



REPORT

REPORT TO: Chair and Members of the Planning, Public Works and Transportation Committee

REPORT FROM: Keith Hamilton, Planner - Policy

DATE: October 8, 2019

REPORT NO.: PLS-2019-0068

RE: Provincial Review of the Provincial Policy Statement– Halton Area Planning Partnership Joint Submission

RECOMMENDATION:

THAT Report PLS-2019-0068, dated September 16, 2019, regarding the Halton Area Planning Partnership (HAPP) Joint Submissions on the Provincial Review of the Provincial Policy Statement, be received;

AND FURTHER THAT Council endorse the comments on the Provincial Review contained in the Joint Submission attached as Schedule One to this report, to be submitted to the Province in advance of the commenting deadline of October 21, 2019;

AND FURTHER THAT a copy of this report be forwarded to the Ministry of Municipal Affairs and Housing, the Region of Halton, the Local Municipalities of Burlington, Milton and Oakville, Conservation Halton, Credit Valley Conservation and the Grand River Conservation Authority.

PURPOSE OF THE REPORT:

The purpose of this report is to:

- Provide an overview of the Province's Review of the Provincial Policy Statement (PPS) and proposed changes; and,
- Provide an overview of the Halton Area Planning Partnership's comments to the Ministry of Municipal Affairs and Housing (MMAH) on the PPS Review.

BACKGROUND:

1.0 Provincial Policy Statement Review

In May of 2019 the Province announced that a review of the Provincial Policy Statement (PPS) was forthcoming through the release of the “More Homes, More Choice: Ontario’s Housing Supply Action Plan.” At this time the stated focus of the review was to make policy changes that would encourage housing development and reduce barriers for developers, while recognizing the importance of local decision-making.

On July 22nd, 2019 the Province posted its proposed changes to the PPS on the Environmental Registry of Ontario website (<https://ero.ontario.ca/notice/019-0279>). The deadline for submitting comments on the proposal is set for October 21st, to provide a 91 day window for all those interested. The review has five (5) stated goals the proposed changes are expected to achieve:

- Increasing housing supply and mix;
- Protecting the environment and public safety;
- Reducing barriers and costs;
- Supporting rural, northern and indigenous communities; and,
- Supporting certainty and economic growth.

After the release of the proposed changes to the PPS, members of the Halton Area Planning Partnership (HAPP) began drafting a joint statement to be submitted to the Province prior to the October 21st deadline. This submission is discussed in greater detail in the Comments section.

2.0 Proposed Changes

Proposed changes to the PPS through this review came in the form of modified policy text, policies added, policies deleted, and policies moved into other sections. This section will summarize some of the key changes that Town staff flagged and commented on throughout the HAPP Joint Submission process.

2.1 Use of ‘Market’ Term Throughout

The Provincial review of the PPS is heavily influenced by a stated desire to encourage housing development. As a result use of the word market is prevalent in revised policies related to housing throughout. Specific examples include:

- Section 1.1.1 (market-based mix of residential types)
- Section 1.1.3.8 (market demand in settlement area expansion)
- Section 1.4.3 (market-based needs for housing)

The use of the term market is not completely new to the PPS. Regional Market Area is a term that was introduced in past versions of the PPS, and is currently defined as follows:

'refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market area may be based on the larger market area. Where regional market areas are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.'

What is unclear is whether these new 'market' terms are related to this established definition, or whether market is now being considered something more localized and specific to individual settlement areas.

2.2 'Fast-tracking' of Priority Applications

Section 4.7 (as proposed) is a new policy requiring municipalities to increase housing through streamlining and fast-tracking priority applications. This policy lays out steps to achieve this by first identifying priority applications that represent housing and job-related development and then reducing the time needed to approve such applications.

The existing PPS identifies municipalities as responsible for providing opportunities for housing, setting density targets, and directing the development of new housing. This new policy introduces housing as a priority in the Implementation and Interpretation Section (Section 4) which directly relates to the first stated goal of increasing housing mix and supply.

