



September 9, 2010

Mr. Kyle MacIntyre
Manager (A)
Ministry of Municipal Affairs and Housing
Local Government and Planning Policy Division
Provincial Planning Policy Branch
777 Bay Street, Floor 14
Toronto Ontario M5G 2E5

**Provincial Policy Statement (PPS) - Five-Year Review
Comments from the Ontario Professional Planners Institute**

Dear Sir:

The Ontario Professional Planners Institute (OPPI) would like to thank the Ministry of Municipal Affairs and Housing for the opportunity to make the enclosed submission on the Five-Year Review of the Provincial Policy Statement (PPS). We believe that planners play an integral role in ensuring that Ontario has healthy and sustainable communities and are pleased to provide these comments.

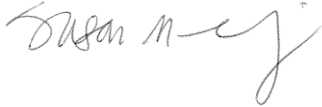
OPPI is committed to creating and fostering healthy communities in Ontario. Launched in 2006, our “Healthy Communities, Sustainable Communities” initiative emphasizes the importance of urban design, active transportation and green infrastructure, links between public health and land use planning, and strategies for collaborating on tangible actions for healthier communities.

Planners have a pivotal role to play in bringing together multiple partners and disciplines and in engaging their communities. OPPI members are committed to creating and fostering healthy communities throughout Ontario and will play a key role in the implementation of many of the policies contained in the PPS.

Established in 1986, OPPI is the recognized voice of the Province’s planning profession and provides vision and leadership on key planning issues. Government, private industry, agencies, and academic institutions employ more than 3000 practicing planners. In addition, we have approximately 500 student members. Members work in a wide variety of fields including urban and rural community development, urban design, environment, transportation, health and social services, housing, and economic development.

We would welcome an opportunity to meet with you and your staff and further discuss our submission or answer questions you may have. To schedule a meeting or for further information, please contact Loretta Ryan, MCIP, RPP, Manager, Policy and Communications at (416) 483-1873, ext. 226 or by e-mail at policy@ontarioplanners.on.ca

Sincerely,

A handwritten signature in cursive script, appearing to read "Sue Cumming".

Sue Cumming, MCIP, RPP
President
Ontario Professional Planners Institute



**Provincial Policy Statement (PPS) - Five-Year Review
Comments from the Ontario Professional Planners Institute
Executive Summary**

September 9, 2010

The Ontario Professional Planner's Institute's response is organized as answers to the six questions posed in the EBR posting (EBR Registry Number: 010-9766). The following principles guide our comments:

- Public health research and policy on the built environment contained in Ontario's Action Plan for Healthy Eating and Living also requires more prescriptive direction, especially in the creation of healthy, active and sustainable communities.
- A "one size" fits all policy approach does not meet the planning needs of all of Ontario especially in slower growth and northern regions.
- Greater policy distinction is required in rural and agricultural settlement and resource areas policy.
- Climate change requires more prescriptive direction, especially in settlement area policies, to ensure the recommendations contained in the Report of the Expert Panel on Climate Change Adaptation are incorporated into urban and rural land use design, especially where the public domain is concerned.
- Where other legislation uses planning instruments and considers sensitive uses in licensing (i.e., the Environmental Protection and Green Energy Acts), greater co-ordination between these approvals and municipal planning is required.

OPPI believes the PPS is an effective and solid planning document. It provides reasonably clear direction on key matters of provincial interest. It gives greater certainty and consistency in land use planning across the province, which is important for public and private investment. It also provides municipalities with the flexibility necessary to make decisions that reflect their local conditions and priorities, while remaining consistent with the PPS. This flexibility is crucial to the successful implementation of the PPS in areas where local planning authorities exist.

We live in a time of immense change. Emerging issues, such as planning for healthy sustainable communities, a global economy and a changing climate, require special attention. We have an opportunity to reconcile these issues with the employment of new technology to create a more productive and prosperous Provincial economy.

Many Provincial policies don't capture the essence of the emerging science's application to the built environment. Our recommendations are intended to make the PPS more effective by addressing this science within our communities.



Provincial Policy Statement - Five-Year Review Comments from the Ontario Professional Planners Institute

Question #1: What policies of the current PPS are working effectively?

Part 111, “How to Read the Provincial Policy Statement” states: *“The Provincial Policy Statement is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to apply to each situation. A decision maker should read all of the relevant policies as if they are specifically cross-referenced with each other. While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away the need to read the Provincial Policy Statement as a whole.”*

Planners make judgments when applying the PPS to the communities in which they work. That judgment involves tradeoffs between the applicable policies. These can be controversial and often result in disputes requiring resolution before administrative tribunals. OPPI is not confident that some policies, i.e. aggregates and natural heritage policies, achieve the clarity necessary to make reasonable planning decisions that achieve the Provincial interest.

Furthermore decisions made under other Provincial legislation often involve the use of planning instruments (i.e., the Environmental Protection Act) or makes decisions on matters that are exempted from Planning Act jurisdictions (i.e. the Nutrient Management and Green Energy Acts) or involves the preparation of plans that may require Planning Act approvals during implementation (i.e., energy and water conservation plans under the Green Energy Act and Bill 72, the Water Opportunities Act). In these circumstances, there needs to be better co-ordination between the Ministries who make these decisions and users of the PPS so municipal planning decisions can be made that are mutually supportive.

It is not enough for Provincial ministries to agree amongst themselves on how their various priorities are reconciled. Decisions on the application of the PPS and the reconciliation of priorities are made by municipal councils advised by planning staff and consultants on sites that often defy the application of general policy. We make recommendations on how policy on these and other concerns might be improved in our responses to the questions posed in the EBR notice. In our opinion, it is essential that the decision making process undertaken in municipal planning be as comprehensive and comprehensible as possible.

