



November 27, 2020

All Dufferin County municipalities

### **RE: Concern about MZO applications across Ontario**

Like you, we want to ensure that Ontario is home to a prosperous economy, with jobs close to home and housing that is attainable for all. At the root of that goal is an understanding that we cannot achieve our ambitions without a healthy environment, nor without full participation by and consultation with community members. As outlined in a government briefing document about the Planning Act, the purpose of the act is “to promote sustainable economic development in a healthy natural environment within a provincial policy framework, provide for planning processes that are fair by making them open, accessible, timely and efficient, and to encourage co-operation and coordination among various interests.”

However, changes to the Planning Act, brought about through Bill 197, have turned a once rarely used tool, a Minister’s Zoning Order (MZO), into a supposed fix-all that expedites development applications and changes to zoning. The concern we have is the use of such a tool in places like Dufferin County where there are robust local planning controls and bylaws and where the application of it reduces or eliminates the open and accessible goals of the planning process outlined above.

Some key impacts as a result of an MZO

#### Minister Zoning Orders Reduce Municipal Influence and Control

MZOs essentially take a short cut by imposing zoning controls that override any municipal policy that could conflict with the new zoning. This means that bylaws that were put in place to protect local economies, water resources or sustainable planning can now be overridden. This is not a nuanced tool where you can keep some things in force while others will be ignored.

Once a MZO is issued, the municipality is relegated to site specific approvals to implement the MZO, leaving municipal councils without much recourse or ways to adjust course. If a large public concern comes forward, councils cannot revoke the MZO once it has been issued. There is no opportunity to request further studies or to reject the work underway beyond site plan control and permitting. So when councils use or support an MZO, they need to be aware that, come what may, they are forfeiting a lot of control which is normally there to address public concerns.

#### Minister Zoning Orders Eliminate Genuine Public Consultation

Public consultation is a statutory requirement under the Planning Act when engaging in certain activities such as official plans and official plan amendments. It is expected that the public

consultation process allows residents to share their concerns and vision for the project or ask questions of technical experts. However, once a MZO is issued, the components that are generally a public concern (water, land use, environmental concerns, traffic, archeological concerns, impacts on neighbouring properties or businesses), and are guided by a statutory consultation process, are considered settled. A municipality may choose to still engage the public, but the impacts of that consultation are quite limited and mostly irrelevant under a MZO.

### Minister Zoning Orders Do Not Consider Impacts to Local Economies

As previously mentioned, MZOs do not require fulsome study or technical reports for approval. That level of detail is at the behest of the municipality. It seems to make little sense to ensure full protocol is followed under a MZO when the tool is there simply to bypass and overrun the standard planning process. As a result, MZOs can be issued without any clear understanding of the impact that they have on existing economies.

Of note, the Ontario Federation of Agriculture (OFA) has been outspoken about the use of MZOs and how they impact agriculture. "...OFA expresses its deep-seated concerns with the recent proliferation of Municipal Zoning Orders (MZOs) issued for municipalities with robust planning systems, Official Plans and Zoning By-laws. We are seeing MZOs issued for municipalities with robust planning systems at a frequency never-before seen. This frequent use undermines Ontario's long-established system of land use planning under the Planning Act, Provincial Policy Statement (PPS) and municipal Official Plans and Zoning By-laws." We have included the full letter at the end of this document for you to understand their full position.

OFA is not the only farming body that opposes the use of MZOs. Ontario Farmland Trust and the Christian Farmers' Federation of Ontario (CFFO) have also made public statements and written letters to the province outlining their concern about MZOs and their impact on agriculture for good reasons. Since agriculture is a key component of our rural economies and the provision of our food, it should make councils pause to know voices concerned about food security and our agricultural community have expressed such opposition to MZOs.

### Minister's Zoning Orders Do Not Include Thorough Study of Environmental Impacts

It is our understanding that a MZO is determined to be in conformity with the host municipality's Official Plan since there is no appeal process to deem it in conformity outside of minor variances. Without the necessary study to determine and ensure conformity with local, regional and provincial policies, what levers will the municipality have to ensure conformity? How will a municipality protect biodiversity with a MZO? How will a municipality enact provincial legislation on a site when those policies have virtually been ruled moot? How will a municipality assuage concern about water quantity and quality when it doesn't have a proper assessment of site specific impacts to contemplate? How does a municipality reconcile climate action when it removes arable lands, forests and wetlands - key elements to help prevent flooding and mitigate the impacts of climate change? What sort of liability will the municipality face when it does not have the necessary studies to ensure that its decision making is consistent with protecting public health and our shared environment?