2.3 Climate Change Policies

Proposed changes to the PPS include new and modified climate change policies rooted in the expanded use, and defining of the term 'Impacts of a Changing Climate':

'means the potential for present and future consequences and opportunities from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.'

New and modified policies in Sections 1-3 of the PPS propose a shift from 'consider' to 'prepare for' impacts of a changing climate in planning and development. These proposed additions would result in a much greater presence of climate change within the PPS.

2.4 Expanded Permissions for Mineral Aggregate Extraction

Proposed changes to Section 2.5.2.2 would permit aggregate extraction in natural heritage features (outside the Greenbelt), excluding significant wetlands, provided a long-term rehabilitation plan can demonstrate no negative impact on such features and their ecological functions.

COMMENTS:

1.0 Summary of Key Points

The HAPP joint submission on proposed changes to the Provincial Policy Statement (PPS) is attached to this report as Schedule One. Key points made in this submission are organized into eight (8) categories:

- **Shifting from “shall” to “should” in some areas:** where shall has implied mandatory in existing policies, it is unclear whether should will have the same implication in policies where the substitution has occurred. This has occurred in a number of important policies, as noted in the HAPP joint submission.
- **References to “market” throughout:** there is concern that the revised PPS appears to elevate ‘market’ to a foundational component that is more important than other community objectives in justifying the merits of a proposal. As such, HAPP has recommended that the Province remove ‘market’ from the PPS. Further discussion on this is set out in Section 3.0.
- **Prioritizing development applications:** there is concern with the policy language included in Section 4.7, specifically that municipalities ‘shall take action’ in prioritizing housing applications. HAPP has recommended using ‘should take action’ as an alternative to allow municipalities more autonomy over what applications should be considered a priority.
- **Climate Change Adaptation and Mitigation policies:** the addition and modification of climate change policies is noted as a welcomed change from what currently exists in the PPS. HAPP has noted the definition of the term ‘Impacts of a Changing Climate’ does not reference causes and drivers of climate change. HAPP has recommended the Province expand this definition as well as include further policy changes that address climate change mitigation.
- **Changes to Indigenous Engagement:** in responding to new and modified policies on engagement with indigenous communities, HAPP have recommended the Province develop guidelines for what constitutes meaningful engagement with such communities.
- **Changes to Implementation/Interpretation Section:** there is concern with the proposed relocation of Section 4.9 to the Preamble. This section establishes PPS policies as minimum standards for planning decisions. HAPP has recommended this policy remain in the Implementation and Interpretation Section (4) so as not to minimize its importance.
- **Implementation guidelines:** there is concern with the multiple instances in the proposed modified or added policies where references are made to yet-to-be

developed guidelines, or guidelines yet-to-be approved. HAPP has noted the difficulty in commenting on policies which reference such guidelines.

- **Changes to mineral aggregate extraction policies:** concerns have been noted with respect to Section 2.5.2.2 where changes would allow extraction to be considered in areas with key natural features, provided a rehabilitation plan can demonstrate 'no negative impact'. The submission has questioned whether rehabilitation of extraction areas can truly result in 'no negative impact' and has recommended that these proposed policies be removed.

2.0 Response to Consultation Questions

In addition to providing general comments on proposed policy changes to the PPS, the Province asked commenters for responses to five (5) questions related to stated goals and proposed changes. As part of the joint submission, HAPP has provided a response to each question. Key points from the responses are noted below, while full responses can be found as part Schedule 1.

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

In response, HAPP has acknowledged the potential for the changes to benefit housing supply while noting concerns resulting from other proposed changes. These concerns are largely those which have been outlined in the previous section (Summary of Key Points).

Question 2: Do the proposed policies strike the right balance? Why or why not? How do the responses answer the questions about balance?

