
Stovel and Associates Inc.
Planners, Agrologists and Environmental Consultants

December 30, 2022

RE: ERO 019-6177 – Changes to A Place to Grow and Provincial Policy Statement (“PPS”)

Stovel and Associates (“SAI”) is a family-operated business that specializes in rural planning. We offer services related to rural housing, development in Town/Villages and rural settlements, mineral aggregate planning, EIS, AIA, and rehabilitation of disturbed landscapes. I am the President of SAI and I have over 30 years of experience. Our family also operates a small residential rental business with housing for affordable and near affordable markets.

Please accept the following comments related to ERO 019-6177, particularly as it relates to rural municipalities and the rural resource base.

The key solution to achieving more affordable housing solutions is to promote more competition and to bring more land online.

The current planning system achieves the exact opposite. The current planning process has resulted in a system that:

- Restricts development opportunities,
- Eliminates competition, and
- Places too much room for interpretation in the hands of municipal planners and provincial planners.

The approval process for development applications is so onerous, costly and time-consuming that only a few development companies can compete. As a result, it is my understanding that one housing development construction company has over 60% of the available lots in the Urban Centre of Fergus. Vacant lots are not available and competition for housing is non-existent.

Specific changes to the PPS and A Place to Grow are needed. The following summarizes my recommendations for changes:

Flexibility

Settlement boundary expansions must be permitted outside of the Comprehensive Review. To provide more flexibility, I suggest the following:

- The PPS should include 2.2.9.7 of A Place to Grow Plan. This would provide more

flexibility for rural housing options.

- Municipalities should be directed to include 2.2.9.7 in their Official Plans (“OPs”).
- PPS policy 1.1.3.9 a) should be eliminated. In essence, a municipality would have to remove an acre of designated land to permit an acre of land intended for future housing to satisfy this policy.

Required Conformity

Several municipalities still have not adopted provisions within their zoning by-laws to permit ARU’s, especially ARU’s in detached structures. This is especially true in the Rural Area.

- The Province must require all municipalities to bring their OP’s and Zoning Bylaws into conformity with provincial policies related to ARU’s.
- A specific deadline, i.e., June 30, 2023, and proof of conformity is needed.
- Provincial staff must ensure that direction from the Province related to housing affordability is implemented.

Reducing Costs

The costs of building need to be reduced. I have seen Provincial responses in a variety of sectors, i.e., funding for apprenticeships in building trades. The Province has, however, ignored the fact that additional surveyors are needed. The cost and time-delays related to surveying are significant and should be addressed by the Province. More competition is required.

There are other costs related to construction that can be addressed in the Provincial Planning framework, namely Mineral Aggregate Resources.

I recently completed construction of a house. The cost of Mineral Aggregate Resources and Concrete typically accounts for at least 10% of the project in the rural area.

Over the past two years, the cost of Mineral Aggregate Resources and Concrete has increased between 20-25% over the past two years.

It is my view that this problem will only magnify over time if new resources are not brought online and if more competition in those industries is not promoted. These costs will affect not just housing, but infrastructure and roads/bridges.

The Province needs to make changes to ensure that the costs related to the availability of Mineral Aggregate Resources and Concrete do not escalate.

- The Supply of Mineral Aggregate Resources needs to increase.
- The approvals process for new pits and quarries needs to be streamlined further.
- Policies related to mineral aggregate resources (and licensing) need to be brought

to the same level as policies related to natural heritage features.

- Modification of Growth Plan policy 4.2.8.2 a) ii. This provision is a duplication of the protective measures set out specifically in another piece of provincial legislation. In application review, some reviewers have interpreted this policy to read a complete “No Go”, which is wrong. The revised policy should read:

“Mineral aggregate extraction in habitat of endangered species and threatened species shall be permitted subject to satisfying the relevant provisions of the Endangered Species Act.”

- Modification of Growth Plan policy 4.2.8.2 a) iii. is warranted. Extraction within plantations should be permitted subject to replanting a similar area with native species.
- Growth Plan policy 4.2.8.3 is not necessary to the extent that the application must seek to maintain or improve connectivity of the Agricultural System. I am a Professional Agrolgist and I don't even know what that means. Delete 4.2.8.3.
- A new policy, 4.2.8.8 should be added that would provide for limited residential development in former mineral aggregate sites. This will help rural municipalities provide housing options on low quality rural lands.
- Mineral Aggregate Resources need to be made available close to the market. The Province should implement a policy in the PPS that requires all municipalities to illustrate Mineral Aggregate Areas on the Land Use Schedule, not as an appendix to the OP.
- Primary deposits should not need an OPA to permit approval of a mineral aggregate application. The Province should set this out in the PPS.
- Competition within the pit / quarry and cement sectors needs to be promoted. To provide for more competition in pit/quarry sector, smaller deposits (i.e. less than 500,000 m³) that are above the water table and not within 30 m of any natural heritage features should be developed. Under the current process, these deposits are too small to be commercially viable. However, with a streamlined system, these small pits could be essential for rural communities.
- The Province could set out provisions within the ARA, such as a streamline licence and requirement for rehabilitation within 5-10 years. The approval of these resources could be through temporary zoning.
- Beyond the PPS, the Province must find more suppliers of cement powder. Competition is needed to keep the costs in check. The supply can be addressed through additional permitting of cement-proven resources or through importation of cement powder.