Recent examples of MZOs issued in the province demonstrate that even Provincially Significant Wetlands (PSW) - one of the last ecological features that were strongly protected from site alteration, are now viable locations for warehouses and housing. Through MZOs, we have lost at least 6 PSWs within the last year. Most of Ontario's ecological features are much less protected in policy than PSWs. So if we know that MZOs can override these provincial treasures, what

hope is there to protect our forests, unevaluated wetlands, river valleys or other sensitive habitats?

A MZO sends a very clear message to the public - private interests override the public interest. Without the due process to demonstrate that proper studies have assured it is a net benefit to the community and without ensuring that local concerns are heard in a meaningful way, it's easy to come to that conclusion. Moreover, knowing the high level of public concern about climate change and environmental protection, choosing sprawl and infrastructure over nature may well backfire on councils who are under the assumption that housing is their constituents' main concern.

### Minister Zoning Orders Remove the Certainty from Phased Development and Planned Infrastructure Investments

Although the province had once said that the MZO was only eligible for "shovel-ready" projects, the reality is that many of the MZOs considered or requested are far from "shovel-ready". In some cases, new applications without proper technical study are jumping the queue in the approval process. This disrupts the certainty that landowners, who have been following the process, were promised. The message that gets sent is that there is no advantage to following the process. How does a municipality assuage landowner concerns about timelines for planned infrastructure investments if now they're competing against new developments that have hopped over them in the approval process?

We are asking your municipality to not request or approve any MZO that comes before your council. The cost to local democracy, regional planning, environmental protection and smart growth is too great. MZOs breed chaos, not prudent planning.

We are also asking that your Council pass the following resolution:

THAT (name of your municipality) supports the Province developing criteria that a municipality must meet prior to requesting an MZO;  
AND FURTHER THAT part of the qualifying criteria must include public consultation;  
AND FURTHER THAT the a copy of this resolution be forwarded to the Premier of Ontario, Minister of Municipal Affairs and Housing, Sylvia Jones MPP

Submitted on behalf of the Board by Karren Wallace, Chair  
North Dufferin Agricultural and Community Taskforce (NDACT)

Box 875  
Shelburne, ON  
L9V 3M1  
[info@ndact.com](mailto:info@ndact.com)

CC:Premier Doug Ford [doug.fordco@pc.ola.org](mailto:doug.fordco@pc.ola.org)  
Minister Steve Clark [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)  
Sylvia Jones, MPP [sylvia.jones@pc.ola.org](mailto:sylvia.jones@pc.ola.org)  
Association of Municipalities of Ontario  
Simcoe Greenbelt Coalition  
AWARE Simcoe  
Environmental Defence

## **BACKGROUND - NDACT**

North Dufferin Agricultural and Community Taskforce (NDACT) is a grassroots group formed in 2009 by local farmers and residents to defend Melancthon's prime farmland at the headwaters of 5 rivers from a proposed mega-quarry. An outline of the proposal is attached as Schedule A. After a successful campaign, NDACT continues to fight for farmland and source water by developing awareness, encouraging people power, and by promoting better legislation. Food & Water First is a campaign of NDACT.

### **FACTS:**

*"Only about 10,800 hectares of the 56,200 hectares available was developed between 2006 and 2016-leaving 80% of land still available."* (source: Neptis Foundation)

*"Ontario is home to almost 46,900 farms that grow more than 200 agricultural commodities. Ontario's family farm and food processing businesses contributed \$47.5 billion each year to the province's economy supports 837,000 jobs. Agriculture and agri-food processors are the number one economic contributor to Ontario's overall economy. (Source: October 7, 2019 Province of Ontario news release)*

*"...prime agricultural lands, Classes 1, 2, and 3 and specialty croplands, are a very limited resource in Canada. Only 5% of the Canadian land mass is made up of prime land. Only 0.5% of it is Class 1. 50% of that land is in Southern Ontario and 20% of that is Class 1-the best of the best and extremely rare. (Source: <http://www.neptis.org/publications/agriculture-central-zone/chapters/where-are-significant-agricultural-lands-located>)*