

June 9, 2023

RESPONSE TO PROPOSED PROVINCIAL PLANNING STATEMENT

April 6, 2023 Environmental Registry of Ontario Posting # 019-6813

Dear Minister Clark:

On behalf of Landlab Inc., I would like to congratulate you and your team at the Ministry of Municipal Affairs and Housing on the proposed consolidation of the Growth Plan and Provincial Policy Statement into a new Provincial Planning Statement. I would also like to thank you for this opportunity to comment on the proposed changes to the provincial planning system.

Landlab supports your government's commitment to removing barriers to the construction of new housing while promoting sustainable land use policies. Landlab also appreciates the challenges your Ministry faces in adopting a Provincial Planning Statement that establishes policies for the entire province while balancing the diverse roles Ontario's 444 municipalities must play: large, urban fast-growing municipalities; smaller, more rural municipalities; northern municipalities; and resource-based recreational communities.

As we have seen, there is simply no way to build attainable housing for families under the rules which were established in very different housing and infrastructure contexts—where population growth was comparatively scarce, land was cheap, and efficient use of infrastructure was barely considered. Ontario needs new, attainable, ground-oriented housing that includes many different typologies and is built at densities that optimize the use of the land and the services required to support complete communities.

Your government has acknowledged these needs and we are confident that your proposed changes to the Growth Plan and the Provincial Policy Statement set out practical, substantive measures that will make positive contributions to growth across the whole province. Growth should not be concentrated solely in urban municipalities as policy has dictated for more than a decade. Nor should rural development be limited to the estate lot-style development that has dominated the rural landscape and ignores the historical characteristics upon which rural communities were built. Your government clearly understands this.

We appreciate that your Ministry has included provisions in the draft Provincial Planning Statement which will permit the creation of new settlement areas to support the delivery of new complete communities. This is an important change to the policies that have long restricted this type of development across the province. In addition to relieving pressure for growth in and adjacent to urban centres, there will be many cases, such as our Lakeport Beach project, where communities will be able to harness resource-based recreation areas for the provision of both homes and broader economic growth. These communities would offer new permanent housing that takes full advantage of the remarkable and varied recreational resources in the Province, and can help you meet your commitment to build 1.5 million new homes by 2031.



We are concerned, however, that, as currently drafted, some of the consolidated policies do not provide clear direction that new settlement areas, such as Landlab's Lakeport Beach resource-based recreational community, should be approved. Therefore, we would ask that a number of modifications be introduced to clarify the importance of, and provincial support for, these types of communities.

Please find our full set of comments on the new PPS appended to this letter for your consideration. In short, to further enhance the new PPS, we believe you and your Ministry may wish to consider the following:

- **Further recognizing the role of resource-based recreational communities** including the efficient use of land in these communities, to maximize the benefits for people and the economy.
- **Highlighting the importance of resource-based recreational areas** in rural areas when considering new developments.
- **Defining agricultural areas** in a way which protects the most valuable farmland, while ensuring that municipalities cannot block needed growth when considering new settlement areas.
- **Expanding the definitions of rural areas and settlement areas** to include specific references to resource-based recreational uses – an important part of growing Ontario's housing supply and economy.

Landlab believes that these small changes to the new PPS would help to ensure that more housing gets built faster, while encouraging growth in areas where it is logical.

Also of concern are the provisions of Section 7.2 of the Planning Act, R.S.O. 1990, c. P.13 which prohibit any appeal of applications to alter all or any part of the boundary of an area of settlement in a municipality, or to establish a new area of settlement. This would, effectively, allow any municipality to refuse any application to create a new resource-based recreational community no matter how sound the planning rationale, nor how evident the economic benefits, leaving any applicant with no appeal rights at all.

