



November 21, 2012

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**Provincial Policy Statement Five Year Review: Public Consultation on  
Draft Policies and the Review Cycle for the  
Provincial Policy Statement**

Dear Sir:

The Ontario Professional Planners Institute (OPPI) would like to thank the Ministry of Municipal Affairs and Housing for the opportunity to make the attached submission on the *Provincial Policy Statement Five Year Review: Public Consultation on Draft Policies and the Review Cycle for the Provincial Policy Statement*. As key stakeholders in Ontario's planning system we are pleased to provide these comments.

The Ontario Professional Planners Institute is the recognized voice of the Province's planning profession. Our almost 4,000 members work in government, private practice, universities, and non-profit agencies in the fields of urban and rural development, urban design, environmental planning, transportation, health, social services, heritage conservation, housing, and economic development. Our Members meet strict practice requirements and are accountable to OPPI and the public to practice ethically and to abide by a Professional Code of Practice. Only Full Members are authorized by the Ontario Professional Planners Institute Act, 1994, to use the title "Registered Professional Planner" (or "RPP").

[www.ontarioplanners.on.ca](http://www.ontarioplanners.on.ca)

We would welcome an opportunity to meet with you and your staff to further discuss our submission or answer any questions that you may have about it. To schedule a meeting or for further information, please contact Loretta Ryan, MCIP, RPP, Director, Public Affairs at (416) 668-8469 or by e-mail at [policy@ontarioplanners.on.ca](mailto:policy@ontarioplanners.on.ca)

Sincerely,

A handwritten signature in black ink that reads "Mary Lou Tanner". The signature is written in a cursive, flowing style.

Mary Lou Tanner MCIP, RPP  
President



## **Provincial Policy Statement Five Year Review: Public Consultation on Draft Policies and the Review Cycle for the Provincial Policy Statement Comments from the Ontario Professional Planners Institute**

### **Overview**

As key stakeholders in Ontario's planning system, members of the Ontario Professional Planners Institute (OPPI) use and apply the Provincial Policy Statement (PPS) on a daily basis. Perhaps more than any other group, planners interpret and implement the PPS in their work. As promoters of the "public interest" through process, policy, recommendations and the implementation of projects, planners utilize the PPS as a foundational document.

OPPI commends the authors of the proposed revisions to the PPS for drafting policies which take into account the diversity of interests and challenges within the planning framework of Ontario. OPPI members who participated in the Province's regional meetings and on the various Provincial Working Groups heard the wide range of (often conflicting) issues which the Ministry staff have considered in arriving at draft PPS revisions.

Many of OPPI's comments from its 2010 submission earlier in the process have been reflected throughout the document, and many of the themes promoted through OPPI's Healthy Communities initiative and related Calls to Action are supported by the updated policies. OPPI considers the draft a very thorough and significant improvement on the 2005 PPS.

OPPI sees the proposed changes as refinements and updates to the current PPS, as opposed to a complete re-write and major change to the document. OPPI supports this approach of building on and improving the PPS to adjust areas in need of improvement and to address emerging issues with new policies.

The planning challenges facing Ontario are complex, inter-related and dynamic. OPPI has assembled the following comments, organized by the PPS Questions and then by section number there under, in the spirit of strengthening the document and providing greater clarity.

**Question 1: Do the draft policies provide sufficient direction to effectively protect provincial interests in land use planning?**

**Part III HOW TO READ THE PPS**

**Consider Specific Policy Language**

This new section is helpful, and much of it is adapted from the Infosheet "Applying the Provincial Policy Statement." Additional wording from this Infosheet would also be useful.

Where "*shall*" is used one must address the policy whereas where "*should, promote and encourage*" are used these words are described as enabling or supportive. There are instances where similar policies are addressed with language that is both directive and language that is enabling. An example seems to be in section 1.7.1k where the word "*minimize*" is used where climate change is concerned and in the next major section on climate change, 1.8.1 uses the word "*shall*". While the context is slightly different, the language should be reviewed to avoid confusion.

The following wording is suggested as a solution to conflict between discretionary and non-discretionary policies: "Where policies that allow for discretion come into potential conflict with other policies that allow for discretion, any decision should implement as much of both policies as possible while ensuring that the decision remains consistent with those provincial policies which do not allow for discretion."

**Policies Represent Minimum Standards**

The wording in this section is similar, but slightly different, to the wording in section 4.8. The duplication may not be necessary.

**Part IV VISION**

The following ideas are recommended for incorporation into the Vision section:

- emphasize the effects of land use on quality of life and physical and mental health
- include equal reference to a healthy economy as an important component to achieve sustainability (social, environment, economy); this will balance the paragraphs devoted to natural heritage, public safety, resource conservation, etc.

- a definition of “sustainable” and “sustainability” should be considered to address their differing interpretations
- the role and influence of culture on healthy communities should be noted (the only reference to cultural planning is in section 1.7.1d)

## **Part V POLICIES**

### **1.0**

Add “,” or “and” between “strong” and “healthy” in the title.

#### **1.1.1**

A reference to the design of healthy communities is recommended, along with the connection between the built environment and human health. Policies for healthy community design could be added to section 3.0.