With the emergence of the Nutrient Management and Green Energy Acts and the prospects that energy and water conservation management plans will need to be prepared and approved under the Green Energy Act and Bill 72, alternative land use approvals are being established that are implemented outside the Planning Act.

Both the Comay and Sewell Planning Act Reviews (1977 and 1993) addressed the challenge posed by Provincial land use policy created by legislative and policy initiatives by Ministries other than Municipal Affairs and Housing. They addressed this challenge by helping develop the Provincial Policy framework we are currently reviewing. The Nutrient Management, Clean Water and Green Energy Acts and other legislative approvals such as the Environmental Protection Act on matters such as land use compatibility, are moving planning decisions beyond the point where Provincial Policy Statement encompasses all the Provincial policies necessary to be considered in municipal planning decisions.

Is there a land use planning system in Ontario or are there multiple systems? How do we reconcile these multiple systems in a way that is comprehensive and comprehensible? In our opinion, the opening statement, “How to Read the Provincial Policy Statement” is incomplete and needs to be rewritten to address this new and emerging policy and legislative environment.

Question #2: Are there policies that need clarification or refinement?

Our responses to this question are organized around four topics:

- Topic #1: Settlement area and transportation design where active, healthy and sustainable communities are concerned.
- Topic #2: Rural and Small Town Ontario;
- Topic #3: Northern Ontario Larger Urban Municipalities; and
- Topic #4: Parallel legislative processes where planning instruments are employed but the decisions are made under other legislation.

Topic #1: Settlement area and transportation design where active, healthy and sustainable communities are concerned:

Urban design, *especially within the growing Greater Toronto Area and larger Ontario urban communities*, needs to support Provincial initiatives where climate change adaptation and active healthy communities are concerned. These subjects are discussed in detail in response to question #4. Here are proposed policies that address these concerns:

- “Part IV: Vision for Ontario’s Land Use Planning System” should be rewritten to emphasize the profound effects land use have on the quality of life and physical and mental health.
- Many municipalities have defined their intent to become healthy, sustainable, energy efficient communities in strategic plans and other governance documents outside the Planning Act framework. The PPS should acknowledge and define these terms in order that these concepts can be applied to urban and rural land use design in order to support local initiatives.

- OPPI believes the link between the built environment and health needs to be acknowledged either in Sections 1 or 3. Healthy community policy is supported by designing: walkable settlements; reduced car use and dependency; access to clean air, water and healthy food; access to nature and open space; and access to work and to facilities and amenities including health care, recreation, services, retail etc. Policy organized around these actions is needed in either Sections 1 or 3.
- Furthermore, OPPI believes this linkage and our planned responses need to respect local circumstances. What works in the Greater Toronto Area may not work in northern Ontario urban settings and in rural and small town communities. *Planning by Design: A Healthy Communities Handbook* prepared by the Ministry of Municipal Affairs and Housing and OPPI explores successful case studies that address the implementation of healthy communities design in varied local circumstances. OPPI encourages the Ministry of Municipal Affairs and Housing to continue the documentation of successful projects throughout Ontario as references communities can use.
- Municipal planning decisions should be consistent with the Metrolinx Regional Transportation Plan and its implementation within the Metrolinx planning area.
- Municipal official plans should establish targets for cycling, walking and public transit and transportation master plans should implement these targets and, where applicable, provisions of the Metrolinx Regional Transportation Plan.
- A definition of *complete streets* is required that emphasizes the importance of increased public transit, cycling and walking consistent with the goals and objectives of the Metrolinx Regional Transportation Plan, where located within the Metrolinx planning area. Complete streets within urban centres should also provide for a planned land use transition that supports a transit modal split of over 24%.
- A definition of *complete communities*, preferably the definition used in the Places to Grow Growth Plan, is also recommended as an addition to the “Definitions” and to be used where appropriate throughout the PPS. Furthermore, OPPI recommends Section 1.0 be renamed “Building Complete Communities”.
- “Sustainable” and “energy efficient” are similar but distinct terms. OPPI recommends that these terms be defined in the “Definition” for the purposes of the PPS.
- A definition of “*transit modal split*” is needed that defines the ability to achieve the transit modal split set out in the definition of “complete streets”. The definition should include reference to distance between stops, frequency of service and the number of persons within easy walking distance who can board at each stop.

- Where implementation of the above policies warrant, municipalities may elect not to provide for a 20 year supply of residential and other land uses, especially where intensification requires supportive public transportation facilities to be constructed and operational. In the alternative, longer planning horizons may be required to address long-term sustainability and the protection of strategic employment lands and develop public transportation, water and wastewater infrastructure.
- Municipalities face considerable uncertainty in securing approval under the Environmental Assessment Act, especially for infrastructure that employs new technology, including transit facilities. Where servicing master plans include new sustainable technology, their approval should suffice for Environmental Assessment Act approval.
- Where warranted, municipalities may elect not to permit development where the required transportation (including transit) facilities and water and wastewater infrastructure are either not in place and not scheduled for implementation irrespective of conflict with other PPS policies. The PPS policies should clearly set out how municipalities can achieve these sanctions.
- The use of shared space or movement corridors is encouraged, where feasible, to enhance opportunities for cycling and pedestrian modes of transportation. Policy 1.6.5.1 should be revised to state “Transportation systems should be provided which include all modes of transportation which are safe...”
- The Leadership in Energy & Environmental Design – Neighbourhood Development (LEED ND) standards, the Smart Growth Code, the Child and Youth Friendly Land Use and Transport Planning Guidelines for Ontario and *Planning by Design: A Healthy Communities Handbook* should be referenced, where appropriate, as references to help achieve active, healthy and sustainable communities.
- Urban design guidelines should be used as mechanisms to achieve PPS policies where possible for the public realm, including the streetscape that applies, where appropriate, standards for active sustainable communities.
- Architectural controls should also be created where possible again to refocus the public realm on active sustainable communities.

