due to shared ownership, access, and liability issues. Over time, this could reduce overall parkland quality and continuity, limit the municipality's ability to implement planned park networks, and weaken alignment between development-driven parkland and broader community recreation needs. | Retain Municipal Discretion and Local Context<br>Protect the Ability to Secure Functional, Contiguous Parkland<br>Maintain Municipal Flexibility for Cash in Lieu<br>Reduce Appeal Risk and Protect Municipal Decision Making<br>Address Administrative, Legal, and Long Term Operational Impacts<br>Protect Long Term Park System Planning                         |
| <b>8. DCs in Agreements of Purchase &amp; Sale:</b>     | Requires greater transparency about DCs in home purchase agreements<br>May fix or limit increases after agreements are signed   | Homebuyers get more certainty on total costs<br><br>Need assurance that if DCs adjust in Essex over time, that our By-law takes precedent over an Agreement of Purchase and Sale   | Supportive pending adjustment ability being that if DCs adjust over time, that municipal DC By-laws take precedent  |
| <b>9. Harmonization of Roads Standards</b>              | The Province is proposing to standardize municipal road standards across the province.<br><br>Mandatory reporting and exemption process being imposed   | Blanketing road standards across the entire province does not account for various engineering conditions that may exist at the local level such as climate, geography, asset profiles, and labour markets. Standardizing without meaningful consultation and flexibility for local engineering practices to be implemented could result in prematurely failing assets and increase maintenance and operational costs.<br><br>Could introduce risk and delays to projects. Without defined timelines and service standards, municipalities cannot reliably plan Council-approved programs/projects. Blanket exemptions should be available for well-understood, low-risk practices. It is not clear what the reporting requirements will be, but there is a concern that the requirements will create a burden that will stretch staff resources.   | Generally supportive of harmonization efforts so long as local challenges due to climate, geography, and labour markets are considered for local exemptions. Further, that the partnership and collaboration between Municipal Engineers Association (MEA) and MTO continue in the development of these standards.  |
| <b>10. Water/Wastewater Public Corporations Changes</b> | The province is proposing to amend the Water and Wastewater Public Corporations Act, 2025 to expressly state that these new corporations will be entirely publicly owned. It also creates a framework for the expansion of municipal services corporations across the province.<br><br>Added multiple employment/employee clauses | This Act is still not in force and has been created to address Peel's transition to a Public Corp. Its not clear if this act will impact Essex at this time, but if the Province intends to force municipalities to form private corporations for water resources this could have fundamental changes to the corporation, employees, governance, finance and debt, and how rates and DCs are collected.  | Not supportive of public water/wastewater corporations for the Windsor Essex Region. Municipalities should have the oversight and control to plan for infrastructure from a wholistic perspective. Further, that the Town should be able to make the decisions on water rate impacts to residents including the taking of debt and DCs for water resource projects. |