In policy h) it is unclear how “maintain . . . resilience to climate change” would be implemented. Further clarity through a definition may be needed, along with future guidelines as a common point of reference.

A new policy is recommended to the list in section 1.1.1: “protecting the agricultural land base and farmers’ ability to farm.”

#### **1.1.3**

The term “settlement areas” is not italicized in these two paragraphs. Lengthy discussions of interpretation may be avoided if these words referred to the definition.

##### **1.1.3.2.b**

The inclusion of “where this can be accommodated” is considered unnecessary given that these words are included in 1.1.3.3. If this phrase is kept, it is unclear what “this” refers to.

##### **1.1.3.4**

Participants in the planning process struggle with intensification policies with reference to the character of existing neighbourhoods. In the context of these policies, some reference to “measures to enhance compatibility with the character of existing neighbourhoods” would be appreciated.

##### **1.1.3.8**

OPPI supports the changes to the definition of comprehensive review which allow for physical constraints to be considered and the acknowledgment that the level of detail should correspond with the complexity and scale of the proposal.

#### **1.1.4**

The term "rural areas" is not italicized in these two paragraphs. Lengthy discussions of interpretation may be avoided if these words referred to the definition.

The policies demonstrate an increased understanding of the complex socio-economic realities that constitute and play out in rural communities. Continued emphasis on these factors is encouraged in any further adjustments to the policies.

The word ", support" should be inserted after "protect" in the last sentence.

#### **1.1.4.1**

This section is interpreted to include such uses as agriculture on marginal land, hobby farms, home industries, home occupations (e.g., related to the creative economy). If the intent of the policy is otherwise, these types of uses should be included.

#### **1.2.1**

An additional reference to approvals under other legislation would be helpful, such as the Environmental Protection Act or the Green Energy Act where regulations include reference to Planning Act instruments such as zoning. Municipal planning decisions should have regard to these approvals so future decisions don't prejudice the uses or activities permitted by licenses.

An additional reference is recommended on the coordination of land use and transportation planning.

#### **1.2.1h**

The Ontario Housing Policy Statement is not issued under section 3 of the Planning Act. Is the descriptor "provincial policy statement" appropriate?

#### **1.2.2**

Coordinating planning with Aboriginal communities is important. Similar coordination is contained in amendments to the Federal Fisheries Act. Section 1.1.2 could also include a reference to "collaborating, where possible" on planning matters of mutual interest, which would be more consistent with the approach of the Northern Growth Plan.

#### **1.2.6.1**

To provide equal protection of sensitive land uses, consideration should be given to adding "and planned sensitive land uses" at the end of the sentence.

There is some question as to whether “should” ought to be “shall” although it is recognized that some flexibility may be necessary where major facilities are required but in less than ideal locations.

The Environmental Protection Act regulations provide for alternative standard setting using a public process where an industrial operation cannot meet the prescribed standards. Alternative standard setting processes are not that unusual. Where these approvals are in place, municipal planning decisions should not be introducing sensitive land uses within the area affected around facilities where the lower standards are in force.

Some attention should also be given to the science that applies to the situation both from a health risk perspective and from the perspective of what is cost and technology prohibitive where source mitigation is concerned. Perhaps something like additional wording that would suggest when applying this policy, consideration should be given to the Environmental Protection Act certificates that exist, costs and technology available to mitigate nuisances where sensitive uses are introduced in closer proximity to employment uses.

This section should not prevent planning for appropriate and sustainable land uses to support the efficient use of multi-modal transportation systems.

### **1.2.3**

This is a very broad statement to the point of being all-inclusive and yet lacking direction. It is unclear what the relationship of social, economic and environmental planning is with emergency management, when the latter tends to be highly operational.

### **1.3**

Without a change to the definition of employment areas, this term continues to include commercial and institutional uses, despite that the definition uses only industrial examples. The PPS wording should be clear on what constitutes employment uses. The definition affects when a comprehensive review is required for various types of uses.

#### **1.3.2.4**

This section is understood to address, among other things, the need to protect and retain employment areas where they may not be built out or are proposed for other uses within the 20 year planning horizon. A rewording of this policy for greater clarity would be helpful.

#### **1.4**

Housing targets, in particular those for affordable housing, need to be established as part of a regional approach and not set as a uniform standard for each individual municipality. The varied nature of Ontario's municipalities leads to difficulties for small centres and rural areas to meet targets and provide a full range of affordable housing. These policies and definitions are interpreted to provide some flexibility to include a larger regional context which may include neighbouring cities.

#### **1.5**

This section could be strengthened to give further provincial direction with respect to the public realm and urban design. The Bill 51 provisions of the Planning Act provided municipalities additional powers under site plan control to deal with urban design. The amendments to the PPS place an emphasis on healthy communities, compact urban form and active and multi-modal transportation, but limited direction is provided on how this should be done. References would be helpful to such factors as the scale of development, the placement of buildings on site, street amenities, active building fronts, operable front doors, active uses on ground floors, and weather protection, all of which contribute to urban design and walkable communities. Such a policy would complement the other objectives.

