

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor and Members of Council

From: Jacob Dickie, Planner II

Date: October 1, 2024

Subject: Changes to Land Use Planning in Ontario under the Recently Approved Provincial Planning Statement, 2024 (PPS, 2024)

Recommendation

This report is presented at the October 1, 2024 Council meeting, for information only.

Strategic Objectives

This report provides an overview of the recently approved Provincial Planning Statement, 2024 as it affects the way in which planning and development services are provided to the residents of Lakeshore. All municipal decisions that relate to a planning matter shall be consistent with the new policies of the Provincial Planning Statement. This is not a core municipal service; however, the new policy changes affect the services that are provided to the residents within the Municipality. The potential financial impacts to the Municipality are also highlighted below.

Background

On August 20, 2024, the Province of Ontario released the final approved version of the *Provincial Planning Statement, 2024* (PPS, 2024) which will become the primary policy document that governs land use planning in Ontario once it comes into effect on October 20, 2024. The new policy document replaces the *Provincial Policy Statement, 2020* (PPS, 2020) and the *Growth Plan for the Greater Golden Horseshoe* (Growth Plan, 2020) by integrating them into a single document. The Growth Plan, 2020 does not currently apply to the Municipality of Lakeshore, however many of its policies are being carried over to the new PPS, 2024 which will apply to the Municipality of Lakeshore once it comes into effect. This report provides an overview of the new PPS, 2024 and outlines key policy changes from the PPS, 2020 and the Growth Plan, 2020 as it pertains to the future of land use planning in Lakeshore.

Comments

Provincial Planning Statement, 2024

The PPS, 2024 provides policy direction on matters of provincial interest related to land use planning and development, including but not limited to, the following matters:

- to the adequate provision of a full range of housing,
- the efficient use of sewage, water and waste management systems,
- the protection of agricultural resources and natural features,
- public health, safety,
- and economic well-being.

Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with the policy statements issued by the Province. The test of consistency with the policies of the new PPS, 2024 will apply to any decision made on a planning matter made on or after October 20, 2024. As such, it is important for members of Council and the public to be aware of this new policy document as it will help to guide their decision making.

Most of the policies in the new PPS, 2024 are either taken directly or remain similar to the policies found in the PPS, 2020 and the Growth Plan, 2020. Both of which will cease to exist on October 20, 2024 once the new PPS, 2024 comes into effect. However, there are some significant changes that are worth noting as it pertains to the future of land use planning in the Municipality of Lakeshore. These changes are highlighted below:

Growth Forecasts

The PPS, 2024 will require municipalities to base population and employment forecasts on the Ministry of Finance's 25-year growth projections, which may be modified as appropriate. Despite this requirement, the PPS, 2024 also permits municipalities to continue to use population and employment growth forecasts previously issued by the Province for the purposes of land use planning. Under the PPS 2020, municipalities could prepare their own projections without strictly adhering to the Ministry of Finance's projections.

The PPS, 2024 requires that sufficient land must be made available at the time of creating a new Official Plan, or for each Official Plan update, to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 20 years, but not more than 30 years. Planning for infrastructure, public service facilities, strategic growth areas, and employment areas may extend beyond the 30 year time horizon. This is a departure from the PPS, 2020 which referred to a time horizon of up to 25 years.

Settlement Areas and Settlement Area Boundary Expansions

Municipalities will be able to consider new settlement areas and changes to settlement area boundaries at any time, whereas previously such considerations could only occur through a municipal comprehensive review. Private applicants will be able to submit applications to alter settlement area boundaries. For settlement area expansions, the applicant will need to demonstrate that there is a need for additional land to accommodate an appropriate range and mix of land uses, sufficient capacity in existing or planned infrastructure and public service facilities, avoidance of prime agricultural lands and consideration of the minimum distance separation formulae.

Strategic Growth Areas and Intensification

The concept of “Strategic Growth Areas” from the Growth Plan has been integrated into the PPS, 2024. Municipalities are encouraged to identify Strategic Growth Areas in Official Plans which should be the focus of significant population and employment growth. Strategic Growth Areas are intended to support the achievement of complete communities, provide for a range and mix of housing options while also promoting intensification, and more mixed-use development.

The PPS, 2024 supports intensification in general and requires municipalities to establish and maintain minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

The PPS, 2024 contains specific minimum density targets for Major Transit Station Areas and the 29 Large and Fast-Growing Municipalities. Such requirements do not apply to the Municipality of Lakeshore or other municipalities in the County of Essex. However, the City of Windsor is identified as a large and fast-growing municipality.

