



DEVELOPMENT SERVICES

Staff Report

REPORT NO: DS-2023-09

TO: Council

SUBMITTED BY: Harold O'Krafka, MCIP RPP PLE
Director of Development Services

PREPARED BY: Harold O'Krafka, MCIP RPP PLE
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REVIEWED BY: Sharon Chambers, CAO

DATE: May 29, 2023

SUBJECT: Proposed New Provincial Planning Statement (PPS) 2023

RECOMMENDATION:

THAT Report DS-2023-09 be forwarded to the Ministry of Municipal Affairs and Housing and posted to the Environmental Registry of Ontario (ERO posting 019-6813) as the Township of Wilmot's response to the Province's proposed new Provincial Planning Statement (PPS) 2023.

SUMMARY:

The Province of Ontario released its proposed Provincial Planning Statement (PPS) 2023 on April 6, 2023 for public comment.

The proposed new PPS 2023 combines the existing Provincial Policy Statement (2020) with the Growth Plan for the Greater Golden Horseshoe (2019) and seeks to simplify existing policies to facilitate achieving the Province's target of building 1.5 million new homes over the next 10 years.

Township staff have reviewed the proposed document and have some specific concerns with the potential negative impacts of expanded agricultural severance policies.

In addition, Township staff believe the posting affords an opportunity for the Township to request consideration of changes to the Mineral Aggregate Resource policies in an appropriate forum.

BACKGROUND:

In the fall of 2022 the Province indicated that it would be undertaking a review of the Provincial Policy Statement (PPS) 2020 and the Growth Plan for the Greater Golden Horseshoe (2019) with a goal to integrate the two documents and streamline the planning approvals process in Ontario.

This proposed Provincial Planning Statement takes policies from both A Place To Grow: Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement 2020 to support the achievement of housing objectives across Ontario.

The Provincial Policy Statement, 2020 is issued under the Planning Act and is the primary provincial land use planning policy document, applying across Ontario. A Place To Grow is a growth plan issued under the Places to Grow Act, 2005.

The Province is now seeking input on the proposed Provincial Planning Statement that would replace the existing Provincial Policy Statement and A Place to Grow. The deadline for comments is June 6, 2023.

Should the government adopt the proposed Provincial Planning Statement, the government would subsequently revoke the Provincial Policy Statement, 2020 and A Place to Grow, as well as amended the respective regulations under the Places to Grow Act, 2005.

It is anticipated and expected that the new PPS 2023 will take effect in the fall of 2023.

REPORT:

The proposed PPS 2023 is broken into 6 Chapters with 4 core themes, Building Homes, Sustaining Strong and Competitive Communities, Infrastructure and Facilities, Wise Use and Management of Resources, and Protecting Public Health and Safety.

The focus of this report is on two specific aspects, 4.3 Agriculture, and 4.5 Mineral Aggregate Resources. The entire draft PPS 2023 is included as Attachment 1 to this report.

4.3 Agricultural Policies

PPS 2023 proposes significant changes including allowing up to 3 detached residential units (ARU's) on farms together with the severance of up to 3 lots from agriculturally used properties existing on January 1, 2023.

While these policies will simplify the creation of additional housing in the rural areas of the Township they will also dramatically change the rural landscape as we know it.

The additional septic systems required to service the new dwellings will increase groundwater threats while the number of new wells will further increase the number of pathways for contaminants to potentially impact ground water resources.

Further the dramatic increase in new residential building lots across the Township could have an overwhelming impact on existing agricultural operations and indeed cripple the future of livestock farming, in particular by sterilizing vast swaths of the rural landscape from an MDS perspective.

While greater detail is required from the Province to ascertain the specific impact of the proposed policy there are 796 properties in Wilmot Township, outside of settlement areas, with an area greater than 10ac (4ha).

If those properties were deemed to have agricultural use as the principle use, and assuming any and all other requirements were met, it could generate 2388 new residential building lots in our rural areas.

Estimated potential lot creation outside of rural settlement or urban areas*				
	Existing Non-Farm lots (severances not permitted based on proposed PPS policies)			Existing farm properties where PPS policies would potentially apply
Existing lot size	1 acre to 1.48 acres	1.49 to 1.98 acres	1.99 to 9.98 acres	9.99 acres or more
Number of existing lots	62	42	247	796
Number of potential lots	62	84	741	2388
Agricultural land lost (acres)	31	42	371	2388
TOTAL potential new lots	887 lots			2388 lots
TOTAL agricultural land lost	444 acres			2388 acres

*Assumptions:

1. Zoning permits commercial farming uses on 10 acres and more, therefore 10 acres considered to be an existing farm
2. Existing lots of 10 acres and more, new lot sizes of 1 acre
3. Existing lots less than 10 acres, new lot sizes of 0.5 acres
4. Minimum existing lot size of 1 acre required in order to sever 1 new lot (based on typical hydro-g requirements)
5. Does not consider environmental constraints or minimum distance separation calculations, which may reduce these numbers

Assuming an average area per lot of 1ac this would translate to 2388ac or 966ha – approximately 3x the amount of land designated by the urban expansion in Baden and New Hamburg implemented by the Province through the approval of ROPA #6.

