

Staff Report

Report To: Community Services Committee
Report From: Jacklyn Iezzi, Senior Planner
Meeting Date: July 19, 2023
Report Code: CS-23-080
Subject: Proposed Provincial Policy Statement 2023 – Natural Heritage Policies

Recommendations:

THAT in consideration of Staff Report CS-23-080 respecting the proposed natural heritage policies under the draft Provincial Policy Statement, 2023, the Community Services Committee recommends that City Council:

1. Endorse the comments of the staff report; and
2. Direct staff to provide a copy of this report as the City's comment on the matter to the Bruce-Grey-Owen Sound MPP, the County of Grey, and the Environmental Registry of Ontario before August 4, 2023.

Highlights:

- On April 6, 2023, the Province introduced Bill 97, *the Helping Homebuyers, Protecting Tenants Act*, which proposed changes to the Planning Act and the Development Charges Act and released a new draft 2023 Provincial Policy Statement (PPS). The City commented on Bill 97 and the draft 2023 PPS through Staff Report [CS-23-053](#).
- At the time the draft 2023 PPS was released for consultation, proposed changes to the natural heritage policies were not known.
- Proposed changes to the natural heritage policies were finally realized on June 16, 2023 and the Province is seeking feedback

until August 4, 2023 through the Environmental Registry of Ontario ([ERO# 019-6813](#)).

- Overall, the proposed changes are relatively minor. No changes have been proposed to the natural heritage policies of the PPS 2020. However, the policies have been transposed to Section 4.1 of the PPS 2023. Noteworthy modifications are proposed to the definitions of 'adjacent lands,' 'negative impacts,' and 'significant,' some of which have implications for the policies and implementation of the City's 2021 Official Plan (OP).
- Staff anticipate that the new PPS will come into force and effect in late 2023.

Strategic Plan Alignment:

This report supports the delivery of Core Service.

Climate and Environmental Implications:

This supports the objectives of the City's Corporate Climate Change Adaptation Plan by considering climate adaptation in the development of the City's strategies, plans, and policies.

Previous Report/Authority:

[CS-23-053](#) – Proposed Bill 97 and Provincial Policy Statement 2023 Review

Background:

On April 6, 2023, the Province introduced Bill 97, *the Helping Homebuyers, Protecting Tenants Act*, which proposed changes to the Planning Act and the Development Charges Act and released a new draft 2023 Provincial Policy Statement (PPS). The draft 2023 PPS replaces the 2020 PPS and 'A Place to Grow: Growth Plan for the Greater Golden Horseshoe' (Growth Plan) by integrating both into a single, provincewide land use planning document.

City Planning Staff commented on Bill 97 and the draft 2023 PPS through Staff Report [CS-23-053](#). When the draft 2023 PPS was released for consultation, proposed changes to the natural heritage policies were not known. Proposed changes to the natural heritage policies were released on

June 16, 2023 and the province is seeking feedback until August 4, 2023, through the Environmental Registry of Ontario ([ERO# 019-6813](#)).

The purpose of this report is to inform the Committee and Council of the proposed changes to the natural heritage policies and advise on any potential impacts to the City.

Analysis:

The proposed natural heritage policies require municipalities in central and southern Ontario to identify natural heritage systems and protect natural heritage features and areas as they currently do under the existing policies in the Provincial Policy Statement, 2020. Generally, the natural heritage policies have been unchanged. However, the policies have been transposed to Section 4.1 of the PPS 2023 (previously Section 2.1) and the following preamble has been deleted:

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Additionally, noteworthy modifications are proposed to the PPS definitions of 'adjacent lands,' 'negative impacts,' and 'significant,' some of which have implications on the policies and implementation of the City's 2021 Official Plan (OP). The revised definitions impact the natural heritage policies of the PPS in addition to other policy areas applying to infrastructure and facilities (Chapter 3) and Cultural Heritage and Archaeology (Sec. 4.6).

Within the 2020 PPS, the definition of adjacent lands, when used in evaluating potential impacts of development and site alteration on a protected heritage property, includes contiguous lands or as otherwise defined in the municipal official plan.

The City's 2021 Official Plan (Sec. 7.1.3.6) defines the term adjacent lands as lands that are contiguous (abutting), in addition to the following:

- Properties within 50 m of a protected heritage property;
- A property that is separated from a heritage property by a narrow strip of land used as a municipal road, right-of-way, walkway, greenspace, park and/or easement and where the recognized

- heritage attributes of a protected property would be impacted by the proposed development and/or site alteration; and/or
- Those properties whose heritage attributes are identified within the following:
 - A designated by-law or a heritage easement enacted under the Ontario Heritage Act;
 - A Heritage Conservation and Interpretation Plan or a Heritage Conservation District Plan;
 - City of Owen Sound Official Plan;
 - Properties listed on the City’s Heritage Register that may be impacted by the proposed development or site alteration.

