



Municipality of Huron

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May 17, 2023

Honourable Lisa Thompson, Minister of Agriculture
Blyth Constituency Office
408 Queen Street
P.O. Box 426
Blyth, ON
N0M 1H0

RE: Proposed New Provincial Planning Statement, 2023 and Bill 97 Changes to the Planning Act

Dear Minister Thompson,

On May 2, 2023, the Council of the Municipality of Huron East passed a motion directing staff to submit the following report to the Ministry of Municipal Affairs and Housing as formal comments to the ERO posting on the New Provincial Planning Statement, 2023 and Bill 97 Changes to the Planning Act and to forward directly to yourself as Ministry of Agriculture and Huron-Bruce MPP.

Background

On April 6, 2023, the Province released a proposed new Provincial Planning Statement (PPS), 2023. This new document integrates the Provincial Policy Statement, 2020 with A Place to Grow: Growth Plan for the Greater Golden Horseshoe to create a single, province-wide, housing focused land use planning policy document. On the same day, the Province also introduced Bill 97, the Helping Homebuyers, Protecting Tenants Act which received first reading. It proposes a series of legislative amendments to several Acts, including amendments to the Planning Act. These changes are part of the Province's Housing Supply Action Plan with the goal of achieving the construction of 1.5 million new homes across Ontario by 2031.

Proposed Provincial Planning Statement (PPS), 2023

Huron East Council wishes to express its position on two matters under the proposed PPS which we feel impact the Municipality of Huron East most significantly. The Municipality of Huron East is a rural municipality and one where the majority of Council **has lived experience with agriculture**. We believe in a farmer's right to farm and that smart growth can meet housing needs without compromising farmland protection.

The Census of Agriculture highlights the strength of the agricultural industry in Huron East:

- 495 farms, 60% of which are under 200 acres in size;
- Produce 6.7% of total pigs in the Province;
- Market farm capital of 2.8 billion (a 233% increase from 2006 to 2021).

Huron East is proud to be home to a vibrant, prosperous agricultural community and strongly supports the protection of prime agricultural lands for farming purposes.

1. Agricultural Lot Severances

Proposed Changes

The most significant change for Huron County and Huron East is new policies for residential lot creation in prime agricultural areas. The current PPS discourages residential lot creation in prime agricultural areas, with the exception of surplus farm residence severances. The changes would allow additional permanent residences and the severance of the additional residences, and the creation of new residential lots in the agricultural area subject to the following criteria:

4.3.2.5 Subordinate to the principal dwelling, up to two additional residential units may be permitted in prime agricultural areas, provided that:

- a) any additional residential units are within, attached to, or in close proximity to the principal dwelling;
- b) any additional residential unit complies with the *minimum distance separation formulae*;
- c) any additional residential unit is compatible with, and would not hinder, surrounding agricultural operations; and
- d) 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.

4.3.3.1 Residential lot creation in prime agricultural areas 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 formula*;
 - 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.

b) a residence surplus to an agricultural operation (policies remain essentially unchanged including the prohibition of a residence being constructed on the retained farm parcel).

It should be noted that the new PPS also states that Official Plans and Zoning By-laws shall not contain provisions that are more restrictive than the above policies except to address public health or safety.

Huron East Comments

Residential lot creation in prime agricultural areas has been discouraged since the Countryside Planning/Foodland Guidelines were issued by the Province of Ontario in the 1970s. The purpose of this provincial-wide planning document was to ensure the protection of prime agricultural land for food production.

Huron County is a prime agricultural area and agriculture is extremely important to the economy and the production of food. For over 50 years, Huron County has had strong Official Plan policies protecting this agricultural resource and directing non-agricultural related development to settlement areas. Staff and Council recognize the need for housing in the agricultural area and in response have updated Zoning By-laws to allow for additional residential units in the AG1 and AG4 zones and expanded permissions for on-farm housing for farm labour. This allows for additional housing related to agriculture but does not fragment the land base. The Province's proposal to allow for scattered residential development through lot creation does not further the interests of the agricultural industry.

The opening up of scattered residential lot creation in the prime agricultural areas may:

- increase conflict with modern farming practices;
- increase MDS restrictions on the placement of new barns;
- reduce the number of units being built in settlement areas where municipalities have invested substantial funds on services (hard and soft);
- lost opportunities for infrastructure efficiency in settlement areas;
- increase the demand on municipalities to provide enhanced rural services e.g. more frequent snow plowing, road maintenance, garbage collection, emergency services, etc.;
- and ring serviced settlement areas with unserviced residential development making it more difficult and costly for future settlement area expansions and extension of services.

