



Development Services Staff Report

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Reviewed By: Deanne Friess, Director of Development Services
Final Review: Senior Management Team

Recommendation:

That the Council of the Township of Woolwich, pass the following resolution:

WHEREAS the Province of Ontario's has proposed a revised Provincial Policy Statement (PPS) for review and comment on the Environmental Registry until June 5, 2023;

WHEREAS the proposed PPS changes will have significant impacts to local planning and the development of the Township of Woolwich;

NOW THEREFORE BE IT RESOLVED THAT the Township of Woolwich, considering Report DS25-2023 respecting the draft new Provincial Policy Statement:

1. Request the Government of Ontario continue to maintain population projections for growth and implement stronger policies and associated justification of settlement boundary expansions.
2. Request the Government of Ontario require strong justification for the conversion of employment lands and require municipalities to ensure that adequate employment land is provided to create a complete community.
3. Request the Government of Ontario remove references in the PPS where policies require municipalities to allow/permit certain development, being polices 2.8.1.4. and 4.3.3.1.a..
4. Request the Government of Ontario remove the proposed policies to permit severance in the prime agricultural area as:

- a. Many areas would have greater benefit from directing growth to settlement areas and protecting their remaining farmland;
 - b. such severances divide farmlands and reduces the amount of farmland, and reduces the protection of farmland;
 - c. it has the potential to increase minimum distance separation conflicts which will reduce the ability of livestock operations to grow;
 - d. will likely increase the number of issues between residential uses and farming;
 - e. does not appear to align with the vision statement of the PPS related to *“the creation of housing in the right place to create a vibrant agricultural sector”* and *“support and protect the long term-viability of the rural-areas, local food production and the agri-food network”*;
 - f. housing in agricultural areas is not required as such housing does not address the affordable of attainable housing needs in Ontario;
 - g. results in more wells and private sanitary (septic systems) in rural areas and may impact source water protection;
 - h. it provides development that is costly to maintain;
 - i. it places greater demand on our rural road and the provision of services to these properties; and
 - j. it is does not support the creation of a complete community.
5. Request the Government of Ontario not alter the policies at it applies to alternative evaluations for mineral aggregate extraction rehabilitation.
 6. Direct staff to send a copy of this resolution and staff Report DS25-2023 to the Premier of Ontario, the Minister of Municipal Affairs and Housing, area MPP’s, the Association of Municipalities of Ontario and area municipalities.

Background

On April 6, 2023 the Province of Ontario released a new Provincial Policy Statement (PPS) on the Environmental Registry of Ontario for review and comment. The comment period ends June 5, 2023.

The proposed PPS would replace the 2020 PPS and A Place To Grow (2019), combining the two Provincial land use planning documents into one new PPS.

The PPS is issued under the Planning Act and is the primary provincial land use planning document for Ontario, while A Place to Grow is a growth plan and provides a detailed framework for growth specific to the Greater Golden Horseshoe. Both documents apply to development in Woolwich where land use planning decisions are to be consistent with these documents.

The proposed new PPS will continue to address:

- Growth management, housing and economic development;
- Infrastructure planning, including sewage, water and stormwater management services, transportation, transit, energy supply and corridor protection;
- Protection and management of resources, including prime agricultural areas, aggregates, natural heritage, water, and cultural heritage; and
- Protection of public health and safety, such as mitigating potential risks due to natural and human-made hazards
- support the achievement of liveable communities, a thriving economy, a clean and healthy environment and social equity, improving the quality of life for all Ontarians.

The Province notes that the new PPS is in response to a *“the government initiated a review on approaches for leveraging the housing supportive policies of both documents, removing barriers and continuing to protect the environment through a streamlined Province -wide land use planning policy framework.*

The government received feedback on the following six themes:

- *Residential land supply.*
- *Attainable housing supply and mix*
- *Growth management*
- *Environment and natural resources*
- *Community infrastructure*
- *Streamlined planning framework*

The input and recommendations received from Indigenous communities, the public, municipalities and stakeholders helped shaped the development of streamlined and housing-focused, land use planning policies. ERO #019-6177 provides an overview of issues raised.”

