



TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

Committee: Council

Date: May 29, 2023

Department: Community Development

Topic: Proposed New Provincial Planning Statement

Purpose: To provide Council with a summary of changes proposed by MMAH in a new Provincial Planning Statement and review draft comments requested by the Committee of the Whole – Community Development to provide to the Province on the proposed land use planning policy document.

Background: The Provincial Policy Statement (PPS) is issued under the *Planning Act*. It is the primary provincial land use planning policy document, applying across Ontario. A Place to Grow: Growth Plan for the Greater Golden Horseshoe is a provincial plan providing more detailed framework for where and how growth should be accommodated in the Greater Golden Horseshoe area (does not apply to Edwardsburgh Cardinal). Under the Planning Act, planning decisions shall be consistent with policy statements such as the PPS and shall conform with provincial plans like A Place to Grow.

Given the importance of the PPS and A Place to Grow in guiding land use planning decisions in Ontario, ensuring that the policy framework is housing-supportive is integral to the implementation of Ontario's Housing Supply Action Plan and meeting the target to construct 1.5 million new homes by 2031.

On April 6, 2023, the Province introduced *Bill 97: Helping Homebuyers, Protecting Tenants Act, 2023*, which proposes changes to multiple pieces of legislation, including the Planning Act. At the same time, the Province released a proposed new Provincial Planning Statement that would replace both the existing Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. The proposal is a draft and is subject to change. The Province is seeking input on the proposal, with feedback accepted on or before June 5th, 2023.

The proposed changes are described under five pillars. A brief description of changes staff feel are most relevant to Edwardsburgh Cardinal are outlined here under each

pillar. A more fulsome description and copy of the proposed planning statement can be found on the Environmental Registry here: <https://ero.ontario.ca/notice/019-6813>.

1. Generate an appropriate housing supply

The proposed policies aim to provide flexibility for municipalities to allow for more residential development in rural settlements and multi-lot residential development on rural lands, including more servicing flexibility. The proposed policies would also require municipalities to permit more housing on farms, including residential lot creation in the agricultural area, subject to criteria.

2. Make land available for development

The proposed policies would require municipalities to plan for a minimum 25-year horizon and allow municipalities to create or expand Settlement Policy Areas with less background studies/assessments. The proposed policies would also provide municipalities with greater control over employment area conversions to support the forms of development and job creation that suit the local context

3. Provide infrastructure to support development

The proposed policies would require municipalities to plan for stormwater management, water and wastewater infrastructure, and waste management systems to accommodate growth; and protect corridors for major infrastructure, such as highways, transit, and transmission systems. Proposed policies would also require municipalities and school boards to integrate planning for schools and growth.

4. Balance housing with resources

The proposed policies would require municipalities to designate specialty crop areas and prime agricultural areas, eliminating the requirement to use the provincially-mapped Agricultural System. The proposed policies would also require municipalities to facilitate access to aggregate resources close to market and to protect minerals, petroleum and mineral aggregate resources; and require municipalities to prepare for the impacts of a changing climate and develop approaches to reduce greenhouse gas emissions and improve air quality.

It is noted that natural heritage policies and related definitions remain under consideration by the government.

5. Implementation

To provide municipalities and other planning authorities an opportunity to understand and adapt to the policy changes, the Ministry is proposing to release the final policies for a short period of time before they take effect (targeting fall 2023).

The Planning Act requires official plans to be revised every five years (or every ten years after a new official plan). The intention is that official plans would be updated as necessary to implement these new policies at the time of their ordinary review cycle.

Where Official Plans have not been amended to reflect the Planning Statement policies, any decisions related to a planning matter must be consistent with the Planning Statement.

Policy Implications: The CoW-CDC has been working to remove barriers to residential development in our rural area and make more land available to increase our housing supply. Further information on proposed policy changes related to Committee and Council's goals is provided below. Proposed comments to the Province on the changes outlined here are provided in a separate letter, attached to this report.

Settlement Policy Area Boundaries

The proposed policies would make it easier to create or expand a settlement area by eliminating the need for a "comprehensive review," a defined study which looks at servicing, infrastructure, demand, alternatives for growth, and impacts on agriculture, before expansion could occur.

This provides new opportunities for municipalities to expand settlement area boundaries or create new settlement areas without having to go through a lengthy process. Instead, the proposed Planning Statement establishes new criteria, which includes (section 2.3.4):

- a) *that there is sufficient capacity in existing or planned infrastructure and public service facilities;*
- b) *the applicable lands do not comprise specialty crop areas;*
- c) *the new or expanded settlement area complies with the minimum distance separation formulae;*
- d) *impacts on agricultural lands and operations which are adjacent or close to the settlement area are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and*
- e) *the new or expanded settlement area provides for the phased progression of urban development.*

The expansion of settlement areas by local municipalities in the United Counties of Leeds and Grenville will still require an amendment to the Counties and Township Official Plans. The final decision of expansion of any settlement areas in the COP would still rest with Counties Council and cannot be appealed if refused.