As was set out in my letter to your office dated December 16th, 2022, for nearly 25 years we have designed, built, promoted and enhanced beautiful places. Today, our company is known for creating exceptional communities, and we are committed to developing a resource-based recreational community at Lakeport Beach, along the shores of Lake Ontario in Alnwick/Haldimand. Lakeport Beach can, and should, make an important contribution not only to the provision of housing, but also to optimizing an exceptional recreational resource. We believe that the community can deliver the following significant benefits:

Providing attainable housing

Lakeport Beach is committed to providing 800 new homes and creating a sustainable community by 2031 in line with your government's pledge to deliver 1.5 million new homes. The project would feature a broad mix of housing types that includes single and semi-detached units, townhomes, stacked townhomes, apartments, bungalows and seniors' units. It would include housing for old

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and young alike, affordable for new homebuyers and downsizers. We are also committed to enhanced affordability and will offer 10% of homes at 10% less than the market value.

Expanding the local tax base and growing the economy

Lakeport Beach will add \$4.3 million in new annual tax revenue to Alnwick/Haldimand Township and Northumberland County, according to the conservative estimates provided by Altus Group. Additionally, \$8.2 million in development charges will be paid to the Township and \$2.3 million to the County. The project will create 2,080 person-years of employment during construction, representing \$97 million in wages for trades over the build-out of the project. After construction, Lakeport Beach's residents will spend \$40 million per year in the community, which will mainly go to existing local businesses. To enable the project, 100% of the capital cost of the water and wastewater treatment infrastructure will be paid directly by the development, with ongoing operations and maintenance 100% funded by users of the systems.

Creating recreational opportunities along the shores of Lake Ontario

The protection of the waterfront and creation of access to the beach and lake are at the heart of our design for this new community. Over 1.3 kilometres of beach will be made available for public access, and 40% of the community will be maintained as greenspace—Lakeport Beach will be a true resource-based recreational community. However, in order to be a complete community and to help meet the Province's housing targets, it cannot and should not be focused solely on seasonal residents.

Working together to build more homes

We appreciate the opportunity to provide feedback on Ontario's new Provincial Planning Statement. Landlab shares your government's enthusiasm for finding practical solutions which can speed up the delivery of housing, and which move the Province closer to its goal of 1.5 million new homes over the next decade.

We respectfully submit the following modifications to the draft Provincial Planning Statement for your consideration, and we would be eager to participate in any further dialogue to help advance the changes that your government is proposing.

Sincerely,



Sean McAdam
President
Landlab Inc.



RECOMMENDED AMENDMENT TO THE PLANNING ACT

At the next opportunity, we recommend that the Province amend Section 7.2 of the Planning Act, R.S.O. 1990, c. P.13 to allow proponents of new recreation-based settlement areas to appeal municipal refusals of their applications.

REQUESTED MODIFICATIONS TO THE PROPOSED PROVINCIAL PLANNING STATEMENT

The following recommendations pertain specifically to the proposed new Provincial Planning Statement. Landlab respectfully provides the following eight (8) recommendations to recognize resource-based recreational communities under the categories of: 1. Policies, and 2. Definitions.

1) POLICY RECOMMENDATIONS:

Across Ontario, existing rural settlement areas are typically older, smaller, and have fewer opportunities to attract economic activities that drive growth and support housing production. Some of these communities do, however, have recreational resources such as lakes and ski hills that draw people to the area. While these resources are natural economic drivers for growth and new housing, their development, to date, has been hindered by previous long-standing policies.

Provincial policies which would promote the development and efficient management of resource-based communities and resource-based recreational communities near these important assets would directly support several of the Province's goals for economic growth and the production of housing. These include policies which support:

- The construction of more homes, which would help meet the need for housing which is accessible for young people who want to stay in rural municipalities;
- The delivery of different housing typologies in rural areas which target different market segments, from young families to retirees, and support the community;
- More opportunities for economic growth in rural areas which capitalize on existing natural assets, and which can expand the rural tax base and support local businesses.

To support these goals, we provide the following 6 recommended changes to the draft *Provincial Planning Statement*.

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RECOMMENDATION #1

We recommend that Policy 2.3.1 be expanded to make a clear distinction between urban and rural settlement areas.