It is requested that the Province provide clarification on the criteria in the policies for creating new residential lots e.g. what is considered to be adjacent to a non-agricultural use and what are lower-priority agricultural lands. It is unclear if this is limited to adjacent to Settlement Areas, Recreational uses and Institutional uses, or does it open it up for 3 new residential lots next to all existing residences including farm residences and those that have been severed as surplus. And further, does this also allow residential lot creation on any area that a farm considers lower priority or inconvenient to farm rather than just areas with lower capability soils. Clarification is also requested on the criteria that requires an existing access on a public road and whether that access must exist or can it be obtained as part of the process. This clarification would help to determine the number of new residential lots that could be eligible to be severed across Huron County and the effect of the policy on the agricultural industry.

If the Province’s intention is to permit 3 residential lots from every farm parcel, this has the potential to result in thousands of non-farm related lots in the agricultural area across the County. The Province should reconsider this substantial policy direction change and the long term effects it will have on the protection of prime agricultural lands and maintaining the ability for farmers to farm. In addition, there may be other unintended consequences such as the effect of additional residences on the potential for future aggregate extraction.

The Department, along with GIS staff, has completed an assessment of the impacts of the policy to determine the potential for new residential lot creation in the prime agricultural area in Huron County. The analysis included the number of properties zoned AG1, AG1-Special, AG2 or AG2-Special where a minimum of 25% of the property was zoned AG1. The analysis did not include parcels zoned AG3 or AG4. The results indicate that there are 8304 parcels within these agricultural zones and with the potential for 3 new lots per parcel, the effect could be 24, 912 new residential parcels in the prime agricultural area in Huron. It is recognized that this estimate may vary due to the impacts of Minimum Distance Separation and access permits, but still give a sense of the potential impacts of the policy. The information is provided in the chart below.

Chart 1: Assessing the Impact of Proposed PPS Lot Creation Policy in Prime Agricultural Areas within Huron County

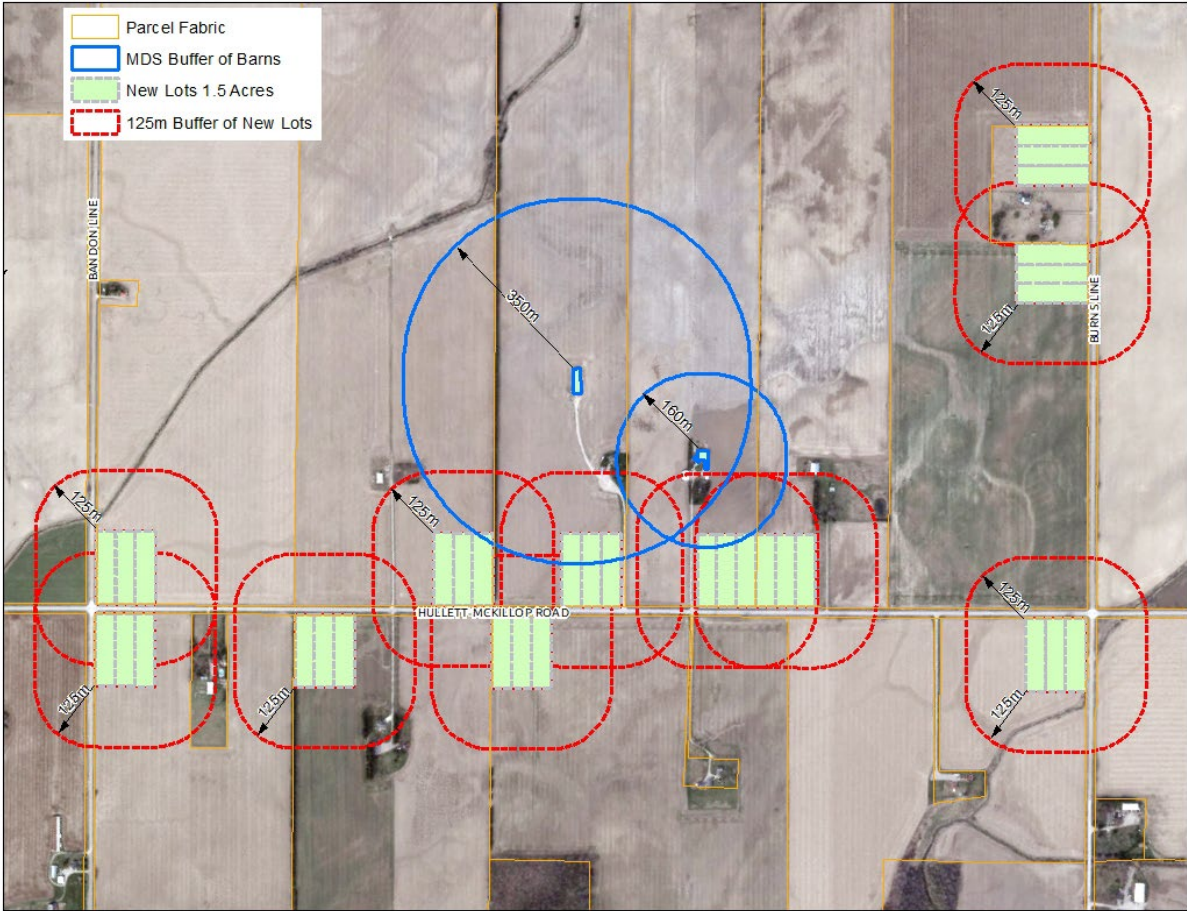
Local Municipality	Number of Parcels zoned AG1 and AG1-Special	Number of Parcels zoned AG2 and AG2-Special	Total Number of Eligible Agricultural Parcels	Potential New Lots if 3 per parcel is possible
Ashfield-Colborne-Wawanosh	1367	0	1367	4101
Bluewater	1027	0	1027	3081
Central Huron	1105	45	1150	3450
Howick	622	44	666	1998
Huron East	1593	111	1704	5112

