



October 17, 2019

Minister Steve Clark
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON
M5G 2E5

VIA EMAIL

Dear Sir:

**Re: Comments on the Proposed Amendments to the Provincial Policy
Statement
ERO Posting Number 019-0279**

Please find enclosed the County Planning Department's staff report as presented and supported by Peterborough County Council on October 16, 2019 in response to the proposed amendments to the Provincial Policy Statement.

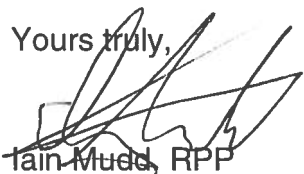
In addition to the report, Council also wanted to bring the following particular points to your attention:

1. With respect to sections 1.2.2 and 2.6.5 and the requirement for engagement with Indigenous communities, Council would like to see financial support provided to municipalities if the Province is proposing to delegate its duty to consult responsibility to municipalities.
2. Section 1.4.3(a) introduces the term "market based needs" however the term is not defined. What does this term mean? The Province should consider providing a definition for clarity.
3. Section 4.7 received a great deal of discussion. Council feels that the Planning Act processes should be further streamlined if we are to truly achieve streamlining the approval process. It is also felt that the Province should invest in automating their Planning process and/or provide grant funding to municipalities to automate processes.

4. Reducing approvals duplication was also seen as the streamlining avenue for the Province to investigate. An example of this would be a stormwater management system for a new Plan of Subdivision. The system would be designed by the developer's engineer. This system would then be reviewed and approved by municipal engineers and Conservation Authority engineers. Once this is complete the developer then needs to apply for approvals at the Ministry of Environment, Conservation and Parks for a certificate of approval where the plans are reviewed yet again. Approvals from MECP can add several months to the approval process considering the plans have already been reviewed by 3 sets of engineers at the municipal level. This level of duplication seems redundant.
5. Lastly, the preamble section outlines that municipalities should also coordinate cross-boundary matters to promote mutually beneficial solutions. It was felt that the Province should encourage employment and residential uses using shared services in rural municipalities on the fringe of urban growth centres. This arrangement could build stronger employment and residential land bases.

Thank you for the opportunity to comment on the amendments to the Provincial Policy Statement. Please do not hesitate to contact me if you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to read 'Iain Mudd', is written over a rectangular box.

Iain Mudd, RPP
Manager of Planning

The County of Peterborough
County Council

To: Warden and Members of Council
From: Iain Mudd, Manager of Planning
Date: October 16, 2019

Subject: PLG 2019-21 Proposed Amendments to the Provincial Policy Statement

Recommendation: That Council receive report from the Manager of Planning and that it be forwarded as the County's response to the Ministry of Municipal Affairs and Housing on the proposed amendments to the Provincial Policy Statement.

Overview

On July 22, 2019, the Ministry of Municipal Affairs and Housing announced proposed amendments to the Provincial Policy Statement (PPS). The amendments are posted on the Environmental Registry of Ontario (ERO) with a comment period ending on October 21, 2019. This report forms the basis of the County's comments on the proposed amendments.

Background

Section 3 of the Planning Act permits the Minister, or the Minister together with any other minister of the Crown, from time to time to issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. The first version of the PPS was released in 1996 and the document has gone through updates since its inception with the most recent revision date being 2014. The new Provincial government took power in the latter part of 2018 and committed to reviewing and updating the document. The current Environmental Registry of Ontario posting (ERO number 019-0279) represents the results of that work.

Analysis

The PPS is applicable to the entire Province. Peterborough County is also located in an area that has additional policy direction through other Provincial Plans (ie. the Oak Ridges Moraine Conservation Plan and The Growth Plan for the Greater Golden Horseshoe).

The PPS directs that these other Provincial Plans are to be read in conjunction with the PPS and that they will take precedence over the PPS to the extent that any conflict arises unless otherwise stated. As a result, the PPS is often superseded by more detailed/stringent Provincial policy direction within our County.