Identifying and Protecting Prime Agricultural Lands and Agriculture

OMAFRA has developed a model to identify Prime Agricultural Areas. The model is flawed. Currently, there is no mechanism to examine critically the accuracy of this model because Provincial staff are unwilling to regard any concerns from municipalities or the public. There is no appeal mechanism because the Province has chosen to implement

the new system via the Municipal Comprehensive Review process. But eventually, the Province will have to defend this new system, and to be sure, it is flawed.

- The PAA system promoted by MMAH and OMAFRA should be shelved.
- Prime Agricultural Lands should be identified using the CLI – Soil Capability for Agriculture mapping. Class 1-3 soils should be Prime Agricultural lands.
- Prime Agricultural Areas should be an area where prime agricultural lands prevail.
- Modifications to Prime Agricultural Areas should only occur via an Agricultural Impact Assessment.
- This is the old way of doing rural planning and it works and it is defensible.
- The new PAA system is not defensible and will be challenged at the OLT.
- The new PAA system has resulted in a waste of resources which in turn has increased costs.
- Bunkhouses should be a use that is permitted in all Agricultural zones, without the need for a re-zoning. This should be set out by the Province. The only requirement for a bunkhouse should be servicing to the satisfaction of the municipality.

Heritage Resources

Over the past 5 years, I have seen the requirement for archaeological reports increased tenfold. Unfortunately, the time to receive a clearance letter from the Ministry has gone from 1 year to several years. We cannot build anything without clearance. The current system is a bottleneck and must be resolved.

- The Province needs to streamline archaeological clearances.

Intensification vs Character Argument

The infill and intensification policies set out in the PPS and A Place to Grow are being challenged at the local level. The argument that “a proposed application is out of character with the existing neighbourhood” is being used regularly at Council and the OLT. Character arguments are subjective and often result in appeals to the OLT.

The policy structure in the PPS and A Place to Grow needs to be more direct and specific. The current policy structure is clear that municipalities shall establish standards for residential intensification, but this is too open-ended in my opinion. More direct policies are needed.

I suggest the following, subject to servicing and parking:

- The Province direct that all municipalities permit semi-detached dwellings in a zone that permits single-detached dwellings.
- The Province direct that all municipalities permit triplex and fourplex lots on lots greater than 15 m of frontage.
- The Province direct that the entire frontage may be used for parking.

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- The Province direct that ownership of triplex and fourplex units can be completed without registration of a draft plan of condominium.
 - The Province direct that any parcel with 20 m of frontage or more can be considered for multiple residential units like six-plexes.

Current Information

Municipal Councils must be made more aware of the current lack of residential housing supply, both in terms of rentals and ownership. The data used by municipal and provincial planners is often out-of-date and provides an incomplete picture of the problem at hand.

- A standard system of accounting vacant lots, i.e., consents, residential subdivisions and condominiums.
- This information must be available and accessible to Council and the public.
- A new policy in 1.4 of the PPS should set out this requirement.
- More emphasis needs to place on the policies set out in 1.4 of the PPS. PPS 1.4.1 must be regarded as the minimum.

Use of New, Innovative Technologies:

In general, Planners are not aware of recent, innovative improvements to rural servicing. For instance, improvements in tertiary treatment of septics can reduce lot sizing. I have attached a decision related to a proposed development that will be serviced by private septic systems. The Waterloo Biofilter system meets the OBC. Nothing further should be required if a commitment is made by the builder to use an OBC-approved tertiary system. This means that minimum lot sizing does not have to be 1 acre or 2 acres.

- PPS 1.4 should be modified to encourage the use of new technologies and approaches for rural servicing, particularly domestic sewage waste.
- Similarly, this would affect portions of PPS 1.6.
- To provide for more affordable housing in rural areas, development applications that contemplate the use of shared drilled wells should be promoted, subject to satisfactorily addressing hydrogeologic conditions.
- Rural municipalities should have the option of permitting development on partial services, communal well and private septic systems with tertiary treatment. This will help to reduce lot size and provide more rural housing options. Complimentary provisions in a servicing agreement must be considered by the Province.
- The Waterloo Biofilter system can be used to permit semi-detached and townhouse development in rural areas. Each unit would have a separate septic tank but a shared septic bed. Maintenance of the system would be set out in a mandatory agreement between the owners and the septic system provider, i.e., Waterloo Biofilter. Such is the case now as I have a Biofilter system installed at my home.

Identification of New Settlement Areas

It is unreasonable that a municipality cannot identify a new settlement area, especially at

the time of a comprehensive review. This is the time when a municipality should consider new options and growth opportunities.

- PPS policy 1.1.3.8 should be included in A Place To Grow.

We trust that you will find this letter to be of sufficient detail. Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,

Robert Stovel

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