The 2023 PPS proposes to limit adjacent lands to only contiguous properties by removing reference to “as otherwise defined in the municipal official plan.”

Should this proposed change come into force and effect, the City will be required to update the 2021 OP to be consistent with the new definition. Planning Staff have concerns with limiting the definition of adjacent lands to only contiguous properties, given that impacts of development and site alteration on protected heritage property are often not limited to contiguous abutting lands. The City’s existing definition within the 2021 OP ensures that development or site alteration that may occur abutting a protected heritage property or in close proximity (e.g., within 50 m or across the street) is sympathetic in design and maintains important views, among other matters.

Secondly, the definition of “negative impacts” now includes an additional subsection (part (e)) which makes it clear that any development or site alteration that would preclude the function of transportation and infrastructure corridors or otherwise compromise or conflict with their planned or existing function or capacity would constitute a negative impact on the corridor. A negative impact could also arise in the transportation and infrastructure corridor context should development or site alteration give rise to cost conflicts. Generally, Planning Staff do not have concerns with this proposed addition.

Lastly, part (a) and (b) of the definition of “significant” have been modified to remove reference to the Ontario Ministry of Natural Resources and Forestry and now refers to evaluation procedures and criteria established by

the Province more broadly. This change may allude to the fact that new/updated guidance material from the Province may be forthcoming.

Mention of cultural heritage and archaeological resources that have been determined to have cultural heritage value have also been removed from the definition of “significant” (part (e)). This change corresponds to previously proposed changes to the Cultural Heritage and Archaeology policies of the 2023 PPS (Section 4.6), which generally limit the conservation of built heritage resources and cultural heritage landscapes to those that are “protected heritage property.” Types of protected heritage property within the City’s context include those designated under Part IV of the Ontario Heritage Act, subject to a heritage conservation easement, or known archaeological resources. The 2020 PPS requires the conservation of significant built heritage resources and cultural heritage landscapes more broadly and includes those properties listed on the City’s register of properties of cultural heritage value or interest or identified as important to the community. Planning Staff have concerns with the removal of cultural heritage and archaeological resources from the definition of significant and the proposed changes to the cultural heritage and archaeology policies of the PPS, given that there are significant built heritage resources and cultural heritage landscapes within the City that may warrant conservation but would not currently meet the definition of a “protected heritage property.” In the opinion of Planning Staff, the 2020 PPS provides a more appropriate level of conservation.

Implementation

Staff anticipate that the new PPS will come into force and effect in late 2023, subject to an order in council approved by the Lieutenant Governor in Council under section 3 of the Planning Act. The province will likely release the final PPS for review for a short period of time before the policies take effect. Any decision on a planning matter made on or after the effective date of the new policy document would be subject to the new policies and must be consistent with the new PPS.

As Committee and Council will recall, recent amendments to the Conservation Authorities Act removed the ability for conservation authorities to provide advice to municipalities on matters of natural heritage. The County of Grey is proceeding with hiring a Planning Ecologist to provide consistent comments to all lower-tier municipalities on the natural heritage policies of the PPS.

Financial Implications:

None at this time. The City will be required to update the City's Official Plan and Zoning By-law to reflect the final approved PPS. There will be costs associated with the required local policy updates. This is unfortunate, as the Official Plan update was just completed.

Communication Strategy:

Staff are proposing to provide a copy of this report to MPP Rick Byers, the County of Grey, and the Environmental Registry of Ontario as the City's comment on the matter. As previously requested by Committee, Staff are working with the County of Grey to coordinate a meeting with MPP Rick Byers.

The final policy will be provided to the Community Services Committee once it is released by the province, along with an implementation analysis.

Consultation:

- County of Grey
- [What's Old is New Again: Natural Heritage Policies Released for the Provincial Planning Statement, 2023](#) – Davies Howe (June 22, 2023)

Attachments:

Schedule 'A' Proposed Provincial Policy Statement

Recommended by:

Jacklyn Iezzi, BES., Senior Planner

Sabine Robart, M.SC. (PL), MCIP, RPP, Manager of Planning & Heritage

Pam Coulter, BA, RPP, Director of Community Services

Submission approved by:

Tim Simmonds, City Manager

For more information on this report, please contact Jacklyn Iezzi, Senior Planner, at planning@owensound.ca or 519-376-4440 ext. 1261.