The concern of staff would be the resulting implications not only on the agricultural community, and in particular the livestock industry, but also on source water protection strategies.

Each septic system is considered a known threat to groundwater and so the introduction of potentially hundreds of new threats to the Region's groundwater resources in sensitive areas would seem to require considerably more thought prior to implementation.

Staff recommend that the Province, at a minimum, consider limitations on rural severancing policies to preclude new lot creation within source water protection areas.

As a stated goal of the draft PPS 2023 is to support and protect the long-term viability of rural areas, local food production and the agri-food network it would seem that the proposed severancing policy creates a significant inconsistency. The PPS is intended to be read as a complete document but with rural severancing policies colliding with agricultural lands protection there needs to be guidance on which policy takes precedent.

To that end staff suggest that, if the province is determined to generate new lots via severance in rural areas, the focus of rural severancing should be to exclude parcels where agriculture is the principle use and focus on allowing severancing of existing parcels which are not of sufficient size for agriculture.

In Wilmot, outside of settlement areas, there are 351 lots of varying sizes less than 10ac (4ha) in size. Accounting for a range of severancing potential depending on lot size staff estimate these undersized lots, if allowed to sever, could create a maximum of 887 lots.

In theory these lots would already have created an MDS impact and already limit the expansion of livestock operations in their vicinity and as such have a significantly reduced impact on the agriculture community. If enhanced limitations on severancing within source protection were included as well the number of lots would further be reduced.

Such consideration could potentially address the Province's desire to trigger home construction in rural areas while respecting and protecting agricultural lands for production.

While staff recognize that the local rural community, based on inquiries about severancing opportunities since the release of the proposed PPS 2023, would seem to be embracing the opportunity to capitalize on the financial opportunity, we concur with the opinions of the leading agricultural organizations that the impact would be devastating and irreversible should the policy proceed as drafted. This collaborative response from the leaders of Ontario's agricultural groups is included as Attachment 2.

4.5 Mineral Aggregate Resources

The proposed PPS (2023) affords the Township with an appropriate opportunity to highlight a longstanding concern of many rural municipalities – the limited scope of municipal authority to regulate and balance the need for aggregate extraction.

The proposed document continues previous limitations in Section 4.5.2.1 by maintaining that “demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.”

This limitation significantly constrains the municipality while insufficiently addresses the desire to see pits open, extracted, and rehabilitated in a reasonable period of time.

Staff suggest that the province enhance or balance the equation for host municipalities by implementing minimum extraction requirements or other such requirements to ensure that, once opened, aggregate operations proceed through the cycle of operations to rehabilitation in a reasonable amount of time.

Further, the proposed PPS 2023 maintains that extraction depth only be addressed through ARA processes – effectively prohibiting vertical zoning by municipalities.

Given the significance of these two prohibitions, and given the effective duplication of the ARA licensing process in many aspects such as dust and noise mitigation with the municipal zoning process, it would seem to be a reasonable suggestion that the need for a zoning amendment and local approval process seems quite frankly designed to suggest local autonomy while ensuring provincial control.

Staff are of the opinion that this is the appropriate venue for Township Council to express its concerns with the aggregate licensing and approvals process.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Commenting on the Proposed PPS (2023) promotes an engaged community.

Unrestricted rural severance policies have the potential to negatively impact the natural environment and in particular could create new threats (septic systems) within source water protection areas.

Scattered severancing at low density rather than consolidated development at higher densities could make infrastructure investments and priorities more challenging and reduce the economic prosperity of the agricultural community, in particular the livestock sector.

Scattered severancing would also limit the ability to ensure that new development minimizes the environmental impact of growth while maximizing the value of infrastructure investments.

FINANCIAL CONSIDERATIONS:

The impact of the proposed PPS 2023 would increase Development Services workloads which would need to be recovered through application and permit fees.

Creation of additional building lots would generate additional taxation revenues but also drive higher demands for a wide range municipal services in rural communities.

ATTACHMENTS:

Attachment 1: Proposed Provincial Planning Statement (PPS) 2023

Attachment 2: Joint Statement from Ontario's Farm Leaders on Bill 97 and Proposed PPS