##### **1.5.1d**

The term "other protected areas" is ambiguous and expected to lead to disagreements over interpretation. Presumably this term would include national parks, but will it be limited to MNR's traditional meaning of protected areas (provincial parks and conservation reserves), or will it also include areas protected by conservation authorities and municipalities such as conservation areas and private land containing natural heritage features? Further explanation and clarity may be warranted.

##### **1.6.1**

Impacts from climate change are relatively unknown and vary widely depending on the timeframes and scenarios postulated. Thus, the use of "shall" with "considers impacts from climate change" is concerning and difficult to implement. Wording such as "to a reasonable extent" may be helpful in reducing the burden of this policy.

##### **1.6.2.b**

Some interpretation of what "adaptive reuse" means in this context will be required. For example, is this referring to the adaptive re-use of existing facilities for new public service facilities, or is it the adaptive re-use of a facility being vacated?

### **1.6.2.c**

There is a substantial body of work relied upon in American planning circles on green infrastructure. This policy is a good start, should not conflict with the natural heritage policy, and will help implement watershed plans prepared under the Clean Water Act.

Some questions result from the inclusion of natural heritage features in the definition. These features should not be used as infrastructure per se, but may improve the local environment (such as retaining a forested area). Emphasis should be placed on better utilization of natural processes in infrastructure (e.g., naturalized storm water pond, green roofs, etc.).

### **1.6.5.1(b)2**

Many municipalities have maximized the extent to which they can expand or improve services based on the refinement of existing technologies and facilities. In such circumstances rapid population growth and/or more stringent regulations will mean that municipalities will be faced with the dilemma of being unable to finance investment in required new technologies. This policy could be rephrased to emphasize economic viability such as, "Planning for sewage and water services shall ensure that these systems are provided in a manner that, subject to ensuring the economic viability of such services, is technically feasible and complies with all regulatory requirements."

### **1.6.5.4**

The addition of no "negative impacts" to the policy, coupled with the new definition (a) thereof, implies that every new individual on-site sewage and water service will require that these lots meet a higher test than previously required. These requirements may not pose a problem for larger developments where studies are completed (e.g., plans of subdivision) but municipalities will need to determine suitable requirements for individual lot creation (e.g., consents) to satisfy this requirement.

The limitation to "minor rounding out of existing development" will lead to differing interpretations based on the extent of existing development compared to the size of the designated settlement area. Where all of the pre-requisite review has been done, including a determination of "suitable for the long-term provision of such services," this limitation to minor rounding out may not be appropriate in certain cases, such as in small rural and remote communities.

#### **1.6.5.5**

In the area of partial servicing, the Province should consider revisiting the policies that discourage partial services in settlement areas. There are numerous situations where development on partial services has taken place or is deemed to be appropriate (e.g., infill developments, lakeshore areas, hamlets). There are numerous benefits to permitting partial services, including: the efficient use of existing infrastructure; provision of safe drinking water; provision of water for fire protection; and the proper decommissioning of wells. It should be noted that the PPS requires adequate reserve sewage system capacity to be retained where partial servicing (municipal water) is utilized. Experience has shown that where municipal water was installed in rural hamlets and along lakeshore areas, septic systems continued to provide suitable sewage disposal (the concern of over-taxed septic systems did not surface).

#### **1.6.5.7d**

This provision seems difficult to satisfy given that development always "reduces the extent and function of vegetative and pervious surfaces." Perhaps the policy should be: "maximize the use of vegetative and pervious surfaces."

#### **1.6.5.7e**

This section should also reference "infiltration."

#### **1.6.6.4**

The proposed revisions to the policies are clear and the inclusion of active transportation enhances this policy. Consideration should be given to a policy to "encourage planning authorities to establish targets for active transportation."

The notion of complete streets would provide further support to the development of active transportation through comprehensive planning.

#### **1.6.7**

There has been considerable work on the chronic disease risks associated with residential uses along 400 series highways and major arterials. Some municipalities are developing sensitive use guidelines to address these risks. Although the use of noise studies to deal with noise mitigation is a standard practice, many planning authorities may not have the expertise to evaluate and determine the other health impacts from major transportation facilities.

The efficient integration of mixed uses in connection with transportation infrastructure should be encouraged. For example, bus terminals need not

be single storey and single purpose, but could be integrated with other uses which support the efficient use of the system.

### **1.6.8**

In connection with clean air and climate change objectives, a policy should be included supporting the role of rail and marine facilities in reducing wheeled forms of transportation (private automobile and transport trucks). Outside of the Windsor-Ottawa corridor, there is concern with the continued loss of rail facilities.

### **1.6.10**

Municipalities should be encouraged to prevent sensitive uses from locating within the buffer/setback areas of facilities approved under the Green Energy Act. For example, a reciprocal setback of 550 m for proposed dwellings in proximity to wind turbines would be appropriate.

Additional comments related to renewable energy are contained under Question 3.

### **1.7.1(c)**

Full consideration should be given throughout the policies to the importance of downtowns. Many policies can lend support including mixed land uses, infrastructure investments, amenities, public service facilities, etc.