Municipal Official Plans and Transportation Master Plans often provide targets for alternative modes of transportation, for transit these targets vary by location, anticipated form of development and planned transit service. Once these targets are established, authorities should formulate a consistent basis for measuring how the transit modal split can be achieved.

A direct relationship must be established between walking distance to a transit stop and the percent of people that can be attracted to transit. Residents, shoppers and employees within 300 metres of a transit stop have a greater chance of being captured in a higher transit modal split number than a comparable group that is 600 metres away. Distanced based measurements will greatly influence land use patterns, densities and roadway network pattern.

Communities are now being built in anticipation of transit services that are not yet in place. Sadly the defined higher order rapid transit services such as subway, light rail transit (LRT) and bus rapid transit (BRT) are not in place nor are the increased bus frequencies on the feeder and arterial corridors (complete streets) needed to support these investments, in place. Funding and legislative changes are needed to support and implement these transit innovations. Municipal decisions need to be supported and enhanced in order to ensure the transition is implemented.

Traffic Impact Study Guidelines are needed that reflect the above considerations. Just as official plans and transportation master plans provide targets and plans for non-automotive modes of travel, these guidelines should define how vehicle trips are generated for developments that have access to increased transit and other travel demand management measures. We also need to have defined methodology for reducing vehicle trips as a result of shifting to transit and other modes and the policy framework to support the implementation of these methodologies.

Land use planning, urban design and transportation planning must play a leading role in the formation of the community structure necessary to effect this transition to ensure complete streets with the necessary transit tie ins are available.

For a **complete street** to attract a community transit modal split of over 24%, the street should be serviced at a transit service frequency of 5 minutes or less. Much of the Provincial and municipal transit financing is going to higher order transit services like subways, Light Rapid Transit (LRT) and Bus Rapid Transit (BRT).

However, complete streets will represent at least 75% of the entire road network where there is no subway, LRT or BRT. These streets act as a feeder network that connects to and feeds the higher order transit services. Presently service levels are between ½ an hour to fifteen minutes. The level of service needs to double or triple before over 24% modal split will occur.

It isn't possible to provide that servicing using the current Development Charges Act and other sources of municipal revenue. OPPI recommends that this matter be addressed outside the PPS review in order to ensure the resources are there to achieve these transit objectives.

Brownfield sites can make a contribution to intensification and redevelopment as prescribed in Policy 1.1.3.3. We observe the new standards and ongoing remediation and liability requirements are limiting redevelopment to those brownfield sites that are remediated by soil removal. The remaining sites may be unavailable for redevelopment and intensification, especially in low growth areas. As it is written, this policy is of limited usefulness until the regulatory environment that addresses remediation is changed.

In Section 4.0, Implementation and Interpretation, policy 4.6 states: “The policies of the Provincial Policy Statement represent **minimum standards**. This Provincial Policy Statement does not prevent planning authorities and decision makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement”.

The interpretation and application of the natural heritage policies in urban intensification and Greenfield settings can result in up to 25 to 30% of the land base being set aside for natural heritage protection. These protected areas go beyond a minimum standards application of these policies, and in our opinion, conflict with those PPS policies intended to achieve healthy, active and energy efficient communities.

Their application limits transportation and servicing alternatives and prevents the achievement of densities and street patterns that support public transit, cycling and walking as alternatives to the automobile. Often natural heritage policies preclude streets, and piped infrastructure and public uses like parks and trails, and where permitted, require substantial study if these projects are approved at all.

Greater opportunity needs to be provided for achievement of natural heritage policies within the built environment where infrastructure such as storm water and green roofs are concerned. The policies should enable designers to balance and achieve natural heritage objectives within the design of urban uses as opposed to requiring extensive “set asides” around which urban designers have to work.

Access to fresh food is increasingly becoming problematic in inner city neighbourhoods and economically declining settlements. Often old grocery stores are desirable sites for redevelopment that results in residents having to drive considerable distances to access fresh produce and goods. Providing access to fresh produce and goods is important and needs to be addressed.

Topic #2: Rural and small town Ontario:

Here are the refinements needed to increase the effectiveness of the PPS within rural and agricultural communities throughout southern and northern Ontario within the applicable sections of the PPS:

1.0 Building Strong Healthy Communities:

- We need to distinguish between urbanizing regions with significant growing urban centres and the rest of the province regarding criteria and timing of official plan amendments for expansion and comprehensive reviews. All settlement areas are treated the same regardless of size. Small rural and northern settlement areas with little growth may be tied up by one or two landowners with no interest in developing;
- The mandatory phasing requirements are difficult to comply with in small settlement areas and should be optional (change “shall” to “may”);

- Comprehensive reviews should be able to be done by the upper tier for the whole or part of the county: reviews should be able to consider market areas and discount settlement areas that are not relevant to the area under study;
- Where settlement area growth occurs, it should be in a continuous and logical manner in terms of the street pattern as opposed to isolated pockets of development in order to minimize pedestrian, cycling and vehicular travel distances to schools, community centres, institutions and employment and commercial areas.
- The definition of employment lands should be clarified to remove the interpretation that it includes commercial lands, except for those uses accessory to or servicing the needs of employees employed within the employment designation. This change needs to apply throughout the Province.
- On the topic of surplus dwellings: the prohibition of a new dwelling on the remnant parcel following a surplus dwelling consent should be a regulation rather than relying on local municipal zoning by-laws, which may be amended in the future. The prohibition should apply whether the house or the farmland is the “severed” parcel. If a residence surplus to a farming operation continues to be permitted by the PPS then the Province should consider going back to the original PPS definition that permitted one of two or more residences built prior to 1978 and surplus to the farm;
- Revise the policies that apply to agriculture related and accessory uses, especially where distinguishing between small and large scale related uses, like grain elevators which generate significant noise and may not be compatible with sensitive uses located in small rural settlement areas. Some related and accessory uses are large scale and need to be provided for in agricultural areas for a variety of reasons including land use compatibility where noise, odour and air emissions are concerned;
- Communal servicing requires “responsibility agreements” approved by the municipality that makes this option unrealistic. Under the Health Promotion and Protection Act, the Medical Officer of Health can require municipal servicing where a public health risk exists. A broader range of acceptable servicing alternatives is required to address these circumstances short of municipal servicing and responsibility agreements. OPPI recommends a wider range of alternative servicing arrangements be explored with the Ministry of the Environment beyond those contemplated under administration of the Safe Drinking Water Act;
- Settlement areas without full municipal services should be treated the same as policy 1.1.4 “rural areas in municipalities” which would permit a limited amount of residential development appropriate to the infrastructure available;