Morris-Turnberry	852	55	907	2721
North Huron	340	26	366	1098
South Huron	1026	91	1117	3351
County of Huron	7932	372	8304	24,912

Note: Due to the impacts of Minimum Distance Separation and access permits, it may be such that three (3) residential lots are not possible from every identified parcel.

To provide a visual context, an example was mapped using one Concession Block in Huron County, including the number of potential residential lots and the increased area that would no longer be eligible for the construction of a livestock barn due to Minimum Distance Separation setback requirements to these new lots.

Image 1: Example of Potential Impact of Proposed PPS Lot Creation Policy on Rural Concession



The Province is proposing to permit Settlement boundary expansions without the requirement for a Comprehensive Review. Understanding that some agricultural land may be needed to address the demand for housing, staff are supportive of eliminating this requirement for expansions and directing development to settlement areas which is a more efficient use of agricultural land than scattered residential development throughout the countryside.

Rather than the creation on non-farm related residential lots to increase the potential for housing in the agricultural area, the Province could consider amending the policy for surplus farm residence severances that requires the retained farmlands to be rezoned to prohibit a residence. The current limitation on the retained land could be removed, allowing a residence on these farm parcels where the severance was completed a certain number of years ago (e.g. 10 - 15 years or longer to avoid speculation). This would allow for additional housing related to agriculture and would not result in additional severances.

2. Settlement Area Expansions

Proposed Changes

The requirement for a Comprehensive Review to identify a new settlement area or expand a settlement area boundary has been removed in the proposed 2023 PPS. With no requirement for municipal comprehensive reviews, municipalities could consider settlement area expansions at any time. The tests to be applied are not as stringent as they were, but would still require consideration of adequate servicing, phased progression of urban development, and impacts on agriculture including minimum distance separation through an Agricultural Impact Assessment. There is no limit on the ability of landowners to apply for an expansion, although the Planning Act continues to limit the ability to appeal the refusals of any such applications.

Huron East Comments

As indicated above, staff are supportive of the change to streamline the process for expanding settlement areas where required based on adequate servicing (provided priority is given to expansion in fully serviced areas), logical extensions and addressing agricultural impacts. This is a more efficient use of land than scattered residential lots in the prime agricultural areas. The Province only encourages municipalities to set density targets for these expanded areas, but should give consideration to stronger language to ensure efficient use of these additional development lands.

Related Matters

The Municipality of Huron East would like to note that one of the most significant delays on processing land use planning files is delays associated with the Ministry of Transportation. The Province must adequately resource this Ministry to provide timely and thorough comments in order to streamline municipal development approvals.

Should you have any questions about these comments, please do not hesitate to contact me.

Sincerely,

Bernie MacLellan, Mayor