### **1.7.1(k)**

While the concept of “minimizing negative impacts from a changing climate” is supported, it remains unclear how this will be achieved given the inherent uncertainty of the nature and extent of impacts.

### **1.7.1(l)**

This policy is supported but is difficult to achieve under Federal legislation. Communities continue to struggle with appropriate locations for telecommunications infrastructure.

The word “shared” could be added: “encouraging efficient, shared and coordinated . . .”

### **1.8.1**

A policy supporting adaptive re-use of buildings and infrastructure as communities evolve would also support the objectives.

## **2.1**

With respect to the Federal Fisheries and Species at Risk legislation, the PPS 2005 assumed a more synchronized application of this legislation with the

Endangered Species Act and the PPS. It is our understanding the amendments to the Federal Fisheries Act are now in effect and will be amended again with additional sections approved in Bill C-38 after negotiations between Ontario and Federal officials and discussions on regulations. It represents a substantial change from the habitat protection provisions that existed previously and further change will occur as the new policy emphasis on commercial, sport and Aboriginal fisheries is implemented.

Where Aboriginal communities are concerned, the provisions for Aboriginal fisheries may require a much more substantive understanding of traditional harvesting than has previously been undertaken in land use decisions. This comment also applies to the Species at Risk legislation amendments.

It almost requires a "stay tuned" policy that simply says that emerging agreements will very much define how this legislation applies in practice. There should be a statement in the implementation section that Federal legislation will need to be consulted during the application of the PPS.

### **2.1.3**

Policy 2.1.3 is new and different in that it suggests variation may be possible where planning for natural heritage systems is concerned. This provides for different approaches to be used, especially where agricultural lands and perhaps aggregates are concerned. It also moves the emphasis away from 2.1.4 and 2.1.5 and redirects it to 2.1.2 where ecological functions and natural heritage systems are discussed. The current emphasis is on the provisions of 2.1.4 and 2.1.5.

### **2.1.7**

The intention to harmonize with the Endangered Species Act is valid, but why include "federal requirements"? Habitat of endangered and threatened species is still defined solely with reference to the Ontario Act. The species lists under the federal Species at Risk Act do not always coincide with the Ontario lists. And, the federal Act really doesn't require anything, except on reserves and other lands under federal jurisdiction, to which the Planning Act doesn't apply anyway. Members have experience attending OMB hearings where the weight to be given to the status of a species under the federal Act versus the Ontario Act was debated. These changes may cause further confusion.

### **2.3**

In many prime agricultural areas, natural cover has been reduced below the level considered necessary for a healthy ecosystem, while at the same time certain lands may not be used for agriculture. Planning authorities should be

encouraged to promote the re-establishment of natural vegetation where appropriate within prime agricultural areas.

### **2.3.1**

The word "soils" is recommended: ". . . Classes 1, 2, and 3 soils, and any . . ."

Planning authorities with geography containing prime agricultural areas and other areas of non-prime land (CLI 4 – 7) will continue to struggle with defining the boundary between prime agricultural areas and rural areas. It is presumed that this matter is worked out in the local Official Plan with input from the Province.

### **2.3.3**

This section requires a policy allowing for the appropriate re-use of existing lots created and used for former agriculture-related uses which have ceased, or for former public buildings (e.g., rural schools) which have closed. The location and characteristics of these lots may lend themselves to certain non-farm but appropriate uses within the agricultural area. Such re-use does not remove additional land from agriculture, allows for the efficient use of existing infrastructure and buildings, and may foster economic diversification within rural communities. New uses should be restricted to those with a similar or lesser impact on surrounding agricultural operations than the former use.

#### **2.3.3.1**

The definition of on-farm diversified uses has a grammatical error: should be "principal". The reference to small scale is considered problematic with respect to certain uses (e.g., an on-farm winery).

In the definition of agriculture-related uses, "as an exclusive activity" is recommended to be changed to "as the primary activity". "Exclusive" is considered too high a test, and probably insurmountable.

## **2.4**

More detail is needed to discuss how these policies are intended to apply, either in this text or by way of separate implementation policy documentation or guide. The Mining Act contains specific provisions that apply to land uses where subsurface rights are not held with the surface rights. Some discussion as to how these legislated provisions are supported by the wording of these policies would be helpful. For example, the Mining Act addresses situations where coordination of activities between surface and subsurface right holders is required. It would be useful to have collaborative policy in the PPS.

Attention is given to the coordination of decisions where aggregates and other resources are concerned. Is substantive policy needed to address coordination where the protection of petroleum and mineral resources are concerned? There is some discussion of coordination where abandoned mine sites are concerned in Section 3.0, but there isn't specific policy on the protection of petroleum and mineral resources beyond a general statement.

Hydraulic fracturing ("fracking") is a topic of considerable attention where some shale deposits are concerned. Is this a topic that needs to be addressed now and should there be a commitment to this in the supporting documentation?

#### **2.4.3.1**

Add these words to the second sentence: "Progressive rehabilitation is the preferred method and should be undertaken wherever feasible."