- The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) interprets “farm operation” to mean one farm parcel when it comes to agriculture related and secondary uses. However, the definition of “residence surplus to a farming operation” makes a different interpretation. We need to ensure that farmers have the flexibility to operate secondary and agriculture-related uses as part of a “farm operation” meaning several parcels operated as one farm operation, in one of more municipalities, as set out in the definition of “residence surplus to a farming operation”;
- 1.1.4.1(a) The permission for “limited development” in rural areas requires clarification; e.g., if 51% of a municipality’s development occurred in settlement areas, would the remainder in rural areas be considered limited?
- 1.1.4.1(d) It is unclear what “compatible with the rural landscape” means, and is therefore open to varying interpretations to either support or deny applications. OPPI is concerned that this policy encourages an idealized view of rural and agricultural areas that doesn’t reflect reality and will frustrate technological and economic changes taking place in rural and agricultural areas that are necessary for sustainable economic development. Agricultural and rural uses will change in the future in response to new initiatives such as biofuels, local food production and processing and economic activities and technologies associated with these new uses. An open mind will be needed to meet these emerging needs and facilitate a move to a more sustainable future. We recommend this policy be deleted;
- 1.4.3 It is difficult for rural municipalities to meet targets on affordable housing and to provide a range of densities, especially in un-serviced areas relying on larger lots for septic systems and where the market favours single detached dwellings. We also observe that in declining rural areas, some settlement areas attract low-income families seeking affordable accommodation when existing residents move. These communities often lack transportation and other services needed to provide affordable services to low income families. A regional approach including separated or nearby cities would assist in meeting targets;
- 1.5 There should be a policy that allows municipalities to ensure that parks to be dedicated by private developers, as part of a development application, are appropriately located, sized and contain suitable site conditions to permit intended recreational activities. Also, although implied in Clause “b”, the concept of encouraging “linear parks” should be articulated in this section;
- 1.6.1 Planning for infrastructure should be integrated with planning for growth, but the funding programs of other Ministries do not necessarily consider this important planning principle. Municipalities are finding it onerous to provide servicing to small settlement areas, which are intended to be the focus of growth;

- 1.6.4.5 Partial services are discouraged and yet many rural settlement areas have developed with municipal water and private septic systems without problems. Where servicing is appropriate, these partial services should be permitted beyond just infilling and rounding out. This section should be amended to recognize existing partial services in settlement areas or in rural residential subdivisions where future development is appropriate, is consistent with other PPS policies and is in conformity with Official Plan policies; and
- The renewable energy policies need to refer to the Green Energy Act, or be extracted from the PPS, and placed in the Green Energy Act regulations, such as minimizing impacts on agricultural operations.

2.0 Wise Use and Management of Resources:

- The natural heritage policy for “no negative impacts on the natural features or their ecological functions” often results in development in natural areas (e.g., significant woodlands) even where there are clear impacts. A policy prohibiting development may be controversial but would be clearer;
- Inconsistencies exist between provincial documents related to definitions of species at risk. We should use the legislation for definitions;
- With respect to aggregate policies, OPPI reserves comments until such time as the State of the Aggregates Resource Study (SAROS) background reports and stakeholder recommendations, released in early July, are reviewed for comment. General comments are provided elsewhere in this report;
- Ontario’s Biodiversity Strategy and the recommendations of the Expert Panel on Climate Change Adaptation should be integrated into this section; and
- In northern municipalities where there is a mixture of Crown private lands, there needs to be more co-ordination between the planning (Crown Land Atlas) and administrative procedures (i.e., roads and dispositions) under the Public Lands Act with planning decisions especially where economic and natural heritage policies are concerned. Furthermore, there needs to be better co-ordination between the administration of various resource licensing and administrative procedures for legislation such as the Mining and Crown Forests Sustainability Acts.

4.0 Implementation and Interpretation:

- 4.4 This section states that the Minister, when making decisions, may take into account “other considerations”. The Minister has through time delegated approval authority to municipal councils (or their delegates) who act on behalf of the Minister. Does this mean that delegated municipalities have the same latitude when making decisions where other considerations are involved?

- The PPS is to be read in its entirety, but clarity is required to be able to weigh issues to arrive at a balance suitable to the application. There should be greater weight placed on municipal decision making and preferences where choice is involved;

6.0 Definitions:

- Designated Growth Areas: This definition includes settlement areas designated for growth in an official plan and which are not fully developed. It is unclear under this definition how a settlement area is considered designated for growth. If a settlement area is shown on an official plan schedule and has room for growth is it automatically considered a designated growth area or must there be a specific policy statement in the text of the Official Plan or special notation on the schedule? This definition should be clarified as the term “designated growth area” is used in some PPS policies.