It is proposed that the new PPS will take effect in the fall of 2023.

Comments

Proposed new Provincial Policy Statement (PPS)

The new PPS as posted for comment combines the former PPS and A Place to Grow into one new document.

The PPS is broken down into six chapters and associated definitions. Below is a summary of the chapters and some key changes.

Chapter 1 contains the Vision, which has been proposed to be completely revised from the 2020 PPS. The vision speaks to long term prosperity, increasing housing supply,

investment ready, creating complete communities, and wise use and management of resources including natural areas and agricultural lands. A key element in the vision statement is housing, including:

Housing must be built in the right places so that Ontario's vibrant agricultural sector and sensitive areas will continue to form part of the Province's economic prosperity and overall identity. Growth and development will be focused within urban and rural settlements that will, in turn, support and protect the long-term viability of rural areas, local food production and the agri-food network.

Chapter 2 Building Homes, Sustaining Strong and Competitive Communities

This chapter focuses on the creation of complete communities, with housing appropriate mix of land uses as well as associated transportation options.

The PPS continues to require that municipalities:

- as part of any Official Plan (OP) provide sufficient land for 25 years;
- maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and
- maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned including units in draft approved or registered plans.

Some key changes in this section include:

Housing

- Identifies “large and fast-growing municipalities” where growth must be directed to strategic growth areas;
- Removes mandatory intensification and density targets for all municipalities;
- Establishes broader permissions for residential intensification;
- Expands the definition of “housing options”;
- Removes the definition of “affordable” as it applies to housing; and
- Provides additional options for rural housing.

Settlement Areas

- The removal of the need for a municipal comprehensive planning review, which was a detailed study that needed to be completed at the upper tier (region or county) level to justify settlement boundary adjustments based on population and employment needs.
- A municipality would be permitted to create new settlements and complete settlement boundary expansions subject to a few criteria needing to be considered.

- Allowing industrial, manufacturing and small-scale warehousing uses adjacent to sensitive land uses.
- Allowing employment outside of employment areas to permit a diverse mix of land uses, including residential, employment, public service facilities and other institutional uses to support the achievement of complete communities.
- Allowing for the conversion of employment lands to other land uses.
- Policy 2.8.1.4 states that “*Official Plans and zoning By-laws shall not contain provision that are more restrictive than policy 2.8.1.3 except for public health and safety*”. Policy 2.8.1.3 allows a diverse mix of land uses on employment lands.

Chapter 3 Infrastructure and Facilities

The most significant change of note is with respect to Land Use Compatibility:

- Where avoidance is not possible in accordance between major facilities (major industrial uses) and sensitive uses (i.e., residential and institutional), planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures. This is a lessening of the previous requirements.
- Maintains current protections for existing or planned industrial and manufacturing uses or other major facilities;
- Removes requirement for proponent of sensitive land uses to demonstrate need or evaluate alternative locations for sensitive land uses where avoidance of adverse effects is not possible;
- Increases restrictions on uses permitted in employment areas; and
- Encourages industrial, manufacturing and small-scale manufacturing uses in strategic growth areas and other mixed-use areas where frequent transit service is available.

There are also some wording changes in the section on Public Spaces, Recreation, Parks, Trails and Open Space by adding the underlined changes to create a more inclusive community:

- “a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;”

Chapter 4 Wise Use and Management of Resources

- The Natural Heritage policies were not revised at this time as *“natural heritage policies and related definitions remain under consideration by the government. Once proposed policies and definitions are ready for review and input, they will be made available through a separate posting on the Environmental Registry of Ontario. ERO# 019-6813 will be updated with a link to the relevant posting once it is available.”*
- The following policy was added, *“Municipalities are encouraged to undertake watershed planning to inform planning for sewage and water services and stormwater management, and the protection, improvement or restoration of the quality and quantity of water.”* This change reflects the removal of the conservation authorities and some upper tiers municipalities from the planning process and placing greater work to the local level planning.
- Agricultural section was significantly changed by adding Policy 4.3.3.1 a) to allow *“new residential lots created from a lot or parcel of land that existed on January 1, 2023, provided that:*
 - 1. agriculture is the principal use of the existing lot or parcel of land;*
 - 2. the total number of lots created from a lot or parcel of land as it existed on January 1, 2023 does not exceed three;*
 - 3. any residential use is compatible with, and would not hinder, surrounding agricultural operations; and*
 - 4. any new lot:*
 - i. is located outside of a specialty crop area;*
 - ii. complies with the minimum distance separation formulae;*
 - iii. will be limited to the minimum size needed to accommodate the use while still ensuring appropriate sewage and water services;*
 - iv. has existing access on a public road, with appropriate frontage for ingress and egress; and*
 - v. is adjacent to existing non-agricultural land uses or consists primarily of lower-priority agricultural lands.”*