POLICY AS CURRENTLY DRAFTED

2.3 Settlement Areas and Settlement Boundary Expansions

1. *Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*

PROPOSED AMENDMENT

2.3 Settlement Areas and Settlement Boundary Expansions

1. *Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas. **Rural settlement areas should include resource-based recreational communities and should be designed at densities which optimize the provision of housing and support economic growth.***

RECOMMENDATION #2

We would ask that a specific reference to recreation resources be included in Policy 2.3.2.

POLICY AS CURRENTLY DRAFTED

2.3 Settlement Areas and Settlement Boundary Expansions

2. *Land use patterns within settlement areas should be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) optimize existing and planned infrastructure and public service facilities;
 - c) support active transportation;
 - d) are transit-supportive, as appropriate; and
 - e) are freight-supportive.*

PROPOSED AMENDMENT

2.3 Settlement Areas and Settlement Boundary Expansions

2. *Land use patterns within settlement areas should be based on densities and a mix of land uses which:
 - a) efficiently use land and resources **including recreation-based resources;**
 - b) optimize existing and planned infrastructure and public service facilities;
 - c) support active transportation;
 - d) are transit-supportive, as appropriate; and
 - e) are freight-supportive.*

RECOMMENDATION #3

While the protection of prime agricultural areas is a very important provincial objective, the definition is so broad (including up to Class 7) that it could be used to oppose any development outside an established settlement area, particularly in Southern Ontario. We would recommend scoping Policy 2.3.4 to address prime agricultural lands.

POLICY AS CURRENTLY DRAFTED

Section 2.3 Settlement Areas and Settlement Boundary Expansions

4. *In identifying a new settlement area or allowing a settlement area boundary expansion, planning authorities should consider the following:*
 - a) *that there is sufficient capacity in existing or planned infrastructure and public service facilities*
 - b) *the applicable lands do not comprise specialty crop areas;*
 - c) *the new or expanded settlement area complies with the minimum distance separation formulae;*
 - d) *impacts on agricultural lands and operations which are adjacent or close to the settlement area are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and*
 - e) *the new or expanded settlement area provides for the phased progression of urban development.*

PROPOSED AMENDMENT

Section 2.3 Settlement Areas and Settlement Boundary Expansions

4. *In identifying a new settlement area or allowing a settlement area boundary expansion, planning authorities should consider the following:*
 - a) *that there is sufficient capacity in existing or planned infrastructure and public service facilities*
 - b) *the applicable lands do not comprise specialty crop areas;*
 - c) *the new or expanded settlement area complies with the minimum distance separation formulae;*
 - d) *impacts on **prime agricultural lands** and operations which are adjacent or close to the settlement area are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and*
 - e) *the new or expanded settlement area provides for the phased progression of urban development.*

RECOMMENDATION #4

While the importance of tourism and cultural and natural assets is recognized in the new Provincial Planning Statement, we would ask that a specific reference to recreation resources be included in Policy 2.5.1.

POLICY AS CURRENTLY DRAFTED

Section 2.5 Rural Areas in Municipalities

1. *Healthy, integrated and viable rural areas should be supported by:*

- a) building upon rural character, and leveraging rural amenities and assets;*
- b) promoting regeneration, including the redevelopment of brownfield sites;*
- c) accommodating an appropriate range and mix of housing in rural settlement areas;*
- d) using rural infrastructure and public service facilities efficiently;*
- e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
- g) conserving biodiversity and considering the ecological benefits provided by nature; and*
- h) providing opportunities for economic activities in prime agricultural areas, in accordance with Policy 4.3.*

PROPOSED AMENDMENT

Section 2.5 Rural Areas in Municipalities

1. *Healthy, integrated and viable rural areas should be supported by:*

- a) building upon rural character, and leveraging rural amenities and **recreational assets including recreation-based resource assets;***
- b) **encouraging economic growth related to resources and the recreation-based resources***
- c) promoting regeneration, including the redevelopment of brownfield sites;*
- d) accommodating an appropriate range and mix of housing in rural settlement areas;*
- e) using rural infrastructure and public service facilities efficiently;*
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
- h) conserving biodiversity and considering the ecological benefits provided by nature; and*
- i) providing opportunities for economic activities in prime agricultural areas, in accordance with Policy 4.3.*