Topic #3: Northern Ontario Larger Urban Municipalities:

In addition to the recommendations that apply to the north in the preceding section, the following recommendations are intended to make the PPS a more effective in northern Ontario:

General Comments:

- All of the large urban municipalities have less population today than twenty-five years ago. This is further compounded by an aging workforce and continuing out migration and underutilized infrastructure. Lack of development in northern Ontario creates ongoing fiscal sustainability issues, especially where municipal servicing is concerned. Better balance in growth rates between the various regions should be a priority for the Provincial government and be reflected in the Provincial Policy Statement. These challenges require special attention.
- The Draft Northern Growth Plan addresses Provincial infrastructure and program priorities that deal with many of the social, economic, cultural and environmental northern communities face. Where planning approvals are concerned, infrastructure and program development contained in the final Northern Growth Plan should take precedence over the policies of the PPS.
- Some flexibility is needed when applying the PPS in northern Ontario to insure a better balance between environmental and economic considerations and to address the economic challenges faced. The current PPS does not recognize the major differences between northern and southern Ontario that become clear when considering the very limited urban areas (generally less than 10 percent) in northern municipalities compared to our southern counterparts.

- The scale of development in northern Ontario municipalities is much smaller and there are fewer public and private professional services available locally. Hence requirements to conduct studies (i.e., natural heritage) are too expensive and time consuming on many smaller projects in northern Ontario, where there is no obvious concern to be addressed. The ability to use and rely upon local expertise, especially where conservation authorities exist, is needed. Furthermore northern Municipal Affairs staff should be empowered to address local circumstances.
- These problems are compounded by the lack of quality data in northern Ontario. Much of the data, particularly relating to natural heritage, abandoned mines information and prime agricultural lands is very old and may no longer be applicable to the situations under consideration. We urge the province to commit to updating these and other data sets within northern municipalities.
- Given the greater cost of establishing and doing business in northern Ontario, we need to place a strong emphasis on creating development certainty as much as possible, especially where infrastructure and programs are provided for in the Northern Growth Plan. This can be done with better data and policies that reflect the economic and environmental realities of northern Ontario.

1.0 Building Strong Communities

- Larger northern communities strongly support the concepts of intensification and redevelopment through zoning to permit intensification and through community improvement plans that include a variety of incentives. However given our much lower levels of economic activity, brownfield redevelopment is difficult to achieve, especially where former mining sites are concerned.
- Continuing liability of the owner for costs that may be brought forward by a future owner especially where the value of the land is not great also continues to be an obstacle to brownfield redevelopment. As a result, large contaminated areas are simply left vacant in part because of this potential liability.
- The current PPS requires a comprehensive review prior to the expansion of the settlement area boundary. This should be revised to permit an option to expand a settlement area boundary where there is a significant employment opportunity essential to the continuing viability of the community.
- In northern Ontario many of the communities have a reasonable supply of smaller older homes that meet the qualifications of affordable housing, in part because of economic stagnation. The establishment of targets to generate new affordable housing is not realistic in the absence of government funding programs and the small-scale at which development occurs.

2.0 Wise Use and Management of Resources

- The issue of development in and adjacent to wetlands remains an ongoing concern given the vast amount of wetland areas in northern Ontario. Very few areas have been evaluated for provincial significance and this creates additional costs and uncertainties for proposed development. The rules to establish provincially significant wetlands need to be reviewed for Northern Ontario and some reasonable maximum amount (less than 50 percent of the total municipality) should be determined as an appropriate preservation area. Given the vast areas involved, wetlands should not be considered provincially significant unless identified by Ministry of Natural Resources.
- Crown land should be considered for the purposes of achieving the natural heritage policies of the Provincial Policy Statement especially where the logical extension of municipal services and development can be achieved in a cost effective manner supportive of healthy active communities. There needs to be much better co-ordination between the planning and administrative procedures used to administer the Public Lands Act to support achievement of PPS policies where Crown lands are concerned.
- Local conservation authorities should be empowered to approve development subject to review and conditions on a case-by-case basis while considering the overall impact. This has worked well in our municipalities and we encourage the province to allow conservation authority flexibility under the PPS to expand this option for all natural resource issues.

4.0 Implementation and Interpretation

- The PPS states that when “implementing the Provincial Policy Statement, the Minister of Municipal Affairs and Housing may take into account other considerations when making decisions to support strong communities, a clean and healthy environment and the economic viability of the Province.” We recommend that regional Ministry of Municipal Affairs and Housing staff be given the responsibility to make these decisions on the Minister's behalf in northern Ontario. This would provide clarity and flexibility within a reasonable time frame while reflecting local conditions and priorities within the intent of the PPS.

Topic #4: Parallel legislative processes where planning instruments are employed but the decisions are made under other legislation:

Many recent Provincial legislative initiatives either use land use information or planning instruments in the procedural manuals and checklists used during issuance of various approvals. Examples include the Nutrient Management and Green Energy Acts. Other legislated approvals often use planning information and instruments in their approval processes. Examples include permit to take water procedures under the Ontario Water Resources Act and the permitting procedures for air, noise and odour emissions under the Environmental Protection Act.

Ontario Regulation 419 (Environmental Protection Act) provides for alternative standards for air contaminants that mean prescribed regulatory standards for air emissions won't be achieved at the property boundary with implications for the planning of sensitive uses within surrounding communities. Greater attention needs to be placed on co-ordination between these processes and the PPS.

Bill 68 and the modernization of environmental approvals under the Ontario Water Resources and Environmental Protection Acts may result in a self-directed approvals process for approvals involving low risks. Where sensitive uses are involved or planning instruments such as the municipal zoning bylaw are considered and used in self-directed approvals, we recommend that the PPS include policy setting out how these approvals will be coordinated with Planning Act approvals.