#### **2.4.5** (suggested)

Section 3.1.2 precludes development in a floodway. In most rural areas, where one zone floodplain management is in effect, this means that there can be no development and site alteration on any lands which are subject to flooding. There are instances where aggregate extraction is proposed within a floodplain (often gravel and sand deposits are associated with geo-fluvial features - valleys which still contain watercourses). In discussions with the MMAH, MNR and conservation authorities, it has been determined that there is a gap in the PPS in this regard. A suggested policy is as follows.

##### "2.4.5 Extraction in Hazardous Lands

2.4.5.1 Extraction of mineral resources is permitted in hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards, provided that new hazards are not created and existing hazards are not aggravated and provided that no adverse environmental impacts will result."

#### **2.5.3.2**

This policy allows for rehabilitation to mitigate "no negative effect" on natural heritage features and functions. In the prime agricultural areas of Ontario, this policy puts natural heritage at risk, because of the high value of farmland. In many agricultural areas, substantial amounts of aggregates (decades of supply) lie below agricultural land which could be accessed and relatively easily and effectively rehabilitated back to agriculture. In these areas, agricultural lands predominate and natural heritage features are relatively scarce on the landscape. Regional/County aggregate strategies have been developed locally which balance the need for aggregates with appropriate locations for extraction (a priority sequence). The PPS should

give weight to aggregate strategies which take into account local circumstances better than the PPS.

This policy also has potential for conflict without further clarification. "Rehabilitation" is not defined. There are two schools of thought, based on the ARA and the definitions in other policy documents, as to whether rehabilitation is limited to actions within the licensed area, or not. This can be crucial when large-scale initiatives such as woodland replacement are proposed (members have seen tribunal arguments over this). It would be helpful if either through the policy or a definition, it was clarified whether for purposes of this policy, the actions contemplated must be confined to the licensed area, or can take place on the applicant's land adjacent to the licensed area, or anywhere outside it.

#### **2.5.4.1 (b)**

The removal of specialty crop area for aggregate resources should only be permitted if the lands can be restored to pre-extraction capabilities as this is a food resource and a tourism resource in a number of areas within the province. Extraction below the water table should not be permitted in specialty crop areas.

#### **2.6**

There is a great deal of emphasis on protecting archaeological resources, but little direction given in terms of significant built heritage resources and cultural heritage landscapes. The term "shall be conserved" is prescriptive, yet vague. Some additional policy would be helpful here.

#### **3.0**

The preamble states that development shall generally be directed away from areas of natural or human-made hazards. The word generally implies that in some instances development could be allowed within hazardous areas where there is an unacceptable risk to health, safety or property. This change seems contrary to good planning.

#### **3.1.3**

Considering the potential impacts of climate change will become increasingly important. One example of new information needed is updated mapping and policies related to floodplains from conservation authorities. Considering potential effects will be challenging in the absence of science-based information. Managing the transition to new standards will be difficult as large areas of existing development may be identified within natural hazard areas.

### **3.1.5 (a)**

The definition of "institutional use" is very broad, and not the typical type of planning definition for that word. For example, the definition could be interpreted to include residential uses (where there is a threat to the evacuation of certain people). Moreover, the definition appears to exist only for the purpose of section 3.1.5a. This policy should be rewritten and clarified without a related definition.

### **3.1.4.5 (b)**

Similar issues as above arise with this policy. Every type of service could be impacted by flooding, and now fire, police and ambulance are only examples. This policy needs to be tightened and narrowed in scope.

### **3.1.8**

The proposed policies currently suggest (through Section 3.1.8 and the definition of "hazard lands") that development and site alteration may be permitted in "areas being assessed as being high to extreme risk for wildland fire" by MNR, where the risk is mitigated in accordance with provincial standards. This policy will be very difficult to implement as currently constructed. Determining wildland fire risk is a very fluid exercise that is dependent on several terrestrial (e.g. forest cover, forest age) and weather related (e.g. temperatures, rainfall, etc) variables that change from season to season and year to year. It would be impractical to translate this risk into a static land use schedule that can be incorporated into an Official Plan and used as a guide to land use decision making. Without certainty in this area, it will be very difficult to know when to bring the proposed mitigation standards into play when guiding development in the rural area. Perhaps the policy could instead encourage municipalities to incorporate provincial fire mitigation standards under the Firesmart Program into their planning documents and deploy them as part of the approval process when guiding new permanent and seasonal residential development in rural and/or waterfront areas.

### **4.3**

The principle of working within and in cooperation with Aboriginal and treaty rights is supported. To this extent, there is no objection with the policy. However, this statement simply reiterates the law of the land as embodied in the Constitution Act, 1982. Perhaps a general reference to the Constitution Act would be more appropriate, rather than singling out a specific section. There is no hierarchy of provisions in the Act and such should not be implied through the PPS.

#### **4.11**

The word “generally” creates confusion over which document takes precedence. If the PPS is attempting to make the point that there are exceptions, then the following (or similar) phrase should be used: “unless legislation, regulations or provincial plans instruct otherwise.”

#### **Definitions**

Some definitions have been commented on above in connection with related policies.

