

Day 1 Agenda  
8.3a  
Aug. 4/10.

**CORPORATION OF THE COUNTY OF HURON**  
**Planning and Development Department**

**To:** Chair and Members of the Committee of the Whole, Day 1  
**From:** Scott Tousaw, Director  
**Date:** July 23, 2010  
**Subject:** **Provincial Policy Statement (PPS) Review**

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**Recommendation**

That this report be submitted to the Ministry of Municipal Affairs by August 31, 2010, along with any additional areas of concern identified by the Committee.

**Background**

The Ministry of Municipal Affairs and Housing has formally begun the five year review of the 2005 PPS. For the initial round of input, comments are requested by August 31, 2010. Additional opportunities for input are expected when draft changes are released.

The Provincial Policy Statement (PPS) is issued under the authority of Section 3 of the Planning Act and provides policy direction on matters of provincial interest related to land use planning and development. It is noted that decisions affecting planning matters "shall be consistent with" policy statements under the Act. It is also noted that the PPS helps to create a degree of uniformity in the approach to planning issues across the province.

Approximately 60,000 people reside within the County of Huron. Huron includes a diversity of economic activity including the leading agricultural economy in the province, with a strong tourism and manufacturing sector. The population of Huron has been relatively stable for many decades and population forecasts suggest limited growth in the foreseeable future. This background to Huron is provided for 2 key reasons:

- Huron (like many rural areas) is distinctly rural and has differing needs than those areas of the province that face significant growth pressure.
- The relationship between agriculture, recreation and other aspects of the rural economy, combined with the needs of Huron's small towns and villages provide the background to the following comments identified by staff.

**Comments**

The following list represents the areas of the PPS identified as warranting review or changes by the Ministry. This report may be appended with "Additional Areas of Concern Identified by Council" for submission to the Ministry.

**1) Comprehensive Reviews (1.1.3.9)**

A comprehensive review considers population and growth projections and evaluates the appropriateness of a land use change (considering alternate locations for growth, including intensification and redevelopment). Comprehensive reviews help in the planning of larger urban areas experiencing growth.

In rural and small-urban areas, however, the comprehensive review is somewhat problematic, given limited or no population growth, and the sporadic nature of development. Additional flexibility is needed in rural and small-urban areas to respond to local needs, such as the following matters.

- existing development designations may meet or exceed the projected land needs, but those few landowners may have no interest in development;
- infill properties are often held by adjacent owners with no intention to develop, which keeps the lot supply artificially high;
- the feasibility of developing brownfield sites in slow growth areas is tenuous, which keeps the land supply artificially high and limits development potential;
- with small populations, growth projections and resulting land needs are not meaningful; growth rates can be affected by one developer or one business; the comprehensive review does not provide for these occasional opportunities;
- small towns have limited parcels for commercial and industrial development, and may need to expand the development designation to accommodate an expanding or relocating business;
- the planning framework for rapidly urbanizing areas does not translate well to rural and small-urban areas;
- expansion of settlements areas can sometimes be addressed through "land swaps" and clarification concerning the need for a comprehensive review in this situation would be helpful.

## **2) Employment Areas (1.3.2)**

Related to comprehensive reviews, MMAH considers "employment areas" to be industrial only, although the definition is clear it means "for clusters of business and economic activity" which could include commercial and institutional areas as well as industrial uses (note that section 1.3.1(a) refers to industrial, commercial and institutional uses). This difference in interpretation results in confusion over when a comprehensive review is required to convert employment lands to another use.

One solution would be to clarify and narrow the scope of the employment area definition to include only industrial uses.

## **3) Lakeshore Development**

We have found that recreational development along the Lake Huron Shoreline complicates the completion of comprehensive reviews. Lakeshore development tends to be seasonal (although there are pressures for year round occupancy). It is a unique form of development, largely catering to an external market and much of this development occurred historically. Lakeshore developments are often challenging in that the PPS doesn't directly consider this form of development. It is our submission that this form of development needs to be excluded from a comprehensive review that affects the permanent settlements of Huron County (although need and demand in the context of the Lakeshore itself is an appropriate consideration).