The Green Energy Act regulation that addresses wind turbines approvals also requires prescribed buffers where sensitive uses exist. However, there is nothing in place that requires municipal planning decisions to respect the buffers where decisions on the location of new sensitive uses are concerned. The PPS should provide policy direction on how these various legislative approvals are to be supported by municipal planning instruments.

Question #3: Are there policies that are no longer needed?

We have no suggestions for deletion.

Question #4: Are there new policy areas or issues that the Province needs to provide land use planning direction on?

Aggregates:

OPPI was represented the steering and technical committees the Ministry of Natural Resources employed to help prepare the State of the Aggregates Resource Study and Background Reports. The steering committee was comprised of several stakeholder representatives.

The Consolidated Report was issued in February 2010. The six background reports and steering committee report and recommendations were released on Friday July 9, 2010. SAROS was a factual effort intended to identify the state of the aggregate resource upon which the Ministry will develop policy subsequently.

We have reviewed this material on a preliminary basis and concur with the Advisory committee recommendations on life cycle management of aggregate resources and the planning of aggregate resource extraction and rehabilitation on a landscape level. However, more detailed analysis is required before we can comment in depth on the advisory committee recommendations.

However, we make the following recommendations because OPPI believes the existing policies don't provide for decisions that properly address the PPS:

- The following wording in Policy 2.5.2.1: “as much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible” should be replaced with the following wording that would apply to agriculture as well as aggregates in an introductory section to Part 2.0 The Wise Use and Management of Resources: “where feasible new agricultural and aggregate operations should be guided to locations close to markets”.
- Clarity is required as to how applicable policies when approvals are sought for new sites. Natural heritage policies are problematic in that substantial areas are precluded from use and ongoing mitigation and monitoring requirements may be substantial where applications are approved, often beyond the life of the operation. Additional input is required from the Ministry as to how the natural heritage priorities can be reconciled during and after development. As a practical matter, no approvals should occur where monitoring and mitigation requirements extend in perpetuity beyond the life of the operation.
- After use is a municipal Planning Act matter and restoration should be to the standards required by that use after the operation is complete, especially where the license is long term. The appropriate after use should be established by Official Plan review in the final phase of the aggregate operation.

The Province is considering new initiatives under the Waste Diversion Act that requires additional recycling of concrete and road materials and asphalt. The SAROS Recycling Background Report unfortunately does not address this legislative and policy initiative. This diversion initiative will require additional recycling infrastructure within licensed areas and elsewhere. The PPS should address recycling facilities to ensure the capacity is there, especially where aggregate products are concerned.

- Accessory uses in licensed areas should include facilities required for the stockpiling and recycling of aggregate products. Municipal planning instruments should also make provision for additional recycling stockpiling and recycling facilities in employment areas in order to implement the new initiatives sought in the Waste Diversion Act.

OPPI may make additional comments when the SAROS Reports and Stakeholder Recommendations as we continue our review.

Climate Change:

Ontario has a Climate Change Action Plan (2007). In November 2009, the Report of the Expert Panel on Climate Change Adaptation was released. In May, the Environmental Commissioner of Ontario released his report entitled “Broadening Ontario’s Climate Change Policy Agenda, Annual Greenhouse Gas Report 2010”.

The Green Energy Act also makes provision for municipalities to prepare energy conservation and demand management plans while the Environmental Commissioner is to report annually to the legislature on greenhouse gas reductions. The Ministry of Natural Resources is conducting significant work on forestry from the perspective of managing forest and vegetation cover to better sequester carbon.

Both the Expert Panel and Environmental Commissioner's reports emphasize the current review of the Provincial Policy Statement as an important forum for the development of Provincial Policy to address climate change mitigation and adaptation. OPPI agrees.

OPPI has met with Ministry of the Environment staff responsible for coordinating a Provincial response to the Expert Panel's report. In our opinion, these Panel recommendations should be acted upon.

- Recommendation #12 – Encourage the Federal Government to update climatic tables used in the Building Code, and increase climate resilience through Ontario's Building Code;
- Recommendation #13 – Identify opportunities to increase the resilience of existing infrastructure.
- Recommendation #15 – Conduct floodplain mapping using a revised design storm that addresses increased risks associated with new storm frequencies.
- Recommendation #30 – Update the Building Code to incorporate water conservation amenities.
- Recommendation #39 – consult on inclusion of climate change risks in Provincial Policy Statement and implementation guidelines.
- Recommendations #41 – 43 and 45 – Incorporate climate change adaptation into growth plans and policies.

In addition, policy revisions should address the following:

- A new section addressing climate change mitigation and adaptation should be established;
- Natural hazards such as flooding and the practical effects of more frequent violent storms. With respect to Part 3.0 Protecting Public Health and Safety, especially where flood plain management, storm water management and Special Policy Areas are concerned, the software and regional storm calculations need to be reviewed to ensure special policy areas provide appropriate protection to the levels needed to meet future circumstances. In the interim, as these new standards are developed, there needs to be policy developed to address the levels to which protection is provided and the manner in which five year reviews address existing special study areas;

- The Ministry of Natural Resources has undertaken considerable work on forest and landscape management for carbon sequestration with active forest management units in northern Ontario. Bill 191 is intended, in part, to protect the Boreal forest outside managed forest management units for carbon sequestration and ecosystem preservation. Landscape requirements, including forest and wetland management to address carbon sequestration where applicable, need to be identified and addressed, where possible, in municipal planning decisions;
- Public health events such as heat and poor air quality events and the need to provide for those who are more vulnerable when these extreme events occur. Passive cooling measures should be a priority within the urban built environment such as green roofs, tree planting and permeable pavement, where possible. If there the Ministry of Public Health Promotion has suggested policies on this topic, these should be added to a new section addressing climate change;
- Habitat and species conservation where species may be placed at risk by changing habitat. Policy addressing species at risk should be removed from the natural heritage policies and placed in a new section addressing climate change. Where policy might assist in addressing invasive species, that policy should be included within the section on climate change;
- Settlement and transportation planning to reduce petroleum use in building heating/cooling and transportation. The definitions of complete streets and transit modal split are intended to assist in achieving the reduction and replacement of petroleum use;
- There is apt to be areas of significant landscape change (i.e., the Great Lakes shores). Special policy may be required to address these changes and municipalities should be directed to consider these changes and appropriate land use policies where required; and
- Other policies that may be required in the current Provincial review of the Expert Panel's and Environmental Commissioner's recommendations.