The definition of “*Adjacent lands(c)*” should also include at the end of the sentence “or based on municipal approaches which achieve the same objective” similar to a) regarding corridors and b) regarding natural heritage above as it appears that municipalities coming up with their own standards regarding petroleum, mineral deposits or aggregate resources is not sanctioned or supported.

The definition of “*Agriculture-related uses*” should read “directly related to ~~the~~ farm operations” to be consistent with the other changes (which are supported). Most uses related to the farm operation (i.e., one farm operation) should remain on the farm itself and not on a separate lot. It is those uses that serve the industry generally that may need to locate in agriculture areas.

The definition of “*Conservation*” has a very specific use, in policy 2.5.2.3 only, but in (b), “the wise use of mineral aggregates” can mean anything, and the example that follows is only an example.

The definition “*Habitat of endangered and threatened species*” could be simplified, because *endangered species* and *threatened species* are already defined within the PPS. The new definition to clarify “habitat” of these species is not clear and difficult to implement in a planning document. The areas in (c) are already part of (a) or (b) and therefore, cannot be habitat twice. We do not define PSWs as also including the areas of the PSW where lily pads grow. Alternatively, and since the material in (c) makes absolutely no difference to (a), it could be included in (b) as an additional explanation (i.e., from “used by members of the species” onwards could be inserted following “feeding” in (b), with “and including areas” in between).

The definition of “major goods movement facilities and corridor” should be clarified to specifically exclude local freight facilities and corridors (i.e. spur lines). While the definition appears to imply this exclusion, being explicit may guide all stakeholders.

The definition for "Minimum distance separation formulae" should remove "amended from time to time" (and any other occurrence of this phrase) and add it as a single statement in Section 4.0 Implementation and Interpretation Section that states that all such references to legal documents or policies are those documents which are amended from time to time.

The definition of Significant, (b): allows the Province to effectively take over the identification of significant woodlands. Municipalities have expended considerable effort and extensive public consultation to develop local approaches with reference to the NHRM. This work should not be undermined as a result of this policy reference to MNR criteria.

The term "Sustainability" has been adopted by many different actors and means many things to many stakeholders. At its core, sustainability has regard to the pillars of a healthy community and requires decisions that reflect on and improve the triple bottom line. A definition would create some clarity for users and decision makers. The same could be said for the term "resilient community".

A definition for "shoreline areas" should be provided for clarification to assist in interpretation.

The definition for "Two zone concept" simply repeats material that is also in the definition of *floodway* and should be removed or clarified as to its intent and/or purpose.

**Question 2: Are there additional land use planning matters that require provincial policy direction and which are not included?**

**Employment Areas**

With regard to employment areas, we appreciate the Province's attempt to take a position on what uses are appropriate in employment areas by separating the previous "Employment Area" section of the 2005 PPS into a new "Employment" section (which could now be read as providing guidance on what uses are employment generators across a municipality/the Province) and a separate/new "Employment Area" sub-section (which could now be read as providing guidance on what uses are employment uses in employment areas). The definition of employment areas should be clarified such that it does not include commercial or institutional uses (otherwise the current confusion continues).

### **Mineral Aggregate Extraction**

With regard to Policy 2.5.3.2, it is unclear as to the timing required for rehabilitation for mineral aggregate extraction within features identified within 2.1.5. This policy could lead to significant harm to such features. There are examples of rehabilitation of aggregate operations today that leave much to be desired. It would be extremely unfortunate if actual rehabilitation negatively affects environmental features which were to be returned or extended by planned rehabilitation.

### **Precedence of other Provincial Plans**

Policy 4.10 of the draft PPS has been structured in a manner that provides less clarity for stakeholders, as it is now unclear how the PPS and other Provincial Plans relate to each other with respect to precedence. Such ambiguity should be removed to the extent possible.

For municipalities subject to a Provincial Plan, it would be helpful if the Province took a position that either: 1) those documents prevail in all instances; or 2) those documents prevail, except in specific instances and the Province should list these for clarity as this will avoid much interpretation challenges in future about what the Province meant by Provincial Plans "generally" prevailing in the case of a conflict (especially as it relates to employment land conversion in Growth Plan for the GGH communities).

For some municipalities, it may be helpful if the Growth Plan for the GGH prevailed in the case of employment areas for GGH communities, and if there was a linkage/policy language stating this in the new Section 1.3.2.

### **Connection between land use / transportation and Public Health**

A stronger connection between land use/transportation and public health is recommended in the PPS. Each should be considered to be separate sections, as well as strengthening the "coordination" section so they are thought of together. The structure of the Growth Plan provides good connections between some of these concepts and could be echoed. There should also be consideration or direction given to what these connections make to the "neighbourhoods" particularly those near or surrounding transit corridors. The stability of neighbourhoods is often a challenge and creates the most significant problems with the achievement of transit-supportive land use. The utilization of walking distances (5 and 10 minute walks, or 400m and 800m) are well-accepted methods of measuring areas of influence and should be utilized in the promotion and establishment of transit-supportive and healthy communities.