The Township's policies for lot creation in settlement areas are less restrictive, with smaller lot sizes and less frontage required, and no maximum to the number of lots created by consent. Less restrictions on the creation of new or expanded settlement areas would make it easier for rural lands to be developed for residential use, and aligns with the Committee's goals. Council may wish to express their support for this change through their comments to the Province.

Lot Creation in the Rural Area

The proposed Planning Statement includes changes to the permitted uses on rural lands to include "multi-lot residential development, where site conditions are suitable for the provision of appropriate sewage and water services." Also of note, language that requires "compatibility with the rural landscape" has been removed from the rural lands policies, although "consideration to locally appropriate rural characteristics" has been added to rural area policies.

The Township's official plan does not prohibit multi-lot residential development by subdivision in the rural area, but currently does not allow the creation of more than 2 new lots by consent. It would appear that the proposed policy changes would be aligned with Committee's desire to update the Township's official plan policies to permit up to 4 new lots by consent. Through comments on the proposed policies, Council may wish to express their agreement with this proposed change.

It should be noted that policies in the proposed Planning Statement still require that settlement areas shall be the focus of growth and development.

Sewage and Water Servicing

Previously called the "servicing hierarchy," the proposed policies for servicing options in the new document remain much the same:

3.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.*

3.6.3 *Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.*

3.6.4 *Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts*

3.6.5 *Partial services shall only be permitted in the following circumstances:*

a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or

b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

3.6.6 *In rural areas, where partial services have been provided to address failed services in accordance with policy 3.6.5 (a), infilling on existing lots of record may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts.*

As described in the above policies, partial servicing is only permitted in very specific circumstances. It is understood that the reason for this policy is to prevent overuse of municipal water where private sewage systems are in place, overloading the septic system.

Council may provide feedback on the proposed Planning Statement that changes to allow partial servicing where private water and municipal sewer is proposed. Further, Council may suggest that definitions be provided for “infilling” and “minor rounding out” as it relates to this section.

In the rural area, Council may suggest changes to section 3.6.6 so that partial services could be permitted on new and existing lots. Instead of limiting partial services to where they have been provided to address a failed service, a change could also be suggested to allow partial services anywhere it would represent a logical and financially viable connection to the existing partial service provided site conditions are suitable. There are a number of locations in Edwardsburgh Cardinal where partial servicing exists.

Residential Lot Creation in the Agricultural Area

The current PPS prohibits residential lot creation in prime agricultural areas. Policies that allow severances for minor boundary adjustments or surplus dwellings remain;

however, the proposed planning statement would allow the creation of up to 3 residential lots in prime agricultural areas, subject to the criteria outlined.

4.3.3.1 *Residential lot creation in prime agricultural area is only permitted in accordance with provincial guidance for:*

a) 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.*

Further to this, the proposed planning statement does not permit official plans and zoning bylaws to contain provisions that are more restrictive than the above policy except to address public health or safety concerns.

This is a significant policy change for the agricultural area, where residential lot creation is currently prohibited. Because MDS is also required for new or expanding livestock facilities, the policy change could create challenges when more sensitive land uses are surrounding them.

The proposed change would also allow up to 2 additional residential units to be constructed in prime agricultural areas, provided; any additional residential units are in close proximity to the principal dwelling; there is compliance with the MDS; if compatible with surrounding agricultural operations; and appropriate sewage and water services will be provided.

The additional residential units may only be severed from the lot containing the principal dwelling in accordance with policy 4.3.3.1.

The Township's Official Plan and Zoning Bylaw already allow 2 additional residential units where a principal dwelling is permitted, although additional policies are in place

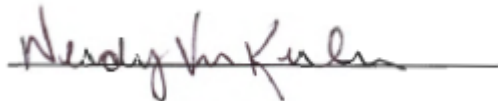
related to size, servicing and setbacks, that discourage residential units from being severed from the primary dwelling.

Staff welcome further direction from Council on how to comment on the policies related to Residential lot creation on Agricultural lands.

Financial Considerations: At this time, the financial implications of the proposed policy changes are not known. The proposed Planning Policy Statement is still in draft form and subject to change. If a new policy statement is approved, policy changes may trigger updates to the Township's official plan. Additional staff time and Planning support is anticipated to interpret and adjust to the new policies.

As requested by the Committee of the Whole – Community Development, draft comments to the Ministry of Municipal Affairs and Housing are included with this report.

Recommendation: THAT Municipal Council receives the Proposed New Provincial Planning Statement report; authorizes the mayor to sign the attached letter and direct staff to submit the comment letter to the Province of Ontario through the Environmental Registry of Ontario (ERO), prior to the June 5, 2023 deadline.



Community Development Coordinator



CAO