The ERO posting has identified that the changes fall into 5 broad theme areas:

- Encourage the development of an increased mix and supply of housing
- Protect the environment and public safety
- Reduce barriers and costs for development and provide greater predictability
- Support rural, northern and Indigenous communities
- Support the economy and job creation

The County acknowledges changes which we support such as:

- Official Plans should coordinate cross boundary matters to compliment the actions of other planning authorities and promote mutually beneficial solutions
- Broadened policies to enhance support for long term care facilities recognizing needs arising from demographic changes
- Increased/enhanced stormwater management policies to protect water and provide for climate change resiliency
- Enhanced climate change policies to prepare for impacts related to climate change

However there are sections which the County is suggesting changes/clarification:

Section	Comment	Suggestion
1.2.2 and 2.6.5	These sections state that planning authorities <u>shall engage</u> with Indigenous communities and coordinate on land use matters. Court cases have previously ruled that consultation is a duty of the Crown (ie. Federal and Provincial requirement). This policy provides no direction with respect to what level of engagement or coordination is required therefore leaving too much ambiguity. This ambiguity can lead to delays in processing applications which is counter to the Province's desire to "fast track" priority applications as detailed in section 4.7.	The Province needs to clearly define what engagement is so that municipalities can determine if the requirement has been satisfied.

1.4.3(a)	This section has been amended to try and align affordable housing policies with applicable housing and homelessness plans. Revamping policies relating to affordable housing is continuously occurring through each version of the PPS however what is really needed is Federal and Provincial incentives (\$\$) to stimulate the development community to create affordable housing.	That the Province commit to partner with the Federal government to create an increased range of incentives for the development community to stimulate growth in the affordable housing sector.
1.6.6.4	The addition of a new last paragraph in this section states that planning authorities should assess the long term impacts of individual on-site sewage and water services and their impact on the environmental health and the desired character of rural settlement areas and the feasibility for other forms of servicing at the time of an OP update. This would be an onerous and very expensive study requirement, especially considering the number of existing rural settlements that exist throughout the County. New development proposals are currently assessed through appropriate hydrogeological reviews at the time of application submission. This cost is borne by the developer and is the appropriate time for such assessments to be made to determine if rural settlements can expand to allow for more development or whether other servicing scenarios should be utilized.	Delete proposed new last paragraph of the section.

2.1.10	This new policy proposes that municipalities may choose to manage wetlands that are not considered “significant” by the Province in accordance with Provincial guidelines that will be released at a later date.	The policy should be amended to clarify what the word “manage” means in this context or alternatively create a definition which would define the intent of the section.
2.5.2 (2 nd paragraph)	Introduces a new 2 nd paragraph which would permit aggregate extraction to be considered within natural heritage features provided the long term rehabilitation plan can demonstrate no negative impacts on the features or their ecological functions. This was not previously permitted.	Considering that many pits and quarries remain licenced (open) for decades there is a concern that potentially allowing extraction within a natural heritage feature would be counter-productive to the function of such features (ie. species habitat, groundwater recharge areas, flood absorption in wetlands etc.) Trying to recreate/replicate these features and their associated functions decades later seems to be a large environmental gamble. Delete new 2 nd paragraph.
4.7	This section states that planning authorities will support timely and streamlined processes for local housing development by identifying and fast tracking priority applications that support housing and job-related growth and reduce the time needed to process priority applications.	That this section be deleted in its entirety and the Province be tasked with reviewing its own processes and regulations to assist in streamlining the development process.

	<p>Timelines for notice requirements are dictated by Provincial regulation and must be adhered to. The County as a planning authority does not delay approvals once all development criteria (the lion's share of which is established by various Provincial policies) is satisfied. The overly extensive policy environment which has evolved over the last few decades is what has led to lengthy approvals for many developments. Also there is no clarity/criteria on which application would be deemed a priority over another. In essence they are all creating housing or employment in one form or another.</p>	
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In conclusion, the Province has made some positive changes as noted in this report. This report has also outlined sections suggesting they be deleted, refined or clarified. The report should be forwarded to the Province as the County's response to the ERO posting.

Financial Impact

None

Anticipated Impacts on Local and/or First Nations Communities

Issues/concerns identified in this report will have similar impacts/applicability on the local municipalities.

Link to County of Peterborough Strategic Plan Priorities

Community Values and Cultural Identity

In consultation with:

1. Troy Speck, CAO

2. Bryan Weir, Director of Planning

Communication Completed/required:

This report be forwarded to the Province as the County's response to the ERO posting No. 019-0279.

Attachments

None

Respectfully Submitted,
Original Signed by
Iain Mudd
Manager of Planning

For more information, please contact
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