## **Downtowns and Main Streets**

The "vitality" of downtowns and mainstreets needs to be emphasized and should have its own chapter/subheading. This is a fundamental challenge, not only to our economy as our economic engines but also to the promotion and achievement of truly mixed use sustainable communities. Development and redevelopment within our downtowns and mainstreets should not be time and cost-prohibitive that investors move on to other areas. It should be encouraged and promoted within the downtowns and mainstreets to secure and retain healthy businesses and places to live in our existing communities.

## **Planning Principles**

The introductory language of the PPS would benefit from the inclusion of good planning principles and/or the fundamental principles upon which the PPS is based. These principles would set a concise foundation for the entire document.

## **Crown Lands**

The policy should address situations that exist especially in northern municipalities where significant amounts of Crown lands exist. MNR's Guide to Crown Land Use Planning suggests that MNR's Crown land use planning only needs to address the intent of the PPS. Many northern municipalities have to address inconsistency in the application of PPS policy where lands in the municipality are under private and Crown ownership and there should be policy that addresses this overlap. There should be a process that ensures consistency between the planning of Crown lands and privately owned lands where the application of PPS policies are concerned, especially where natural heritage policies are concerned. Where lands are without municipal organization, policy 1.1.5, there is potential for greater consistency but not on Crown lands in organized municipalities.

With the re-organization of MNR arising from implementation of the Provincial budget, there may be fewer resources for Crown land use planning and to the attention to detail on the ground. Greater collaboration between municipal and Crown land use planning may help and some policy direction would assist.

The changes in areas in which various natural heritage policies apply complicate the relationship between Crown land and municipal planning.

## **Aging Population**

The new draft PPS doesn't go any further than the current PPS in terms of planning for aging populations. Ontario is about to experience a significant growth in its seniors' population. As people age, their needs and abilities

change. The World Health Organization prepared a guide on age friendly communities some time ago, which is helpful. The PPS addresses housing to some extent, but preparing for an aging population requires a more holistic approach - including addressing community design (walkable neighborhoods - nodes with key services of importance to seniors such as grocery stores, medical centers, public transit node), senior friendly mobility options (public transportation, walkable neighborhoods, etc.) and access to social supports and health care. The Province is currently working on a Seniors Care Strategy through the Ministry of Health and Long-Term Care. The Ontario Growth Secretariat is considering a project which will look at an aging strategy within the Growth Plan. Those working on the draft PPS could consult with these organizations/projects and also the Province's Seniors Secretariat towards a more comprehensive set of policies to address an aging population within the PPS.

More robust policies are required to address the requirements for / needs of healthy and aging communities. With respect to the former, policies pertaining to active transportation, community connectivity, improvements to local food supply/networks, green development/design, etc. are required. With respect to the latter, policies regarding provisions for aging in place, services for elderly, etc. are required. The PPS should contain policies that are reflective of recent studies and statements on these matters by the Ministry of Municipal Affairs and Ontario Professional Planners Institute.

### **Agriculture**

The protection of the right to farm and the need to recognize and/or encourage stewardship on private lands have not been adequately addressed. For example, while the Greenbelt Plan aims to permanently protect agricultural lands, farmers – many of whom have been good stewards - need encouragement and support. This encouragement and support needs to find its way into the revised Provincial Policy Statement.

Some of the most productive lands in Ontario are found in Southern Ontario. In addition to protecting these lands, the right to farm should be protected and negative impacts on farming minimized as much as possible. Attention is needed on the careful balance between environmental protection and the needs of agriculture.

### **Rural Ontario**

There are some additional matters which require policy direction, particularly involving the means to strengthen the socio-economic fabric of rural Ontario (beyond the GTA). These issues are contained in OPPI's Rural Discussion Paper, 2012 which should be consulted in this PPS review.

### **Sourcewater Protection**

Policies relating to sourcewater protection are required and the implications of such to land use planning and development.

### **Food Systems**

Planning for food systems appears to be absent from the PPS. References are made to local food, agri-food, and the protection of farmland, but more is needed on the elements of the food system. Reference should be made to OPPI's Call to Action on Healthy Communities and Food System Planning, 2011 for key policies areas that the PPS should address.

### **Pedestrian oriented development**

Provincial Interest 2(q) – development that is pedestrian-oriented – could be better articulated in the Draft PPS. While there is guidance related to sustainability, climate change, and development that is transit-oriented, additional guidance for pedestrian-oriented development seems to be minimal.

### **Question 3: Do you foresee any implementation challenges with the draft policies?**

#### **Section 2.2**

Section 2.2 addresses the Clean Water Act and the watershed management plans that have been under preparation for some time. These plans have been prepared using terms of reference approved by MOE for each watershed. The legislation and regulations provide for a regulatory system that is intended to address the most significant threats and the onus is on planning authorities implement the plans. We may not have a complete understanding of what the implementation entails because there isn't a great deal of experience with these documents. Some additional wording in the implementation section that acknowledges these documents have been or are being prepared for watersheds across the Province and there may need to be amendments and reviews of planning instruments to implement these plans. Specific reference to that legislation would also assist because this policy cannot be inclusive of every aspect addressed by the Clean Water Act, its regulations and watershed plans.

