

June 6, 2023

Honourable Steve Clark, Minister of Municipal Affairs and Housing
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, Ontario M7A 2J3

Dear Honourable Sir,

**Re: Written Submission on Proposed Provincial Planning Statement, 2023
– ERO Posting #019-6813**

Thank you for the opportunity to provide comments on the Proposed Provincial Planning Statement, 2023 (PPS, 2023). The PPS, 2023 introduces a consolidated provincial planning document for land use policies across Ontario.

The Town of Niagara-on-the-Lake (“NOTL”) appreciates the Province's commitment to providing more housing across Ontario and recognizes the need for more affordable and attainable housing for all. However, the Province has taken some aggressive steps through recent legislative changes that may not have considered a balanced approach to providing housing with conserving and protecting our natural, agricultural and cultural resources.

The comments provided below summarize Staff's report to NOTL Town Council on May 23, 2023. Council endorsed the report and directed Staff to submit comments on this ERO posting.

Growth Planning

For the past 20 years, municipalities have been required to plan for growth using the forecasts provided by the Province in the Growth Plan. The proposed PPS, 2023 does not carry forward the Growth Plan requirement for municipalities to plan to specific population and employment targets for a horizon year. However, the expectation is that municipalities will continue to use the 2051 targets at a minimum. Over time, municipalities will be expected to carry out their own forecasting; however, there is no clear and consistent approach provided.

To properly plan our community, the Town must ensure that growth planning is coordinated with our infrastructure and transportation planning, and investments are made accordingly. The PPS, 2023 direction appears to focus growth planning and investment to those identified large and fast-growing communities. NOTL is not listed as a large and fast-growing municipality; however, the Town is still facing growth pressures and will need to ensure that this growth is properly managed and balanced over time. It is expected that infrastructure investments will be needed to ensure that the Town can properly manage growth.

The Province also intends to abandon the concept of the built boundary or built-up area. The MMAH had not updated the delineated built-up area mapping since 2008. The removal of this

concept will allow for local solutions to accommodate growth in appropriate locations through coordinated development.

Housing

The PPS, 2023 proposes to expand on the definition of "housing options" found in the current PPS. This expansion includes more details in terms of built-form options, as well as ownership of housing arrangements. The Town supports this change.

The PPS, 2023 also proposes to remove the definition of "affordable" as it applies to housing. The Town believes that housing affordability (and attainability) should remain a primary focus of growth planning. It is unclear why the Province has chosen to remove this definition given the importance of previous recent legislation changes related to housing affordability.

Settlement Area Expansion

The PPS, 2023 makes significant changes to the requirements for consideration of urban boundary expansions. Previously, urban boundary expansions could only be considered through a municipal comprehensive review ("MCR"). An MCR was to be undertaken by the upper-tier municipality through the 5-year Official Plan review and was supported by a number of technical studies, including the distribution of population and employment forecasts, as well as a review of various alternative locations to determine the most suitable location.

PPS, 2023 proposes to remove the municipal comprehensive review and reduces the requirements to consider a settlement area boundary expansion, as well as the restriction to the timing of an Official Plan review. The PPS, 2023 also proposes to allow for the identification of new settlement areas, a consideration not currently permitted.

It appears that the PPS, 2023 continues to respect the lands identified as specialty crop area in the Greenbelt Plan and does not propose any changes that would allow for expansion into this designation. The Town's agricultural area is identified as a specialty crop area (Niagara Peninsula Tender Fruit and Grape Area), and, therefore, the municipality's urban settlement areas would not be permitted expansions. The PPS, 2023 should ensure that protection of specialty crop areas will continue.

Employment Protection and Conversion

The PPS, 2023 proposes to change the definition, permitted uses, and policies related to protecting lands from employment conversion requests. The current Growth Plan allows only limited consideration for employment conversion to residential outside of an MCR. The proposed policies will remove the requirement for conversion through an MCR and relax the requirements for municipalities to consider conversion.

The PPS, 2023 includes a new policy that would allow more mixed-use on lands for employment outside of identified employment areas, provided the transition of uses is appropriate to prevent adverse effects. The intent of this policy is to create a diverse mix of land uses, including residential, employment, public service facilities and other institutional uses, to support the achievement of complete communities; however, it may be challenging to implement given the potential for land use conflict.

The Town has two employment areas identified in the Region's Niagara Official Plan, Virgil Business Park and Glendale Business Park. It will be important to protect for employment type

uses over the long term to ensure economic prosperity and to avoid land use conflict. The Glendale employment area has been identified as a higher density employment area that will seek synergies with Niagara College and other research and development or office type uses. The PPS, 2023 may impact the Town's ability to identify this as an employment based on the proposed definition and protect employment type uses proposed for this area.

Schools

The PPS, 2023 provides more direction for collaboration between planning authorities and school boards. It recognizes school and institutional uses as important elements of a "complete community" and proposes that innovative, more urban approaches in the design of schools should be considered as we plan our communities.

The Town supports this direction and has already started conversations with the school boards regarding urban footprints, shared facilities and combining sites to better utilize our urban land.

