
PLANNING AND DEVELOPMENT DEPARTMENT

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October 11, 2019

Provincial Planning Policy Branch
777 Bay Street
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Toronto, ON M5G 2E5

**RE: Proposed Changes to the Provincial Policy Statement, 2014
Request for Comments
ERO #019-0279**

To Whom it May Concern;

The Town of New Tecumseth is pleased to provide the attached Council report, outlining the Town's comments regarding the proposed changes to the Provincial Policy Statement, 2014.

Due to the federal election, Council is scheduled to adopt the report on October 23, 2019. Should any changes be made to the comments attached, an updated report will be provided for your review.

Should you have any questions or concerns, please do not hesitate to contact me at any time.

Sincerely,



Madeline Gibson, BA, BURPI
Senior Planner – Policy Planning
Town of New Tecumseth

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Encl.

Cc: Tim Schilling, Manager of Policy Planning
Bruce Hoppe, Interim General Manager of Infrastructure and Development

**Committee of the Whole Meeting
October 7, 2019**

Report #PD-2019-46

PPS, 2014, Proposed Changes by the Ministry of Municipal Affairs and Housing Changes

Recommendation

That Report #PD-2019-46 be received;

And further that staff be directed to provide written comments to the Province regarding the proposed changes to the Provincial Policy Statement, in accordance with staff report #PD-2019-46.

Objective

The objective of this report is to provide Council with information regarding the proposed changes to the Provincial Policy Statement, focusing on the changes that have the greatest relevance to the Town of New Tecumseth, and their impacts.

Background

On July 22nd 2019, the Ministry of Municipal Affairs and Housing posted a notice seeking feedback on proposed changes to the Provincial Policy Statement, 2014 (PPS). The proposed changes are targeted at increasing the supply of housing, support jobs and reducing barriers and costs in the land use planning system. The changes are, in part, the result of the provincial government's housing Action Plan, "More Homes, More Choice: Ontario's Housing Supply Action Plan", which includes a series of coordinated initiatives to address housing supply issues, including a review of the PPS.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It sets out the policy direction for regulating the development and use of land, while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The PPS is issued under Section 3 of the Planning Act. It was first implemented in 1997 and subsequently revised in 2005 and 2014.

The policies of the PPS are implemented through a hierarchy of regional and local land use policies, as shown in Attachment No. 1. The policies of the PPS shape and direct the Town's Official Plan, and ultimately how the Town undertakes land use planning.

The Planning Act requires that decisions on land use planning matters made by the Town, the Province, the Local Planning Appeals Tribunal, and other decision-makers, "shall be consistent with" the Provincial Policy Statement and conform with all other applicable provincial plans that are in effect. These decisions include the development

of the Town's Official Plan and any future amendments, development of the Town's Zoning By-law and any future amendments, Plans of Subdivision, and other development applications.

On May 2nd, 2019, the provincial government adopted A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019 Growth Plan), which replaces the Growth Plan, 2017. These changes were the result of a series of technical working groups with municipalities, developers and stakeholders that reviewed the success and efficiency of the Growth Plan, 2017. The proposed policy changes were communicated to Council in report #PD-2019-05 on February 4, 2019. These changes addressed employment planning, Settlement Area boundary expansions, Rural Settlements, Agricultural and Natural Heritage Systems, Intensification and Density Targets and the Municipal Comprehensive Review Process. The changes to the Growth Plan are reflected, in part, in the proposed changes to the PPS.

Comments and Considerations

The following is a summary of the proposed changes to the PPS, with a particular focus on those changes that will impact the Town and its land use policies.

The major themes of the proposed changes to the PPS 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.

Increasing Housing Supply and Mix

- Increasing the projected land use needs horizon from 20 years to 25 years.

This policy directs municipalities to ensure that they have sufficient land to accommodate an appropriate range and mix of land uses to meet the projected needs of Ontario's communities and the province as a whole. It further identifies that sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas. This policy does not limit the planning for infrastructure, public service facilities and employment areas beyond a 25 year horizon.

Population and employment forecasts for New Tecumseth are detailed in the 2019 Growth Plan. Settlement Area boundaries and intensification targets to support these forecasts are administered, in part through the Town and the County of Simcoe through a Municipal Comprehensive Review. Currently, the population and employment

forecasts laid out in the 2019 Growth Plan do not reflect the proposed changes to the PPS. As there are no transition policies, deadline for the adoption of the proposed PPS or indication that the 2019 Growth Plan projections may be changed to reflect the proposed changes to the PPS, it is not possible for Staff to determine when an expanded horizon may impact Town policies. Staff have reviewed the proposed change and do not have any concerns. Should the proposed change come into effect, the Town will work with the County of Simcoe to update the Town's Official Plan in accordance with the County's Municipal Comprehensive Review to reflect the Growth Plan and subsequently the proposed changes to the PPS.