Natural Heritage Policies:

OPPI provided comments on the recently approved Natural Heritage Reference Manual. It is based in part on Ontario's Biodiversity Strategy 2005. Comments and recommendations on natural heritage policies are made in this section and elsewhere in this report.

Greater attention needs to be placed on local environmental initiatives and landscape management, where aggregate operations are involved. For example, there needs to be a policy framework that builds on the work of important environmental stakeholders. For example, the Royal Botanical Gardens and a number of stakeholders have joined together to prepare a Cootes to Escarpment Report and Plan.

That plan addresses the unique and unusual habitat diversity that exists on and between Cootes Paradise and the Niagara Escarpment. Carolinian Canada has undertaken a number of conservation projects in municipalities along the northern Lake Erie shore.

Another example is Kawartha Highlands Provincial Park established under separate parks legislation and intended to address Crown land and private landowners within an area of mixed recreational use. In a time of decreasing public revenues, we need policy that supports private and public initiatives to enhance the environment.

Protection is important but management may be more important, especially where threatened and endangered species and species of concern as well as invasive species are involved. Often these initiatives involve public and private participation and make a substantial contribution to natural heritage protection and management.

Their contribution to natural heritage preservation should be acknowledged and encouraged. Where these projects exist, surrounding land uses should be encouraged that support these efforts and we recommend that policy be added to provide for that direction, especially where conservation land trusts and public parks and conservation reserves exist.

OPPI has commented on the recent amendments to the Provincial Endangered Species Act and believes this legislation will become an important part of the Provincial climate change adaptation as more species become threatened or endangered. Phased implementation of the new legislation and regulations is ongoing.

OPPI's concern with endangered species legislation is threatened and endangered species habitat often comprises landscapes outside remnant natural areas and will not, in many cases, fall within natural heritage systems identified by application of the Natural Heritage Reference Manual. Climate change will, unfortunately, increase the number of species that qualify for habitat protection. This legislation is important now and will become increasingly so in the future.

There are agreements between the Provinces and the Federal Government on the implementation of Federal and Provincial Species at Risk legislation. Ontario is one of several Provinces that had an Endangered Species Act. This Act and its regulations have been amended to strengthen its prohibitions and to create procedures that work closely with the Federal legislation. There are specific terms to the Federal and Provincial Accord that address species at risk that also extend the Act's influence, particularly where environmental assessments are undertaken.

There are four classes of species listed by regulation made under the Endangered Species Act: extirpated, endangered, threatened and species of concern. The listing occurs under advice from a Federal/Provincial committee of scientists, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC).

Habitat protection is legally required for endangered and threatened species. More general habitat protection policy applies to species of concern. With respect to endangered and threatened species, the Ministry of Natural Resources is mapping the habitat to be protected for endangered and threatened species.

This is a significant task and the work is expected to take several years to complete. Meanwhile, where approvals are required, often applicants are required to identify habitat to be protected when their applications are processed for Crown land and Environmental Assessment Act approvals. Ministry staff will exercise much judgment about what habitat is to be protected and what habitat isn't. Often this habitat may be located outside natural systems identified through application of the Natural Heritage policies of the PPS.

There have been several court cases across the country on both the Federal and Provincial legislation. Where decisions have been made, generally they strengthen the administration of the legislation. Like the Fisheries Act, this is powerful legislation.

In the Report of the Expert Panel on Climate Change Adaptation released in November 2009, the Panel recommends the Ministry of Natural Resources strengthen its capacity to develop and plan short and long term adaptation actions designed to increase climate change resilience of ecosystems and species at risk. Some scientists are projecting significant species extinction as the climate warms. Climate change will broaden the application of endangered species legislation, with profound implications.

OPPI recommends that Provincial policy address threatened and endangered species outside the context of natural heritage policy and in a new section addressing climate change adaptation and mitigation together with other adaptation policy such as carbon sequestration etc.

Land Use Compatibility:

The D1 through D6 Land Use Compatibility Guidelines have been in place since the 1970's. These Guidelines supplement the Ministry of the Environment's air, noise and odour approvals under the Environmental Protection and Ontario Water Resources Acts. The guidelines status was changed from Provincial Policy to Guidelines. Otherwise their substance has not changed significantly. Effective land use compatibility policies are important if intensification policies are to be achieved.

The Environmental Protection Act has been updated. The most recent innovation is Ontario Regulation 419. It updates the air modeling requirements by adopting US EPA air modeling software and strengthens existing air standards and introduces new standards, where required. An alternative standards procedure is also provided where these standards cannot be achieved immediately by industry. New standards will be phased in over the next few years. The potential exists that alternative standard setting will be relied upon frequently to further phase in emissions controls.

These alternative standards are especially significant for air contaminants because the regulated standard has to be achieved at the property boundary. Alternative air standards will mean that off site uses will experience air contaminants exceeding the regulated standards. Many emitters may rely upon alternative standard setting to address compliance. Unlike air contaminants, the point of impingement for odour and noise emissions is the nearest sensitive use. The same may become the case for many air contaminants if the alternative standard procedure is used routinely.

The D1 and D6 Guidelines are used irrespective where sensitive uses exist. However, where the point of impingement is located off site, land use compatibility becomes a very important planning issue. Policies may be required to address sensitive uses.

