

MEMORANDUM

To: Dwayne Campbell - County of Northumberland
From: Nick McDonald, RPP
Date: November 8, 2022
**Re: Review of A Place to Grow and Provincial Policy Statement - ERO
Number 019-6177**

Purpose of Memorandum

I am writing to provide my thoughts on the changes that could be made to the Growth Plan in particular as it relates to the County of Northumberland.

The suggested changes below are intended to **support the development of new housing in the County** and provide some additional clarity and/or flexibility with respect to the implementation of the Growth Plan natural heritage system policy framework.

1. Ensuring that New Development Land is in the Right Locations

Within Northumberland, as is the case in most Outer Ring municipalities, the location of the residential and industrial land supply often does not match up where new land for development is required. Given that all urban designated land has to be counted when determining land needs, this means that the potential is high that municipalities such as Northumberland will not reach the minimum population and employment targets set by the Growth Plan.

It is recognized that within the Outer Ring, the Growth Plan permits municipalities to identify excess lands in certain locations to allow for the expansion of settlement areas in other locations. The intent of this policy is to allow for the designation of lands in the 'right' locations where the demand is the greatest for new development.

However, in the case of Northumberland with its 45 settlement areas, the process of identifying excess lands is complicated, time-consuming and potentially divisive, and has the potential to detract from the overall goal of the required Municipal Comprehensive Review, which is to move forward and plan for expected growth. If the upper tiers in the Outer Ring do not have the flexibility to designate lands in the right locations to accommodate growth, the ***full amount of new housing required in the County will not get built*** and that is not in the public interest, given the extreme shortage of housing in the County and Ontario.

As a result it is recommended that:

- a) The Growth Plan be amended to require that 'best efforts' be made to identify excess lands and that other factors be allowed to be considered when determining whether the potential for developing lands in unsuitable locations exist. These other factors could include lack of servicing, parcel fragmentation, environmental or technical constraints and the lack of a market for the development of the lands. This allows the upper tiers in the Outer Ring to use their best judgement on the likelihood of these lands developing and will allow for the potential for development to be unlocked in other locations;
- b) The Growth Plan be amended to require upper tier municipalities in the Outer Ring demonstrate to the approval authority that Designated Greenfield Areas exist in the right locations where servicing is available in order to contribute to the availability of a range of housing choices; and
- c) The Growth Plan be amended to specifically require that all local municipalities with designated greenfield areas prepare phasing plans in their Official Plans to ensure that development is sequenced to:

- Establish a logical progression of growth as an integrated extension of existing communities based on identifiable boundaries and having regard for physical and natural features and barriers;
- Schedule and finance infrastructure needed to support growth in conformity with the planned urban structure for the community;
- Extend roads and servicing infrastructure in a cost-effective and financially sustainable manner and ensure that the costs of extending infrastructure can be supported through expected development charge revenues within a reasonable period of time;
- Stage growth within a convenient walking distance from transit corridors (where they exist or are planned) to generate sufficient transit ridership;
- Identify logical boundaries that build on or include areas that can provide key community infrastructure including lands for public health, education, recreation, parks and open space, cultural and community facilities, public safety and affordable housing early in the planning approval process;
- Allows for the completion of distinct components of new community areas so that the length of construction in any given area is kept to a minimum where possible; and
- Provides appropriate transitions to allow agriculture and agricultural activities and related uses to continue for as long as practical.

This latter change will require local municipalities to more properly plan for the development of their communities.

2. Expansion of Rural Settlement Areas

Section 2.2.9.7 of the Growth Plan indicates that notwithstanding Section 2.2.8.2, minor adjustments may be made to the boundaries or rural settlements outside of a Municipal Comprehensive Review subject to criteria. One of these criteria is that Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS are applied.

While the intent of this policy is understood as it relates to natural heritage, water

resources and natural hazards, one of the unintended consequences of applying this policy is that it requires a proponent to assess whether there are no reasonable alternatives other than the land under application which avoid prime agricultural areas and there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas.

This is because Section 2.3.5.1 of the PPS directs the reader to Section 1.1.3.8 c), which deals with the removal of prime agricultural areas for settlement area expansions. Given that the intent of the Growth Plan is to permit the minor rounding out of existing development to enable additional housing to be built, requiring a proponent to assess whether other lands not owned by them are more appropriate for development is not necessary.

As a result it is recommended that:

- a) The Growth Plan be amended to indicate that Section 1.1.3.8 c) 2) not apply when an application under Section 2.2.9.7 is submitted. However, other components of Section 1.1.3.8 would continue to apply, meaning that such development would still not be permitted in specialty crop areas, has to comply with the Minimum Distance Separation formulae and impacts on agricultural operations are mitigated to the extent feasible.

Making the above change would make it easier for new housing to be built in rural settlement areas.

3. 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 the intent of the policy is understood, 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).

4. 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.

5. 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.