- Increase the minimum horizon to accommodate housing for current and future residents, at any time, from 10 years to 12 years.

This policy directs municipalities to ensure that, at all times, they are able to accommodate residential growth for current and future residents for a minimum of 12 years. This can be through residential intensification opportunities, redevelopment opportunities, and, if necessary on lands which are designated and available for new residential development. Staff have reviewed this proposed change and do not have any concerns. Should the proposed change come into effect, staff will need to review the current intensification target of 40% that is identified in the Town's Official Plan to ensure that it would support the increased horizon. An Official Plan amendment may be required.

- Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity to provide, at least, a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved registered plans.

Currently, the Town's Official Plan identifies that the Town will provide a three-year supply of residential units. Staff do not have any concerns with the proposed change. However, should the proposed change be adopted, staff will need to work with the County of Simcoe to identify whether this change will be adopted into local policies.

- Relax the requirement for compact form with regard to new residential developments.

The 2014 PPS required that new residential developments taking place in designated growth areas shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. This is no longer a requirement, but is still encouraged.

Staff have reviewed the proposed change and are concerned that it may be more difficult for municipalities to achieve compact, efficient, walkable communities without the strict requirement that these design elements be considered. At this time, the

Growth Plan, the County Official Plan and the Town's Official Plan strongly encourage compact communities. Should the proposed policies be adopted, this may change.

- Relax the requirement for phasing policies to support residential growth.

The 2014 PPS required that phasing policies must be established and implemented to ensure that specific targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated greenfield areas. This is no longer a requirement, but is still encouraged.

Staff have reviewed the proposed change and are concerned that it may be more difficult for municipalities to achieve intensification targets and control new development in designated greenfield areas without the phasing requirement. This may support the continued development of low density greenfield development.

- Provide the ability for Municipalities to support adjustments to the Settlement Area Boundaries, outside of a County led Municipal Comprehensive Review.

Staff have reviewed the proposed change and support the general intent of this proposal. This policy direction has already been implemented in the 2019 Growth Plan and in the Town's Official Plan.

- Introduce the terms Housing Options, Market Demand, and re-introduce Regional Market Area as foundations for supporting residential growth.

Housing Options, as defined in the proposed PPS, means a range of housing types such as, but not limited to, single-detached, semi-detached, row-houses, townhouses, stacked townhouse, multiplexes, additional residential units, tiny homes, multi-residential building and uses such as, but not limited to, life lease housing, co-ownership housing, affordable housing, housing for people with special needs and housing related to employment, institutional or educational uses.

Staff have reviewed the new term, Housing Options, and support the general intent of the change. Previously, the 2014 PPS referred to housing types when discussing residential growth. Housing Types was not a defined term. Staff support the direction to ensure that all types of housing are supported in land use documents, and see this as a way to support thriving communities that cater to a wide-range of needs.

Market Demand is not defined in the proposed PPS, but is used frequently as a basis for supporting residential developments. Staff have reviewed the use of Market Demand throughout the proposed PPS and have concerns that the ambiguous application of this term will make it difficult for staff to ensure new growth supports efficient, compact, walkable communities. Staff are concerned that determining market demand could be challenging and create additional hurdles for development. Staff would be required to

consider a market demand housing study as a component of a residential application, at the expense of the developer, as well as the use of a peer review service, also at the expense of the developer. Staff do not believe that market demand should play a role in land use planning policies, as market demand does not always reflect good planning practice, for the reasons noted above.

Regional Market Area was a defined term in the 2005 PPS, but had been removed for both the 2014 PPS. The term has a slightly altered definition and is being used to describe the area in which housing and economic policies apply. The term is defined as an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market area may be based on the larger market area. Where regional market areas are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

- Broaden PPS policies to enhance support for development of long-term care homes.

The proposed changes to the PPS include the addition of long-term care homes to the definition of Public Service Facilities. Staff believe that the intent of this addition is to ensure that long-term care homes are considered as an essential public service, for those fully or partially funded by the government. The addition of long-term care facilities to the definition of Public Service Facilities provides additional planning opportunities when planning for the province's ageing population. Staff have reviewed this proposed change and support the general intent, however, staff believe that at times, the change may create confusion as to how public service facilities policies are assessed and applied as they typically deal with publicly owned facilities and infrastructure, not privately owned long-term care facilities that obtain partial financial support from the government.

