



Regular Council Meeting

To:	Mayor and Council
Date:	October 7, 2019
From:	Karen Ellis, Director of Planning
Report Number:	Planning 2019-42
Subject:	Proposed Changes to the Provincial Policy Statement

Recommendations:

1. That this Report be adopted as the Township's position on the proposed changes to the Provincial Policy Statement; and
2. That the Report be forwarded to the Ministry of Municipal Affairs and Housing as the response to the ERO posting.

Overview:

The Ministry of Municipal Affairs and Housing has initiated a consultation on proposed policy changes to the Provincial Policy Statement (PPS). The changes to the PPS are intended to support the provincial government's housing Supply Action Plan and other land use planning related priorities. There are five (5) primary themes to the review. The themes include:

- increasing housing supply and mix;
- protecting the environment and public safety;
- reducing barriers and costs;
- supporting rural, northern and indigenous communities; and
- supporting certainty and economic growth.

The proposed changes are posted on the Environmental Registry of Ontario (ERO) with a comment period ending on October 21, 2019. The link to the ERO information is as follows:

https://ero.ontario.ca/notice/019-0279?_ga=2.165947646.1729658437.1569613765-1446490274.1527867680

Background:

The PPS is a consolidated statement of the government's policies on land use planning and is issued under section 3 of the Planning Act. It applies province-wide and sets out the provincial policy direction for:

- The efficient use and management of land and infrastructure;
- Ensuring the provision of sufficient housing to meet changing needs, including affordable housing;
- Protecting the environment and resources including farmland, natural resources and water;
- Ensuring opportunities for economic development and job creation;
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards such as flood prone area.

The PPS is the primary provincial land use policy document guiding municipal decision making. The Planning Act requires that decision on land use planning matters be “consistent with” the PPS. Municipalities are the primary implementers of the PPS through policies in local official plans, zoning by-laws and other planning related decisions. Standard practice at the Township of Cavan Monaghan is that Planning Staff provide an opinion on planning matters with regard to consistency with the PPS.

While the PPS provides overall policy direction on matters of provincial interest, other provincial plans also apply in areas of Cavan Monaghan Township. The Township is subject to A Place to Grow – Growth Plan for the Greater Golden Horseshoe (2019), the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan. These Plans must be read in conjunction with the PPS and often take precedence over the PPS where there is a policy conflict.

Analysis:

Report Planning 2019-42 is intended to form the basis of the Township’s comments on the proposed amendments to the PPS. The Report focuses on those policy changes that are key to the Township of Cavan Monaghan.

Market-based range of housing

Sections 1.1.1 b), 1.4.3 and 1.7.1 speak to accommodating an appropriate market-based range and mix of residential types, providing a range and mix of housing options and densities, and encouraging residential uses to respond to dynamic market-based needs. Further, Section 1.1.3.8 a) links urban settlement area boundary expansions to the satisfaction of market demand.

The concern with this type of policy environment is that the range of housing provided may maintain the status quo (i.e. perceived preference for low density housing) and may do little to encourage a move toward increased densities and a broader range of affordabilities. In addition, the Province has not provided any information about what a market-based range of housing means and how is it determined?

There has been a policy framework in place for many years at the Province regarding the mix of housing types, styles and affordability. More policies may not be the most effective means of increasing affordable housing and housing for older persons. Greater financial assistance and incentives from the Province are required.

Recommendations:

1. That the Province provide clarification and guidance on the meaning of “market-based need” and “market demand” and how these terms will be calculated;
2. That the revised PPS policies not be finalized until municipalities and others have an opportunity to comments on the information; and
3. That the Province provide increased funding to develop the supply of affordable and supportive housing.

Climate Change

Sections 1.1.1, 1.1.3.2, 1.6.6.7, 1.8.1, 2.2.1, 3.1.3 all contain references to climate change and preparing for the regional and local impacts of a changing climate. A new definition for ‘Impacts of a changing climate’ has been added. ‘Impacts of a changing climate’ means “the potential for present and future consequences and opportunities from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.”

The recognition that climate change is an issue and should be planned for is positive. However, the proposed policies seem to indicate that further climate change is inevitable and the only option is to address the consequences. There is no policy direction to prevent and avoid further climate change. Policies that lead to the prevention of further climate change are required.

Recommendation:

That the PPS policy framework be revised to include actions to prevent further climate change.

Fast-tracking Applications

Section 4.7 requires municipalities to take action to fast-track priority applications that support housing and job-related growth. Development applications in the Township of Cavan Monaghan are processed in accordance with the requirements of the Planning Act. All applications are a deemed a ‘priority’. If applications for housing and job-related growth and development applications are “fast-tracked” how does that affect the processing timelines for other applications? What if most or all of the applications deal with housing and job-related growth and development? How are the applications to be prioritized? How are the limited resources of the Township applied to effectively deal with expectations?

