

Re: Comment from the City of Kawartha Lakes in Response to ERO No. **019-8462**

May 10, 2024

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch

13th Floor, 777 Bay St.
Toronto ON M7A 2J3
Canada

Dear Minister Calandra:

Thank you for the opportunity to provide comment on the "Review of proposed policies for a new provincial planning policy instrument," as part of the Ministry of Municipal Affairs and Housing consultation under ERO number 019-8462.

The City of Kawartha Lakes is supportive of policies that work to increase affordable housing supply, while balancing protection for the natural environment and cultural heritage.

We welcome the consolidation of the Growth Plan with the Provincial Policy Statement into a single Provincial Planning Statement (PPS), which reduces redundancy and should streamline good land use planning. The City of Kawartha Lakes has a unique and vast geography with a distributed and mostly rural population with a few small towns and villages over and above the main serviced area of Lindsay. The City welcomes the transition to no longer need to adhere to targets and metrics that are largely not applicable to our municipality. We are supportive of relying on Ministry of Finance's (MOF) 25-year projections rather than land needs assessment formulae that aren't always appropriate or relevant for our specific geography and population. We

appreciate that the MOF's projections may be supplemented by long-term forecasting to ensure the orderly development of complete communities.

However, the City has concerns with some of the policy directions within the proposed PPS. In particular, we are concerned with policies that relax the need for intensification and encourage expansion. We disagree with deleting the terms "built boundary," "greenfield," and "residential intensification" and their associated policies. While "intensification" is aspirational and a desire to achieve, without the framework of built boundaries and associated greenfield, "intensification" will be difficult to identify and measure, and the objectives challenging to measure.

Similarly, the proposed PPS removes the longstanding concept of "comprehensive review" and instead would allow the establishment of new settlement areas and the expansion of settlement boundaries at any time. It is noted that the Planning Act is proposed to be revised to allow appeals for settlement boundary expansion decisions. While the City welcomes criteria to evaluate proposed boundary establishments or expansions, we have significant concerns that these criteria have little weight as they only need to be "considered" (2.3.2.1). The City requests that these criteria be given the same magnitude as employment conversion requests (2.8.2.5): that these criteria be *demonstrated*, and we request these criteria or tests be placed in the Planning Act itself to re-inforce their importance.

The cause for concern with the move away from intensification and a return to sprawl is primarily financial. The push for low-density growth by relaxing intensification policies and making boundary expansions easier will be very costly to municipalities, including the City of Kawartha Lakes. Servicing and other costs associated with this type of growth will likely require significant tax increases borne by existing residents.

The City's concerns about this move towards expansion is also rooted in the importance the City of Kawartha Lakes places on the natural environment and its agricultural community. Lands outside settlement areas or the natural heritage system should be protected for agricultural use. Encouraging this type of growth will no doubt have a detrimental effect on the natural heritage system and prime agricultural lands.

It is also noted that, by doing away with a comprehensive review, there is little opportunity to consult with the public should an application be received to expand a settlement boundary. Any expansions of towns and villages within the City will be of

significant interest to current residents and as outlined, it appears the broader public will face new challenges in the process of helping to decide how and where their communities will grow.

The City also finds there is a lack of clarity regarding MZOs and how they are to be incorporated into the municipality's projected growth needs (2.1.3). The City suggests the language be clearer that municipalities are required to incorporate development permissions granted by the province. It should also be clarified that development permissions granted by the province cannot simply be "in addition" to the projected needs of the planning horizon. Servicing is, in fact, finite and MZOs take away the servicing capacity from others who have followed the planning process and contribute to the orderly development of complete communities.

With respect to built heritage, the proposed revisions to development and site alteration (4.6.2) related to adjacent properties do not indicate how a proponent can demonstrate how heritage attributes can be conserved, whereas the current policies clearly require an evaluation. The removal of the definition of "significant cultural heritage" does not align with the Ontario Heritage Act and O. Reg. 9/06, both of which refer to "significant" properties. This also has the effect of not recognizing that significant heritage properties may not yet be protected.

Furthermore, scoping the definition of "heritage attributes" to only physical features runs counter to the intent of O. Reg. 9/06 which specifically takes into account intangible features in defining heritage value. It also limits the ability of municipalities to consider views and broader contextual relationships as relevant to heritage preservation. This has the potential to violate Indigenous treaty rights regarding traditional activities and uses that are considered intangible heritage features. These attributes need to be considered in order to fulfil the duty to consult. The direction to engage early with Indigenous communities is welcome, but additional guidance is requested on what "early" means to set expectations and ensure consistency.

The revised definition of "areas of archaeological potential" refers to processes and criteria established under the Ontario Heritage Act, but these processes and criteria do not exist and will need to be established for this definition to have meaning. The revised definition change of "archaeological resources" means that archaeological fieldwork is no longer required to identify and evaluate archaeological resources. This has the potential to significantly slow down development: by not undertaking



appropriate on-site due diligence prior to development approval, it increases the likelihood of unexpected finds during construction and the delay of project completion.

Should you wish to discuss this matter further, please reach out at your earliest convenience.

Sincerely,

A handwritten signature in blue ink that reads "Mark Jull".

Mark Jull, PhD, RPP, MCIP

Supervisor, Policy Planning