Even where the air standard is met at the property boundary, land use compatibility should be an issue because variations in micro-climate and weather, operational contingencies and modeling assumptions and performance support the use of minimum buffer standards where sensitive uses are concerned.

At a minimum, additional policy is required to address alternative standards and risks posed for sensitive uses where air contaminants exceed the regulated standard. Either sensitive uses should be restricted in areas where standards are exceeded; or the approvals should not be issued; or provisions should be made to remove sensitive uses from areas where the regulated standard is exceeded.

In addition to these general considerations, there are specific planning concerns that should also be addressed:

1. Cumulative effects are not considered where air contaminants are addressed in Ontario Regulation 419. Nor are cumulative effects addressed in the studies required to address the D1 and D6 Guidelines where land use compatibility is addressed.
2. Alternative standards setting provided for in Ontario Regulation 419 is essentially a modeling effort. While on site modeling may be utilized to address various emissions on site and observed monitoring on the plant, there is no procedure in place to address cumulative or monitored results off site.
3. While suspended particulate is addressed in selected circumstances in Ontario Regulation 419, respirable particulate (PM 10 and PM 2.5 and smaller) isn't addressed specifically. PM 10 is identified as a toxic substance in the Canadian Environmental Protection Act. In our opinion, it should be addressed.
4. Air emissions associated with vehicular traffic is not addressed by the land use compatibility guidelines even though there are substantial public health risks documenting the health risks among residents living close to heavily travelled 400 series highways and major arterial streets.

Presently a modernization procedure is underway that will change the ways in which approvals are undertaken in the Environmental Protection and Ontario Water Resources Acts. From the recent discussion paper we understand that sensitive uses and zoning bylaws will be used to assess potential risk and the efficacy of the two approval streams. Our concern is the planning instruments be properly interpreted on the one hand and that municipal decision making support their use in environmental permitting on the other.

Last, recent initiatives involved in increasing waste diversion may involve increasing the available infrastructure required to process and reuse materials, especially construction and road materials. For example, where aggregate recycling is involved, additional facilities will be required, each possibly having various approval requirements under the Environmental Protection Act. Land use compatibility will also be an additional consideration.

These are the situations that also should be addressed in an updated D1 through D6 Land Use Compatibility Guidelines.

The Built Environment and Chronic Diseases:

In 2004, Ontario's Chief Medical Officer of Health, Dr. Sheela Basrur, sounded the alarm in her report *Healthy Weights, Healthy Lives*. Appropriate physical activity and nutritious eating are prerequisites for healthy communities. The Ministry of Health Promotion's released Ontario's Action Plan for Healthy Eating and Active Living in 2006. This sets out Provincial policy for creating a healthier Province. It addresses the potential future health care costs associated with obesity and physical inactivity and creates a policy framework within which healthy and complete communities can be understood when these terms are applied to the PPS.

OPPI had the privilege of partnering with the Ministry of Municipal Affairs and Housing to prepare a *Healthy Communities Handbook*. This electronic document has been well received by municipalities and health units concerned about the health risks posed by built environments that do not provide for active living. In addition OPPI has released three calls to action that address health communities.

If this matter is not addressed, the lives of our children and grandchildren will not be as long or as rich as the lives we live. Public health costs associated with these chronic diseases will also rise catastrophically.

The specific policies recommendations contained in the section entitled "Urban Design where active and sustainable communities are concerned" are intended to address this topic in the PPS. Section 3, Protecting Public Health and Safety needs to be broadened with a new subsection 3.3 that defines the relationship between the built environment and public health and sets out policy needed to achieve healthy communities.

Initiatives such as those underway in Peel Region where a public health checklist has been developed to be applied to certain development applications are examples of what can be required. Subject to consultation with the Ministry of Health Promotion, it may be useful to address the development of such a checklist to be applied Province wide.

Question #5: Is additional support needed to help implement the PPS?

Clarification and Provincial direction on consultation with First Nations where planning decisions occur on traditional lands and waters and on planning decisions close to reserves where co-ordination may help result in better decision making. Specifically Reserve communities are another level of government and should be addressed under Section 1.2, Co-ordination.

Question #6: Do you have any other comments about the PPS?

Here are a number of matters that also deserve attention in this review:

- A better understanding of how the PPS is to be addressed where there are overlapping policies addressing the **Clean Water Act**, and its regulations, and the Lake Simcoe Protection Plan and the various regulations and policies developed or being developed under the **Lake Simcoe Protection Act**. Unlike other legislation and Provincial Plans, conformity with these regulations and plans requires significant science to be applied in land use decisions.
- It also requires information traditionally not required in planning applications to be gathered in order to meet the statutory requirements of the legislation. Time and assistance will be required to support successful implementation. This matter should be discussed in the implementation section.
- A better sense of the manner in which municipalities can exercise discretion where overlapping PPS policies exist is needed.
- The application of the Municipal Class Environmental Assessment is required to implement official plan policy. It is essential that enhanced pedestrian, cycling and public transit be supported by the Environmental Assessment Act decisions where official plans provide for these transportation modes.
- The Ministry of Natural Resources is not making its information resources readily available to municipalities and/or is requiring municipalities to undertake expensive research in order to meet their expectations with respect to natural heritage and aggregate policies where official plan reviews are concerned. Where the information is not made available or is of poor quality, the PPS should set out what alternatives are reasonable for the municipality to take when official plan reviews and amendments are undertaken.
- Official Plan reviews should not be required to develop substantial research were the research has no direct bearing on the matters being proposed in the review.
- OPPI recommends that a stronger connection be made between the PPS and the Accessibility for Ontarians with Disabilities Act in order to assist implementation of this legislation within municipal planning decisions.