Recommendation:

That Section 4.7 be removed.

Indigenous Engagement

Sections 1.2.2 and 2.6.5 require planning authorities to engage with Indigenous communities and coordinate on land use planning matters and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources. Additional guidance materials from the Province about the type, level and expectations of engagement required are needed. Additional engagement comes at a cost in terms of time. With Policy 4.7 requiring municipalities to take action to streamline the process for local development by fast-tracking priority applications, the additional engagement requirements may challenge the fast-tracking policy.

Recommendation:

That the Province provide direction, guidelines and/or regulations about the type, level and expectations of indigenous engagement.

Natural Heritage

Section 2.1.10 is a new policy that states that “Municipalities may choose to manage wetlands not subject to policy 2.1.1 and 2.1.5, in accordance with guidelines developed by the Province.” The policy may be an attempt to address the protection of non-significant wetlands. The protection of non-significant wetlands is ecologically important. However, the meaning of the word “manage” is not clear. The policy indicates that guidelines will be developed. Consultation with municipalities on the guidelines would be appreciated.

Recommendations:

1. That the wording of Section 2.1.10 be revised to include clarity on the meaning of the word “manage”; and
2. That the guidelines be developed in consultation with Municipalities.

Sewage, Water and Stormwater

Section 1.6.6.4 states that at the time of an official plan update or review, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the character of rural settlement areas. The policy direction also requires coordination between upper and lower tiers.

An assessment of individual services in rural settlement areas is a good idea in terms of environmental sustainability and the protection of public health. However, the process is potentially time consuming and costly. Funding from the Province to implement this policy would be helpful.

Recommendations:

1. That the Province provide clarification on the expectations for an assessment of the long-term impacts of individual servicing; and
2. That the Province provide funding to help assist with the servicing assessment costs for rural settlement areas.

Employment Areas and Land Use Compatibility

Sections 1.3.2.2 and 1.3.2.3 have been added. Section 1.3.2.2 requires municipalities to assess employment areas at the time of an official plan review to determine that the land use designation is appropriate. The Township is currently completing an employment lands strategy to assist in the assessment of employment areas. The information will be used during the development of the new Official Plan.

Both policies speak to the locational relationship between industrial/manufacturing uses and sensitive land uses. Section 1.3.2.3 requires municipalities to prohibit residential and institutional uses that are not ancillary to the primary employment uses within employment areas. Other than a residence for an owner, caretaker, watchman, the current Township Official Plan does not permit residential or institutional uses in the employment designations.

Recommendation:

That the Township of Cavan Monaghan supports these policies.

Employment Land Conversion

Section 1.3.2.4 permits the conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and there is a need for the conversion.

Section 1.3.2.5 has been added to address the issue of employment land conversions. Conversions of employment lands to non-employment uses may be permitted outside of a municipal comprehensive review provided that certain tests can be satisfied (i.e. there is an identified need for the conversion and the land is not required for employment purposes over the long term, the proposed uses would not adversely affect the overall viability of the employment area, and existing or planned infrastructure and public service facilities are available to accommodate the proposed uses).

This policy is similar to policy 2.2.5.10 of the Growth Plan. However, the Growth Plan policy has an additional requirement that a significant number of jobs be maintained for the converted lands. Township Official Plan policy supports the growth of the employment sector within the Township. As such, the maintenance of a significant number of jobs for converted lands should be supported.

Recommendation:

That Section 1.3.2.5 reflect the Growth Plan 2019 policy that requires the maintenance of a significant number of jobs for the converted lands.

Agriculture

In the Strategic Directions section of the Cavan Monaghan Official Plan, agricultural lands are recognized as an integral part of the economy of the Township. The Township will continue to protect agriculture by ensuring that non-agricultural uses that may have an impact on the viability of farm operations not be permitted.

Section 2.3.6.1 of the PPS has been revised to remove the requirement that non-agricultural uses in prime agricultural areas comply with the minimum distance separation (MDS) formulae. The MDS formulae identify the minimum setbacks between sensitive land uses and livestock facilities. The application of the MDS setbacks provides protection to existing agricultural operations when a new sensitive land use is introduced. To protect the agricultural economy in the Township, compliance with the MDS formulae should be required.

Recommendation:

That Section 2.3.6.1 retain the requirement that non-agricultural uses in prime agricultural areas comply with the MDS formulae.

Financial Impacts:

None at this time.

Respectfully Submitted by,

Reviewed by,

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Director of Planning

Yvette Hurley
Chief Administrative Officer