Protecting the Environment & Public Safety

- Enhance direction to prepare for impacts of a changing climate.

The proposed changes to the PPS include a new term, Impacts of a Changing Climate, which has been defined as the potential for present and future consequences and opportunities from changes in weather patterns at local regional levels including extreme weather events and increased climate viability. There are a number of references and policies addressing the impacts of a changing climate:

Staff have reviewed the proposed addition of the term Impacts of a Changing Climate and are generally in support of the change. Climate change was a terms that was not previously defined in the 2014 PPS. The proposed changes increase the number of policies referring to climate change.

However, staff do note that there have been notable policy deletions that relate to climate change mitigation. This includes the PPS Section 1.6.10.1, where the PPS directed municipalities to consider the implications of development and land use patterns on waste generation, management and diversion. Additionally, Section 1.8.1 (f) which encouraged municipalities to promote building design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation.

Staff have reviewed these and other similar deletions and recommend that these types of recommendations be added back to the PPS to show leadership in tackling climate change and encourage municipalities to set design standards and development best practices that focus on sustainability.

- Enhance stormwater management policies to protect water and support climate resiliency.

The proposed changes to the PPS have enhanced the existing stormwater management policies by adding that planning for stormwater management must be:

1. Integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
2. Minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater; and,
3. Promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency and low impact development.

Staff have reviewed the proposed changes and are in support of the strengthened stormwater management policies. At this time, the Town's Official Plan contains strong stormwater management policies that would align with the proposed changes to the PPS, and as such, the Town supports a strengthened focus on stormwater management in infrastructure planning.

- Promote the on-site local reuse of excess soil.

Proposed changes to the PPS include encouraging planning authorities to support, where feasible, on-site and local reuse of excess soil through planning and development approvals while protecting human health and the environment.

Staff have reviewed the proposed change and generally support its intent but are concerned that it may be something that is difficult to enforce. However, it may be something that the Town could implement through the Site Alteration and Fill By-law.

- Provide new, voluntary management approach for managing local or regionally-significant wetlands that are not identified as provincially significant.

Staff have reviewed the proposed change and are in support. This addition will provide municipalities with greater ability to manage the health and vitality of local wetlands beyond those identified by the province. This can help municipalities mitigate impacts of climate change with regard to water resource management.

Reducing Barriers & Costs

- Require municipalities to take action to fast track development applications for development proposals that support housing and job-related growth.
- Make minor changes to streamline development approvals to support a reduction in the time needed to process residential and priority applications.

Staff support efforts to streamline approval processes and increase efficiency in order to reduce barriers and encourage development. However, staff do not support the directive to prioritize certain applications over others. The proposed PPS does not provide criteria that identifies which applications should be considered priority. Municipalities would be required to develop their own policies to determine this. Staff believe that such a policy may create an unequal and unjust development environment.

Staff also note that development application review times have already been reduced through approved changes to the Planning Act. Currently, staff must review site specific Official Plan amendments within 120 days, Zoning By-law Amendments within 90 days and Plans of Subdivision within 120 days. In order to provide a comprehensive review of development applications, staff work closely with internal departments as well as external agencies such as local Conservation Authorities and provincial ministries, within the mandated timelines. Further reductions to these timelines may be unrealistic.

Supporting Indigenous Communities

- Enhance municipal engagement with Indigenous communities on land use planning to help inform decision-making, build relationships and address issues upfront in the approvals process.

The proposed PPS includes enhanced policies regarding the Duty to Consult with Indigenous communities, directing that planning authorities must engage with Indigenous communities and coordinate on land use planning matters.

Staff acknowledge that the Town of New Tecumseth is located on traditional Anishinaabe lands under Treaty 18, and as such, welcome the strengthened policies pertaining to the Duty to Consult, giving the policies more legitimacy. Currently, the Town's Official Plan includes policies regarding the Duty to Consult.

Supporting Certainty and Economic Growth

- Encourage municipalities to facilitate conditions for economic investment.

Proposed changes to the PPS direct planning authorities to promote economic development and competitiveness by facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites and seeking to address potential barriers to investment.

Staff have reviewed these proposed changes to the PPS and support the new direction. The Town's Official Plan contains a number of economic land use policies to support economic growth. However, should the proposed changes to the PPS be approved, staff can look at new ways in which the Town may be able to incorporate this proposed policy addition. This may include an update to the Town's Official Plan, as well as the Economic Development Strategic Plan.

- Provide municipalities with greater control over employment area conversions to support the forms of development and job creation that suit the local context (current and future).