This is in addition to the existing policy that allows for a severance of a surplus residence and that up to three units (i.e., main unit and two accessory units) are permitted on each lot.

It would appear this is a one-time opportunity to sever three lots of an existing lot of record.

This new severance policy is followed with a policy that states *“Official plans and zoning by-laws shall not contain provisions that are more restrictive than policy 4.3.3.1 (a) except to address public health or safety concerns”* meaning the Township must provide for the severances to comply with the PPS.

- Eliminates the alternative evaluations for mineral aggregate extraction rehabilitation by removing the following wording from the proposed Section 4.5.4.2 *“other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as designated growth areas and resources on prime agricultural lands where rehabilitation is not feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority; specialty crop area, Canada Land Inventory Class 1, 2, and 3 lands.* The clause now reads as follows:

4.5.4 Extraction in Prime Agricultural Areas

1. In prime agricultural areas, on prime agricultural land, extraction of mineral aggregate resources is permitted as an interim use provided that:

- a) impacts to the prime agricultural areas are addressed, in accordance with policy 4.3.5.2; and*
- b) the site will be rehabilitated back to an agricultural condition.*

2. Despite policy 4.5.4.1 (b), complete rehabilitation to an agricultural condition is not required if:

- a) the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible; and*
- b) agricultural rehabilitation in remaining areas is maximized.*

- Eliminates the requirement to use the provincially mapped Agricultural System.
- Permits ground-extensive energy facilities.
- Non-residential lot creation in prime agricultural areas is still discouraged.
- No major changes took place in the Extraction policies to impact the Township.
- Wording changes to the Cultural Heritage and Archeological policies are proposed. The changes remove preservation of “Significant” to “Protected” resources, where protected are those building or areas that are designated under the Heritage Act.

Chapter 5 Protecting Public Health and Safety

Very few changes are proposed in this chapter, however a new policy is added that *“Planning authorities shall identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial guidance”*.

Chapter 6 Implementation and Interpretation

A variety of changes in this section include:

- A slight broadening of wording related to the Ministers approvals of Official Plans.
- New policies
 - *“Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Policy Statement by*

- establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.”*
- *“Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with this Policy Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with this Policy Statement.”*
 - Additional policies to encourage coordination of planning at a local level with indigenous communities, school boards, public, stakeholders, and other municipalities.

Staff Comments

The changes in Chapter 5 and 6 reflect the Province’s move in reducing the conservation authority powers and the proposed removal of the Regional planning approval authority. The result is greater planning at the local level and more collaboration in planning with various parties.

Consistent with this approach of reducing the upper tier Regional approvals is the change to allow settlement boundary expansions without the need for a municipal comprehensive review and removing the growth allocations. This will allow municipalities to determine their own population and employment growth needs and to then allow for the expansion of settlements with limited justification. This approach was used in the past and tended to create an overallocation of greenfield lands which lead to increased sprawl. It is historical sprawl that led to current reliance on automobiles, challenges to support transit, and infrastructure deficits. This disjointed approach is a step backwards from the current system of Provincial assigned growth to areas and managing growth in a more comprehensive manner. It is recommended that the Province reconsider not providing population allocations and require some level of municipal review to justify settlement expansions.

The plan is very heavily focused on housing and providing housing with a solution that more developable land will solve that issue. However, staff have concerns that adding more developable land will not address the root of the problems of the housing issues nor will it make land more affordable or attainable.