RECOMMENDATION #5

Consistent with the government's interest in preventing sprawl and maximizing the efficient use of land, the government might clarify in Policy 2.5.2 that it does not want to perpetuate a pattern of large, estate lots on private services around the perimeter of older villages and hamlets. That would not represent an efficient use of land. A more appropriate development pattern would be for new rural settlement areas to be developed on communal services, which would provide the opportunity to introduce a more efficient development fabric with smaller lots and more diverse housing forms (semi-detached units, townhouses and multiplexes). This is particularly important in resource-based recreational communities where a more efficient pattern of development will allow a much greater number of families to benefit from the particular resource.

POLICY AS CURRENTLY DRAFTED

2.5 Rural Areas in Municipalities

2. *When directing development in rural settlement areas in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.*

PROPOSED AMENDMENT

2.5 Rural Areas in Municipalities

2. *When directing development in rural settlement areas in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, **which shall include its natural assets and recreation resources**, the scale of development and the provision of appropriate service levels.*

RECOMMENDATION #6

If it is clearly recognized in Policy 2.5 that Resource-Based Recreational Communities should be identified as a Rural Settlement Area, then Policy 2.6 of the Planning Statement would not apply to Lakeport Beach.

However, if no such direction is provided in Policy 2.5, Policy 2.6.1 should be revised to permit the management or use of recreational resources and resource-based recreational communities including permanent residences. In addition, the policies should clearly identify that the appropriate level of municipal services should be promoted for the type of development proposed, including resource-based recreational uses—not just rural service levels. We note that municipal services are defined to include private communal sewage services and private communal water services which is a very positive recognition for Landlab.

POLICY AS CURRENTLY DRAFTED

Section 2.6 Rural Lands in Municipalities

1. *On rural lands located in municipalities, permitted uses are:*
 - a) *the management or use of resources;*
 - b) *resource-based recreational uses (including recreational dwellings not intended as permanent residences);*
 - c) *residential development, including lot creation and multi-lot residential development, where site conditions are suitable for the provision of appropriate sewage and water services;*
 - d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
 - e) *home occupations and home industries;*
 - f) *cemeteries; and*
 - g) *other rural land uses*

PROPOSED AMENDMENT

Section 2.6 Rural Lands in Municipalities

1. *On rural lands located in municipalities, permitted uses are:*
 - a) *the management or use of resources **and recreation-based resources;***
 - b) *resource-based recreational uses **which shall include dwellings intended as permanent residences and serviced by private and/or private communal sewage and water services;***
 - c) *residential development, including lot creation and multi-lot residential development, where site conditions are suitable for the provision of appropriate private services **and/or private communal sewage** and water services;*
 - d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
 - e) *home occupations and home industries;*
 - f) *cemeteries; and*
 - g) *other rural land uses*

2) DEFINITION RECOMMENDATIONS

The definitions included at the end of the Planning Statement are most helpful, particularly those for private communal sewage and water services.

The following modifications to the definitions are suggested in order to clarify the role of resource-based recreational communities:

RECOMMENDATION #7 - RURAL AREAS

We recommend that the definition of rural areas include resource-based recreational areas.

DEFINITION AS CURRENTLY DRAFTED

Rural areas: means a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

PROPOSED AMENDMENT

*Rural areas: means a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, **resource-based recreational areas** and resource areas.*

RECOMMENDATION #8 - SETTLEMENT AREAS

While settlement areas are broadly defined to mean urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets), we would ask that the definition be expanded in recognition of the important role resource-based recreational communities should play in rural settlement areas.

DEFINITION AS CURRENTLY DRAFTED

Settlement areas are:

- a) *built-up areas where development is concentrated and which have a mix of land uses; and*
- b) *lands which have been designated in an official plan for development over the long term.*

PROPOSED AMENDMENT

Settlement areas are:

- a) *built-up areas where development is concentrated and which have a mix of land uses; **and***
- b) *lands which have been designated in an official plan for development over the long term; **and***
- c) ***lands in rural areas which are appropriate for designation for resource-based recreational uses because of special features or attributes.***