Proposed changes to the PPS permit the conversion of employment areas to a designation that permits non-employment uses, provided the area has not been identified as provincially significant. There is proposed criteria laid out to facilitate this policy. The intent of this change is to maximize the use of those employment lands that may be underutilized due to encroaching land use compatibility issues. As the Town has recently undertaken an Official Plan review, this has already been considered in our new Official Plan policies. Staff have reviewed this proposed change and are in support.

- Provide enhanced direction for land use compatibility and stronger protection for major facilities such as manufacturing and industrial uses where non-employment uses are planned nearby (i.e. buffering uses from new sensitive uses)

Throughout the proposed PPS, language has been strengthened to clarify land use compatibility policies. In particular, land use compatibility policies regarding Major Facilities, as defined and now include manufacturing uses, have been strengthened. The proposed policies indicate that Major Facilities and sensitive land uses must be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities.

Staff have reviewed the proposed changes and are in support. The adoption of these proposed policies will require staff to review the Official Plan Employment Area

permitted uses to ensure that only employment uses are permitted. An Official Plan Amendment may be required to bring the Town's Official Plan into conformity with these proposed policies.

Additional Proposed Changes

Beyond the themes identified above, additional changes have been proposed for the PPS and are worth noting.

Section 4 of the 2014 PPS lays out a number of implementation policies. Proposed changes to the PPS have removed original sections 4.2, 4.7, 4.8, 4.10, 4.11, 4.12, and 4.13 from the policy itself and have inserted them into the introductory paragraphs of the plan and the preamble. These policies lay out how the PPS is to be interpreted and implemented.

Staff have reviewed the changes to these sections and are concerned that there is a lack of impact or enforcement by removing the original Implementation policies from the policy itself. As introduction paragraphs and preambles generally do not hold legal status, staff are concerned that this change weakens the legal authority of the policy itself. Staff recommend that these policies be reinstated.

Conclusion

The Ministry of Municipal Affairs and Housing has requested feedback from municipalities on the draft changes to the PPS. The Ministry is seeking feedback to the following questions:

1. Do the proposed policies effectively support goals related to increasing housing supply, creating and maintain jobs, and red tape reduction while continuing to protect the environment, farmland and public health and safety?

While staff agree that the addition of the term Housing Options provides a wide variety of residential types and organizational structures, staff are not confident that the proposed Provincial Policy Statement will have a significant impact on increasing the housing supply. Through the addition of the term market demand into residential development analysis, staff are concerned that residential communities will not be planned for environmental sustainability.

Staff generally support the proposed changes to economic policies that support better land use compatibility between major facilities and sensitive land uses.

Staff do not support the initiatives to prioritize certain applications and fast track applications for the reasons identified above. Staff will always support efforts to streamline approval processes and increase efficiency in order to reduce barriers

and encourage development. However, staff do not support the directive to prioritize applications over others. Such a policy may create an unequal and unjust development environment.

2. Do the proposed policies strike the right balance? Why or why not?

Staff have reviewed the proposed changes to the Provincial Policy Statement and identify that further work should be done, based on stakeholder and public consultation, in order to strike the right balance.

3. How do these policies take into consideration the views of Ontario communities?

With regard to the Town of New Tecumseth, staff believe that the proposed changes to the Provincial Policy Statement require additional review to accurately reflect the needs of this community.

4. Are there any other policy changes that are needed to support key priorities for housing, job creation and streamlining of development approvals?

Staff believe that additional resources allocated to provincial ministries and Conservation Authorities in order for these agencies to complete necessary reviews in a timely manner would support the key priorities of the government.

5. Are there other tools that are needed to help implement the proposed policies?

Should the proposed changes to the Provincial Policy Statement be approved, further clarity must be provided regarding the term Market Demand.

In conclusion, staff believe that further consultation is required to ensure that any future changes to the Provincial Policy Statement are clear and support healthy sustainable communities for generations to come. Staff recommend that the comments outlined above be sent to the province in accordance with Report #PD-2019-46.

Financial Considerations

There are no financial considerations as a result of this report.

Respectfully submitted:



Madeline Gibson B.A. BURPL
Planner

Attachments:

- [Figure 1 - Planning Policy Hierarchy](#)
- [Proposed PPS Changes - Breakdown EDITED](#)
- [PPS 2019 Placemat](#)

Approved By:

Bruce K. Hoppe, MCIP, RPP,
Interim GM, Infrastructure &
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Blaine Parkin, P. Eng., CAO

Department:

Planning

CAO

Status:

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