The proposed new policies for agricultural severances to create new non-farm lots is a concern as it will allow for a significant number of new non-farm lots which:

- a. divide farmlands and there in reduce the amount of farmland, and as such are contrary to the protection of farmland;
- b. will reduce the ability of livestock operations to grow with more minimum distance conflicts;
- c. increases the number of issues between residential and farming;
- d. is not consistent with the vision statement of the PPS, nor is it housing in the right place to create a vibrant agricultural sector and will not support and protect the

- long term-viability of the rural-areas, local food production and the agri-food network;
- e. in agricultural areas such housing is not required and does not address the affordable of attainable housing needs in Ontario;
 - f. results in more wells and private sanitary (septic) in rural areas and may impact source water protection;
 - g. will result in development that is costly to maintain;
 - h. place greater demand on our rural road and the provision of services to these properties; and
 - i. it is not consistent with the creation of a complete community.

The approach of severances on prime agricultural land for new non-farm lots is not consistent with the Vision in the PPS of providing “*efficient land use and development patterns will contribute to achieving equitable outcomes for all Ontarians by design*”, and that “*Housing must be built in the right places so that Ontario’s vibrant agricultural sector and sensitive areas will continue to form part of the Province’s economic prosperity and overall identity. Growth and development will be focused within urban and rural settlements that will, in turn, support and protect the long-term viability of rural areas, local food production and the agri-food network.*” It has been determined that rural lots cost the municipality more than the taxes generated. In creating a complete community, development must be more fiscally responsible and creation of lots outside the settlements is the least cost-effective and fiscally responsible approach.

In areas such as Woolwich that have various settlements and is located near various cities, the prime agricultural land that makes of much of the Township has significant value for agricultural purposes more so than for housing. Consideration should be given that not all municipalities would benefit from such severances.

The areas where the PPS has made comments that the local municipality cannot be more restrictive is also concerning. These overriding policies remove the opportunity for local municipalities to make decisions that are specific to the community.

The wording change for aggregate rehabilitation does lower the standard for rehabilitation back to agriculture. It is recommended that the Province not alter the standards in this regard.

It is also noted that the Employment land changes open the door for conversions of employment land. Recent provincial policy sought to require designated employment lands to prevent the conversion and loss of employment lands for residential or commercial uses. Allowing conversion is consistent with the proposed local municipal planning approach. The conversion of such lands impacts the ability of a municipality to support employment uses and moves away from the creation of complete communities as required in current and proposed provincial policy. It is recommended that the Province still require a strong justification of conversion of employment lands and require municipalities to provide adequate employment land to create a complete community.

Consistent with the above, it is recommended that Council provide comments to the Province to the draft PPS as noted in the recommendations.

Interdepartmental Impacts:

The changes to the PPS will impact planning decisions and likely to lead to multiple severance requests on farms. This will impact staff resources, pressure on local roads, site alteration issues, potential half load exemption request, complaints. Impacts will be to Development Services, Infrastructure Services and By-law Enforcement.

Financial Impacts:

The proposed PPS changes are likely to result in additional costs to facilitate agricultural severances, additional staff resources will be needed to process proposals to expand the settlement areas, address employment conversions, and handle the download and collaboration required at the local level planning.

Strategic Plan Impacts:

The change to the PPS impacts the future growth and development of the Township. This includes challenges in providing a fiscally responsible and sustainable communities, and changing how we plan for growth.

Conclusion:

The proposed changes to the Provincial Policy Statement will emphasize the pressure on local level planning and introduce significant changes with regard to allowing settlement boundary adjustments and severances in Prime Agricultural areas. It is recommended that Council provide comments to the Province in this regard as per the recommendation before the June commenting deadline.

Links:

Proposed Provincial Policy Statement: <https://prod-environmental-registry.s3.amazonaws.com/2023-04/Proposed%20Provincial%20Planning%20Statement,%20April%206,%202023%20-%20EN.pdf>

Osler, 2023 PPS – Comparison and concordance: <https://www.osler.com/osler/media/Osler/Content/PDFs/2023-PPS-comparison-Final.PDF>

Attachments:

None