

MEMORANDUM

To: Ministry of Municipal Affairs
From: Nick McDonald, RPP
Date: November 4, 2022
**Re: Review of A Place to Grow and Provincial Policy Statement - ERO
Number 019-6177**

Purpose of Memorandum

I am writing on my own behalf as a Registered Professional Planner to request that the Province consider making the following changes to the Growth Plan in particular. The suggestions below are intended to provide some additional clarity and/or flexibility and are as a result of my work for numerous municipalities in the Greater Golden Horseshoe.

Buildings and Structures in and adjacent to the Growth Plan NHS

Sections 4.2.3 and 4.2.4 of the Growth Plan includes policies that apply to the expansion or construction of buildings and structures within or adjacent to key features.

Within key features, the policies indicate that expansions to existing buildings are permitted subject to criteria. This means that new buildings and accessory buildings are not permitted in key features. While I appreciate the intent of the policy, the potential for significant hardship is high, particularly in the outer ring, which have large areas identified as significant woodlands (such as in Niagara, Simcoe and Northumberland). As a result, it is recommended that:

- a) New accessory buildings be permitted within key features, provided they are clearly

accessory to main building (such as less than 50% of size of main building) and within a certain distance from main building (within 30 metres for example). This will allow landowners to build minor structures (tool sheds, small barns and garages) within an existing building cluster. It is my opinion that new minor buildings within an existing building cluster will not have an impact on the Growth Plan NHS, since in most cases the area is already disturbed and the amount of development is minor; and

- b) New single detached dwellings be permitted on existing lots of record in significant woodlands only, provided the lands were zoned as of the date the Growth Plan was amended in 2017 to include policies on the Growth Plan Natural Heritage System. This would be similar to Section 4.5.2 of the Greenbelt Plan; however, the permission would be restricted to significant woodlands only. This will allow the many existing lots of record that are potentially sterilized from development particularly in the Outer Ring to develop in accordance with the zoning that applied in 2017. It is noted that the Greenbelt Plan is more permissive than the Growth Plan on this issue and consistency between the two Provincial Plans is desirable.

For those lands adjacent to key features, the Growth Plan permits expansions to existing buildings and eliminates the need for natural heritage or hydrologic evaluations for new agricultural buildings provided a 30 metre vegetation protection zone is provided (or the lands remain in agricultural use). I also appreciate the intent of these provisions but the potential for hardship is high and as a result, it is recommended that:

- a) New single detached dwellings be permitted on existing lots of record in the vegetation protection zone adjacent to significant woodlands only, provided the lands were zoned in 2017, subject to criteria that require that all alternatives be explored and that the dwelling is located as far from the feature as possible;
- b) New agricultural buildings be permitted on existing lots of record in the vegetation protection zone adjacent to significant woodlands only, to provide additional flexibility to the farming community; and
- c) New single detached dwellings also be exempt from providing a natural heritage evaluation if the dwelling is located at least 30 metres away from any key feature, provided again that the lands were zoned for a dwelling in 2017 (this means the rules for new dwellings would be same as it for agricultural buildings).

Shoreline Development

Section 4.2.4.5 indicates that infill development, redevelopment and resort development is permitted in shoreline areas of inland lakes subject to criteria provided the lands were zoned for development on July 1, 2017. This policy is very much appreciated given the extent of shoreline development that exists particularly in places like Simcoe, Kawartha Lakes, Peterborough and Northumberland. However, it is recommended that:

- a) The permission that applies to inland lakes be expanded to apply to those river systems that connect inland lakes, with particular reference to the Trent-Severn waterway, which expands and contracts throughout its length and includes a number of smaller 'lake' areas and islands; and
- b) Additional clarity be provided that confirms that the inland lakes for the purposes of this policy also includes the Great Lakes - it is assumed it does; however, the PPS does make a distinction between the Great Lakes - St. Lawrence River system, large inland lakes and small inland lake systems.

Existing Approvals

The Growth Plan does not deal with existing approvals in the Growth Plan Natural Heritage System as does Section 5.2.1 of the Greenbelt Plan, which deals with this issue head on by indicating that any application to implement an Official Plan approval from before December 16, 2004 is not required to conform to the Greenbelt Plan. That means the Greenbelt Plan is more permissive than the Growth Plan when it comes to existing approvals.

Given the amount of land being included in the Growth Plan NHS particularly in the Outer Ring, this lack of recognition of existing approvals granted before 2017 (which was when the Growth Plan NHS policy framework was included in the Growth Plan) will create significant hardship, particularly if these existing approvals have not yet been fully implemented through a Draft Plan approval or re-zoning. This is because the need to conform to the policies that prohibit development in key features and within mandatory 30-metre wide minimum vegetation protection zones.

As a result, it is recommended that:

- a) The Growth Plan permit municipalities to apply a flexible approach to lands that were designated for development in 2017 in terms of applying the other policies of the Growth Plan NHS; or
- b) The Growth Plan exempt implementing Planning Act approvals for developments approved prior to 2017 from the Growth Plan NHS policies, in a manner similar to how the Greenbelt Plan deals with the same issue.

If the first option is selected, this means that best efforts would be used in terms of applying the Growth Plan NHS policies only in these particular cases. This is not to suggest that these policies be ignored. Instead, the intent would be to recognize the good faith approvals that have been given while applying the new policies to the extent feasible. This could result for example a reduced vegetation protection zone in these specific circumstances, provided the intent of the Growth Plan is satisfied to the greatest extent possible.

If the second option was selected, an approach that has already been established in a Provincial Plan (the Greenbelt Plan) would be applied to the Growth Plan NHS. In my opinion, it is counter-intuitive for the Greenbelt Plan to be more permissive than the Growth Plan when it comes to existing approvals.