## **4) Surplus Residence Severances 2.3.4.1(c)**

Whether surplus farm dwellings acquired through farm consolidation should be severed will continue to be a major rural planning debate. Within Huron, the County Official Plan allows for this type of severance although some local municipalities do not. Some items to consider:

- rezoning the retained parcel to prohibit a dwelling places on-going pressure on Council to uphold the PPS by not allowing, in perpetuity, a rezoning for a house (there is even a question related to the long-term implications which may include precluding the establishment of a legitimate farm house by a beginning farmer on a large farm parcel);
- on the one hand, surplus dwellings place future restrictions on the flexibility of agriculture to adapt to changing needs, while on the other hand severed surplus dwellings help maintain the rural population;
- The definition of a farm operation and related eligibility for a surplus residential severance could be clarified.

A provincial regulation may be a better mechanism to prohibit a new house on the remnant farm parcel (although identifying the prohibition in the zoning by-law may still be desirable to advise the public).

#### **5) Agriculture-related Uses (2.3.3.1)**

In some ways the definition of Agriculture-related uses has the potential to achieve unintended consequences. Agriculture-related uses are defined as commercial or industrial uses "that are small-scale and directly related to the farm operation and are required in close proximity to the farm operation." The result is that under PPS lot creation is permitted in agricultural areas for small-scale uses, but not for "large-scale." In Huron, given the magnitude and intensity of the agricultural sector we have grain elevators, implement dealerships, livestock yards etc. that are not compatible with many of our small towns and villages (noise, odour, dust) and yet these uses are essential infrastructure for a vibrant farm sector. This is further challenged by the application of MOE Guideline D6 which requires that municipalities consider the impacts of industrial uses on neighbouring residential areas (and in small hamlets this can be very difficult). Additional detail is provided below:

- Certain necessary agriculture-related uses are not small scale, such as grain drying and storage, or feed mill operations. These uses are large scale, and because of their negative effects on adjacent uses from hours of operation, traffic, noise and dust, are not suitable for settlement areas. If they cannot locate in urban areas (rural settlements seldom have large enough industrial areas to accommodate them -- due to the comprehensive review requirements) then they must locate in rural areas. One solution is to change the definition to delete reference to small scale, and to allow uses which meet the definition but that are not compatible with a settlement area location.
- The reference to "the farm operation" (in the definition of Agriculture-related uses) with respect to association and proximity creates confusion. Does the reference infer that the agriculture-related use shall only be associated with one farm, or does it mean related to farm operations generally (e.g., a cooperatively owned fruit grading and storage facility)? The latter is the preferred interpretation and this could be clarified easily in the definition.

#### **6) Mineral Aggregate Operations (2.5.2.1)**

Planning authorities are prohibited from requiring any demonstration of need for new aggregate operations. While this approach may have merit in certain parts of the province with significant demand for sand and gravel, there are many rural areas with numerous and sizable deposits which may not be required for many years. In such rural areas, there may be other legitimate social and environmental values associated with the property containing the aggregate resource, such as natural habitat, woodlands, water supply, etc. A demonstration of need where there are conflicting values can help prioritize when the property should be mined (as opposed to if). For example, a property with importance for its woodland and water supply characteristics and proximity to recreational development may be appropriately deferred for extraction until other properties are exhausted which do not have these competing interests.

#### **7) Five Lot Limit (1.6.4.4)**

This section allows private services (individual septic systems and wells) only for new developments of 5 or fewer lots. It appears to be a last resort option in the hierarchy of services, and therefore is intentionally restricted to small developments. This section has posed significant challenges as follows:

- official plans try to direct growth to settlement areas, many of which in rural counties are not serviced, but this policy discourages development in those areas;
- planning 5 lots at a time, or successive applications of 5 lots each, is not good planning;
- the exceptions, which allow more than 5 lots in rural areas or rounding out in partially serviced areas, undermine the intent to direct growth to settlement areas;

- in some parts of the province it has been suggested by MOE that municipalities should sign responsibility agreements in areas of private services;

One solution would be to allow more than 5 lots where a "settlement servicing study" is conducted to confirm that site conditions are suitable for the long-term use of private services across the entire designated hamlet/village.

**Others Consulted** – Planners; research for this report was conducted by W. Caldwell, Consultant

**Budget Implications** – none.

  
Scott Tousey  
Director