Employment Areas

Municipalities will now be able to remove lands from employment areas at any time, whereas the PPS, 2020 only allows for employment conversions to occur through a municipal comprehensive review. Private applicants will be able to submit applications for the removal of land from employment areas, provided that they can demonstrate that there is an identified need for the removal and the land is not required for employment area uses over the long term.

The “Employment Area” policies also contains new language regarding the need to address land use compatibility between employment areas and sensitive land uses. Any development on lands within 300 metres of employment areas must avoid, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned employment areas.

Agricultural Areas

Municipalities are now “required” instead of “encouraged” to adopt an agricultural system approach, to maintain and enhance a continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network. Provincial guidance such as guidelines and technical criteria may be issued from time to time to support the implementation of this policy.

Where a residential dwelling is permitted on a lot in the prime agricultural area, up to two additional residential units (ARUs) will now also be permitted in addition to farm help housing. Where two ARUs are proposed on an agricultural lot, at least one must be located within or attached to the primary residential building, while the other ARU can be located within an accessory structure. The additional residential units will be required to have appropriate sewage and water services; but there is no mention of connecting to municipal services. As mentioned above, provincial guidance in the form of guidelines or technical criteria may be issued from time to time to support the implementation of this policy.

There are no new policies or changes with regard to providing guidance for large scale greenhouse facilities.

There is one change to the residential lot creation policies. The PPS, 2024 states that a surplus farm dwelling severance is limited to one new residential lot per farm consolidation, whereas before, more than one surplus farm dwelling per farm consolidation could occur.

There are no references to renewable energy storage facilities, specifically battery storage facilities. However, there was a recent announcement in the media that guidelines will be released by the province.

Aviation Safety Hazard

Land uses which may cause a potential aviation safety hazard in relation to airports are now prohibited, whereas previously they were discouraged.

Cultural Heritage and Archaeology

PPS, 2024 strengthens the Cultural Heritage and Archaeology policies by requiring planning authorities to engage “early” with Indigenous communities when identifying, protecting and managing not only archaeological resources but also built heritage resources and cultural heritage landscapes.

Economy and Energy Conservation

It is noted that the previous section on Long Term Economic Prosperity has been removed. There is no explanation as to why this section was dropped. In addition, the section on Energy Conservation, Air Quality and Climate Change contains fewer policies.

There is no specific reference in the PPS, 2024 to short term rental accommodation. It is noted that the appeal of Lakeshore's short term rental accommodation by-law amendment included reference to the section on Long Term Economic Prosperity as one of the reasons for the appeal.

Transition

The Province posted a consultation notice on the Environmental Registry of Ontario website requesting feedback as to whether transition regulations are needed to implement the PPS, 2024. The posting closed on September 20, 2024. If transitional regulations are released, it may impact development applications that are currently under appeal.

Conclusion

The new policies outlined in the PPS, 2024 will require the County of Essex and the Municipality of Lakeshore to review the policies in both the proposed County Official Plan and the Lakeshore Official Plan documents to consider whether changes are needed to ensure consistency with the new PPS, 2024. In addition, the Lakeshore Zoning By-Law may also require changes to implement the new policies of the PPS, 2024 particularly after guidance documents have been released concerning the prime agricultural areas. The Lakeshore Planning Division will look to the County planning department for direction and support on when the Lakeshore Official Plan review should occur, as it is tied to the timing of when the County Official Plan review will go into effect. Overall, the various new policy changes trigger the need for Administration to review procedures to efficiently process development applications and analyze the financial impact of these changes.

Financial Impacts

The Planning Services Division is anticipating that there will be an increased number of planning applications as a result of the new PPS, 2024 policies, especially with respect to expanding settlement area boundaries and employment area conversions. This will create revenue for the municipality in the form of planning application fees. However, due to the technical nature of these more complex applications, it is expected that the review time from staff will be much longer and require more work. Further, due to additional residential dwellings (e.g. ARUs) now being permitted in prime agricultural areas, the Municipality can expect to see an increase in the number of building permits issued and an increased population growth in the rural areas of Lakeshore.

Report Approval Details

Document Title:	Changes to Land Use Planning in Ontario under the Recently Approved Provincial Planning Statement, 2024 (PPS, 2024).docx
Attachments:	
Final Approval Date:	Sep 19, 2024

This report and all of its attachments were approved and signed as outlined below:

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