Agriculture and Rural Areas

The PPS, 2023 encourages planning authorities to use an agricultural system approach to maintain and enhance a continuous agricultural land base. As part of this land base, prime agricultural lands, including specialty crop areas, shall be designated and protected for agriculture. Specialty crop areas remain the highest priority for protection. The Town supports continued protection of our specialty crop lands.

One of the most significant changes for the agricultural area proposed under the new PPS, 2023, are new policies for additional residential units and new residential lot creation permissions.

Similar to changes recently made through Bill 23, the PPS, 2023, proposes to amend agricultural policies to allow up to two additional residential units to be permitted on farm properties, subject to criteria. These criteria include requiring the additional residential units to be located within, attached to or in close proximity to the main dwelling, comply with the minimum distance separation formulae, be compatible with the agricultural area and have appropriate sewage and water services. The Town may be supportive of additional residential units subject to further study and appropriate policy and zoning measures in place to ensure minimal to no impact on agricultural operations. It will also be important to ensure short term rental of these units is restricted.

The current PPS, 2020 and Growth Plan discourages residential lot creation in agricultural areas, with the exception of surplus farm residence severances. The PPS, 2023 proposes new permissions for up to three additional residential parcels (lot creation) in prime agricultural areas, again subject to criteria. The proposed policies note that new lot creation continues to be restricted in specialty crop areas. NOTL's agricultural area is considered entirely specialty crop area. While it appears that NOTL agricultural lands would be shielded from lot creation due to their specialty crop status, Staff has concerns with the Province's intention for agricultural lands in general and the potential impacts that this has on the future of agriculture operations and food supply.

Recently, the Province has indicated the potential for farm lot severances may be abandoned. The Town continues to provide its opposition to farm lot severances for new vacant lots to ensure this position is on record.

Natural Heritage and Watershed Planning

The Natural Heritage policies and related definitions remain under consideration and have not been included in this release. However, based on the review of the other draft policies and other recent changes made through Bill 23, it appears that the Province may consider relaxing environmental considerations in favour of increasing the housing supply. The proposed vision statement suggests a shift in focus from conserving biodiversity and protecting essential ecological processes to one that directs attention to appropriate housing supply when considering the use and management of natural resources.

The PPS, 2023 includes significantly less of an emphasis on the need for watershed and subwatershed planning to inform land use planning. Currently, Secondary Plan or large-scale greenfield development requires a subwatershed plan to inform stormwater management, natural heritage protection and protection of the water resource system. These policies are not proposed to continue forward. The Town is concerned with this change.

The Town notes changes proposed to the policies related to protecting, improving or restoring quality and quantity of water; however, we will reserve full review and comment on environmental policies until the entire set of policies is available.

Climate Change

The proposed PPS, 2023 provides a more direct approach to preparing for the impacts of a changing climate compared to the PPS, 2020. While references to the impacts of a changing climate have been removed in some sections, the proposed policies will require planning authorities to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through a number of listed approaches. The Town is in favour of stronger language to address climate change and the wording change from “support efforts” to “provide direction”.

Cultural Heritage and Archaeology

The PPS, 2023 proposes to amend policies related to the conservation of cultural heritage resources by requiring that only a “Protected Heritage Property”, generally defined as those properties already protected under the *Ontario Heritage Act* or federal legislation, shall be conserved. This proposed policy amendment would not protect properties that meet the criteria for designation but are not designated, such as those on the Town's Municipal Register of Properties of Cultural Heritage Value or Interest.

NOTL is well known both nationally and internationally for our distinct heritage character. The Town voiced concerns with the changes to the *Ontario Heritage Act* through Bill 23, particularly with the changes made to listed heritage properties. The Town continues to have concerns with the changes and the loosening of protection for cultural heritage resources.

Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*:

Bill 97 (ERO posting #019-6821) was open for a commenting period until May 6, 2023. The new Bill contains relatively minor legislative changes to a number of Acts. Staff reviewed the proposed changes but did not submit comments prior to the commenting deadline closing.

As part of this submission, the Town would like to advise of its concern with the proposed changes to the Section 38 of *Planning Act*, related to interim control bylaws (“ICBL”). Appeal rights were previously removed through Bill 139 in 2017 for the initial passing of an ICBL. Bill

97 proposes to amend the Act to enable an individual who received notice of the passing of an ICBL to file an appeal at the time of initial passing (rather than at the time of extension).

Municipalities often use ICBLs in specific circumstances due to unforeseen issues. The reinstatement of the appeal rights is concerning as it may distract from undertaking the work required to address the circumstance in which it was passed.

Concluding Remarks

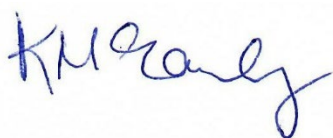
While the Town recognizes there is a housing crisis and is supportive of the intent to provide more housing, many of the changes proposed will have unintended impacts at the local level. While providing more housing is important, local municipalities must consider good planning principles with a balanced approach to conserving and protecting our natural, agricultural and cultural resources. Further, our growth planning must be properly managed and coordinated with infrastructure investment.

The Town's comments and concerns are provided throughout this letter and the Town respectfully requests that the Province consult further on the changes proposed to understand the implications at the local level.

Kind Regards,



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Town of Niagara-on-the-Lake



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