The same situation applies where the Lake Simcoe Protection Plan is concerned which together with the Northern Growth Plan isn't mentioned in policy 4.11 of the implementation section.

### **Science Based Decisions**

There are significant bodies of scientific literature emerging on healthy communities and climate change. Researchers are analyzing this literature using accepted evaluation practices and introducing built environment standards to address what the science tells us. The PPS is a policy driven document. Where this science is applied to decisions, unless there is approved PPS policy in place, the weight given to it is questionable, if any weight is given at all. There needs to be a general policy in the implementation section that states that the science on healthy communities and climate change should be used where appropriate when decisions are made in the context of approved policy.

### **Stewardship**

Implementation policies should emphasize the importance of conservation and stewardship on private lands.

### **Climate Change / Aboriginal Interest**

The main implementation challenges involve policies directed to 'climate change' and 'aboriginal interests'. Although it is clear that both areas are of particular interest and sensitivity, the proposed language is problematic.

### **Planning Horizon**

It is unclear how the continued 20 year planning time frame complicates the now proposed unlimited infrastructure and public service facilities. While the extended infrastructure planning horizon is supported, it may be difficult to plan infrastructure if the land uses are not known beyond 20 years. Proponents normally need to establish the purpose for proposed infrastructure under the EA Act, and this should be connected to municipal planning documents in some way.

### **Permit System/Conditional Zoning**

Development permit system / conditional zoning policies are recommended which speak to appropriate methods of utilizing development permit systems and conditional zoning (e.g. for use in affordable housing projects).

### **Renewable Energy**

Policy 1.6.10, which encourages planning authorities to promote renewable energy systems, does not reflect the strength enshrined in the Green Energy Act for private proponents of renewable energy projects. The PPS policies should reflect the strength of the Green Energy Act.

## **Implementation and Interpretation**

The suggested changes appear to de-emphasize the role of a municipal Official Plan (OP) by taking the words "the most important" out of Policy 4.6. If the OP is not the most important vehicle to implement the PPS, what is? This change may lead to lengthy legal debates on how to implement the PPS and whether a particular policy should be contained in an OP. The province should re-emphasize the role of municipalities. Perhaps the wording could reference the OP as the primary document to implement the PPS.

## **Growth Plan**

Key terms and definitions used in the Growth Plan such as "complete communities", "municipal comprehensive review", "community infrastructure" and "higher order transit" should be used in the PPS to provide for consistent policy direction and application in the Greater Golden Horseshoe. Alternatively, Implementation Guidelines could be used to integrate these documents, but guidelines would be needed in a timely fashion.

A more direct link would be appreciated with the policies concerning intensification, transit-oriented development, multi-modal alternatives, complete streets, mixed uses and public health. These considerations are intrinsically linked and will achieve more compact, sustainable and healthy communities, particularly in urban areas. These policies should echo the policies and direction with the Growth Plan.

## **Question 4: Is additional support material needed to help implement the Provincial Policy Statement?**

The emphasis on active transportation is excellent. If the intent of this emphasis is to be realized, coordination is required with the administration of the Highway Traffic Act, the transportation engineering profession and public works departments. There is an inconsistency between the policy pronouncements contained in the Provincial Growth Plan and the PPS and the various policy manuals produced to implement the Provincial Highway Traffic Act that could be addressed by a complete streets policy that had the approval of Municipal Affairs and the Transportation ministries. There are significant limits to what planners can do where active transportation is concerned if there isn't collaboration between planners, engineers and public works officials and better direction from a traffic design and management perspective between the Provincial Traffic and Planning Acts where streetscapes are concerned.

All Planning Authorities are struggling with funding the infrastructure that is associated with development of compact communities.

Some of the new policies will present implementation challenges in the short term and additional support material will be needed to assist municipalities with their implementation in the next five to seven years. This is true for the proposed climate change, active transportation and wildland fire natural hazard policies. However, there is existing information that MMAH can build on to develop relevant educational materials to assist municipalities - for example, in terms of climate change, the Clean Air Partnerships 2011 "Protecting Your Community from Climate Change, A Training Program for Ontario Municipalities." The same can be said for the guidance documents published by other organizations including Environment Canada, Natural Resources Canada, National Round Table on the Environment and Economy, and Canadian Climate Impacts and Adaptation Research Network. OPPI is already leading the way on active transportation.

The ongoing review of the D-series land use compatibility Guidelines should be expedited.

**Question 5: Do you think that the legislated Provincial Policy Statement review cycle should be extended from the current 5 year period?**

Although there are differing views on this question among planners, the general consensus is that the current 5 year review cycle is appropriate, provided we recognize two somewhat contradictory constraints:

- the need to respond to changing science in a timely manner (including social science, environmental science, economics, etc.) and
- the need for adequate time to incorporate new policies into municipal Official Plans and other documents, and to monitor and evaluate the results of these policies.

Those favouring the first point will lean towards the current review period or even interim updates on specific issues as necessary, while those favouring the second point will lean towards a longer review timeframe.

There is a practical need to balance policy stability with responding to ongoing change. The current review cycle seems to satisfy that balance.