



# TOWNSHIP OF WILMOT

## DEVELOPMENT SERVICES *Staff Report*

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**REPORT NO:** DS 2019-24

**TO:** COUNCIL

**SUBMITTED BY:** Harold O’Krafka, MCIP RPP  
Director of Development Services

**PREPARED BY:** Harold O’Krafka, MCIP RPP  
Director of Development Services

**REVIEWED BY:** Grant Whittington, CAO

**DATE:** October 28, 2019

**SUBJECT:** Proposed Amendments to the Provincial Policy Statement

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### **RECOMMENDATION:**

That Report DS 2019-24 be received for information.

### **SUMMARY:**

The Provincial government is seeking feedback on proposed changes to “support Ontario communities that provide housing choices for all residents, are investment-ready, and protect the environment and important resources such as water and farmland.”

Comments on the changes were required on October 21<sup>st</sup>, and due to the time constraints this report has been submitted to through the Environmental Registry of Ontario (ERO) portal as a placeholder for Wilmot’s comments.

Should additional comments be generated through the consideration of this report those would be forwarded to the Province as well, while recognizing that the Province may not accept them.

This report summarizes the significant proposed changes and offers comments on specific areas of concern for the Township of Wilmot.

## **BACKGROUND:**

The Provincial Policy Statement (PPS) is issued under Section 3 of the Planning Act and provides policy direction on matters of provincial interest related to land use planning and development. While it contains many policies, the PPS is intended to be read as a whole with no 'implied priority in the order to which the policies appear.'

Other Provincial plans such as A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) provide additional and more specific policies to address specific issues facing specific geographies in Ontario. They are to be read in conjunction with the PPS but in general take precedent over the PPS in areas of conflict.

The policies of the PPS and other plans such as the Growth Plan are primarily implemented through the Region of Waterloo Official Plan and the Township of Wilmot Official Plan. As such, changes to the PPS may result in the need to update the policies of both the Region of Waterloo Official Plan and the Township of Wilmot Official Plan. The Township Zoning Bylaw is also an important secondary means of implementing the PPS and as such it is important that it be kept up to date with the Official Plan and the PPS.

## **REPORT:**

### **1.0 Building Healthy Communities**

"Health, liveable and safe communities are sustained by:

- b) accommodating and appropriate **market-based** range and mix of residential types (including single-detached, additional residential units, multi-housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;"

Perhaps the most significant change in the PPS is the introduction of the undefined term market-based as a measuring stick to be used in accommodating an appropriate range and mix of residential , employment, institutional, recreation and other uses to meet long-term needs.

In discussions with area planners it was clear and apparent that the term "market-based" could have many different meanings and was a collective cause for concern.

Defining the term may not relieve the concern and apprehension of the impact of the term but at a minimum it would at least provide a basis to analyze the impact of the change.

As such the **Township is opposed to the introduction of the term 'market-based' in the absence of a definition of its meaning and application.**

## **2.0 Wise Use and Management of Resources**

***“Outside of the Greenbelt Area extraction may be considered in natural heritage features provided the long-term rehabilitation can demonstrate no negative impacts on the natural features or their ecological systems.”***

This proposed amendment effectively loosens the rules related to extraction within natural heritage features including significant woodlands, valleylands, and the habitat of endangered and threatened species provided that the any negative impacts would be mitigated through long term rehabilitation. For lack of a better example a woodlot could potentially be clearcut for extraction provided the long term rehabilitation was to plant another forest.

**The Township opposes this step backward in environmental protection.** Allowing for the destruction of the natural environment with the promise that it will be restored in the future is a approvals model that historically didn't work. Policies have evolved over time to protect natural resources as a first course of business and reverting back to the failed policies of past generations is discouraging.

***“... Where the Aggregate Resources Act applies, processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operation or their expansions.”***

The lack of public process and municipal review of license expansions from above the water table extraction to below the water table extraction has been an historical flash point between the Province and municipalities. In particular the Region of Waterloo included policies in its 2009 Official Plan specifically requiring area municipalities to include vertical zoning provisions.

The Region's intention was to require a zoning amendment process to be triggered which would generate a full review and public process to consider applications extending below the water table. The current process simply requires an application to MNRF for a site plan amendment and while municipalities might be notified of the proposal the opportunity for comment is limited with no right of appeal.

The Province did not approve the Region's vertical zoning policy and under appeal to the OMB the policy was deferred. The Township included similar policies in its conformity review and as such the Region was required to similarly defer the approval of those policies.

The proposed amendments to the Aggregate Resources Act (ARA), which have recently been released for comment, suggest that a “more robust” review process may be established for applications to extend into the water table but there is no guarantee that the level of review and public scrutiny which would be triggered by the vertical zoning provisions will be achieved.

For this reason **the Township is opposed to the limitations placed on vertical zoning in the PPS.**

### **3.0 Protecting Public Health and Safety**

***“Planning Authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards.”***

The Township of Wilmot recently declared a Climate Emergency and is increasingly looking to review its operations with a ‘climate change’ lens.

The Township therefore supports the modification to include the requirement to prepare for the impacts of a changing climate and note that the Province removed the words ‘potential impacts’ which would seem to suggest that the Province acknowledges climate is changing.

Unfortunately a definition of ‘impacts of a changing climate’ has been added and that definition would seem to reverse course on the policy change.

***“Impacts of a changing climate*** means the potential for present and future consequences and opportunities from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.”

It is quite difficult to envision what opportunity would be realized through an extreme weather event. The inclusion of the word potential suggests that the ‘jury is still out’ and the inclusion of the word opportunity further suggests that maybe some good will come from climate change.

**The Township supports the direction to prepare for the impacts of a changing climate but is opposed to the inclusion of the words ‘potential’ and ‘opportunities’ within the definition of the “Impacts of a changing climate”**

### **4.0 Implementation and Interpretation**

***“Planning authorities shall take action to support increased housing supply and facilitate a timely and streamlined process for local development by:***

- a) ***Identifying and fast-tracking priority applications which support housing and job-related growth and development; and,***
- b) ***Reducing the time needed to process residential and priority applications to the extent practical”***

Requiring the fast tracking of priority applications is complicated and quite frankly confusing given the recent minimization of development approvals time frames. Not surprisingly yet again the lack of definition of what constitutes a ‘priority application’ is one of the most confusing aspects given that it would be rare for an applicant not to consider their proposal a priority.

In the absence of a definition of what constitutes a ‘priority application’ and what specific part of the process is able to be further reduced the policy amendment has no value.

**The Township is opposed to creating “fast-tracking” direction without definition or specific enabling policies.**

It would be helpful if the Province could speak directly to the process component that has room for streamlining and that causes them concern in the processing of development applications.

**ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:**

Communication of proposed changes to Provincial legislation promotes an informed community.

Providing comments to Province on proposed changes to the PPS affords the opportunity to promote the protection of our natural environment, our quality of life and our belief that approvals should be transparent and open to public input and review.

**FINANCIAL CONSIDERATIONS:**

Financial impacts of the proposed changes to the PPS are unknown at this time. Changes that require amendments to our Official Plan policies would be incorporated into future Operating and/or Capital Budgets.

**ATTACHMENTS:**

No attachments.