In response, HAPP has acknowledged the proposed policy changes strike a balance between housing and protecting the environment. However, HAPP's response does note imbalance in other areas. These include the relocation of several policies from the Implementation and Interpretation section to the Preamble and a lack of mitigation strategy for policies referencing the impacts of climate change.

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

In response, HAPP has made reference to changes to Section 2.5.2.2 (considering aggregate extraction in areas with natural features) and climate change policies. The response calls for the removal of added language to 2.5.2.2 and notes that with the expanded climate change policies there is more opportunity to add mitigation policies in the PPS. The response also highlights the unity among the area municipalities for a call for stronger mitigation policies through the climate change emergency declarations that have come over the past six months.

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

In response, HAPP has requested the Province put more emphasis on affordable and sustainable housing in future policy considerations.

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

In response, HAPP has suggested the Province review and update guidelines related to policies in the PPS, including flood control and natural heritage. The response also suggests they provide clear definitions for multiple terms outlined in the full response provided in Schedule 1.

3.0 Market References in the PPS

As outlined in the Background Section of this report, the term market has been introduced into the PPS. In the absence of a definition, the use of the term market has created uncertainty as to how it would be applied when formulating planning policy or evaluating the merits of a development application. It should be noted that references to market were also included in A Place to Grow, the revised Growth Plan for the Greater Golden Horseshoe.

Staff recognizes that market considerations are an input into the planning process. The proposed PPS wording, however, appears to elevate market to a foundational component as it relates to planning policy and development decisions, particularly as it pertains to housing. To that end, it was recommended in the HAPP joint submission that the market tests be removed and replaced with references to an “appropriate range and mix of housing options and densities”. As defined, housing options captures the entire housing continuum. In the alternative, if market references are to remain in the PPS, it is recommended that the policies be structured to make it clear that market based factors are one of many that need to be considering in arriving at good planning decisions.

4.0 Aggregate Extraction in Natural Heritage Features

As outlined in the Background Section of this report, aggregate extraction is now proposed to be permitted in natural heritage features (outside the Greenbelt), excluding significant wetlands. This policy (in Section 2.5.2.2) would lean on the ability for a ‘long-term rehabilitation plan’ to demonstrate no lasting negative impacts would result post-extraction.

The Joint Statement (Key Point 8) expresses concern that the proposed policy (as worded) would only require rehabilitation plans demonstrate no negative impact during the post-extraction rehabilitation phase, without regard for the environmental impacts that would occur during extraction, which can be a decades-long undertaking.

In addition to noted issues with permitting extraction in key natural heritage features, the Joint Statement also expresses concern with standing PPS policies (Section 2.5.2.1) that do not require proponents of extraction to demonstrate need for aggregates to be extracted. In addition to recommending the new policies enabling extraction in natural heritage features be removed, HAPP have also recommended Section 2.5.2.1 be changed to require proponents to demonstrate the need for additional supplies of aggregate resources.

5.0 Next Steps

It is recommended that staff be directed to report back to Council with further detailed information on any potential implications for the Town's land use planning policies and processes, which will take place when additional clarification and information is released by the Province.

RELATIONSHIP TO STRATEGIC PLAN:

This report relates directly to the implementation of the entire Town Strategic Plan, but in particular Strategic Direction I: Provide Responsive, Effective Municipal Government, the Goal to provide strong leadership in the effective and efficient delivery of municipal services, and the following Strategic Objectives:

- I.6 To participate fully in Region-wide initiatives to protect and promote the Town's objectives.
- I.7 To foster a greater understanding of the Town's roles and responsibilities and relationships with other orders of government.

FINANCIAL IMPACT:

There is no financial impact associated with this report.

CONSULTATION:

The Halton Area Planning Partnership consisting of the Region of Halton, the four Local Municipalities, Credit Valley Conservation, Conservation Halton, and Grand River Conservation Authority participated in the preparation of the Joint Submission that is the subject of this report.

PUBLIC ENGAGEMENT:

No public engagement was undertaken for this report.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life. The relationship between this report and the Strategy is summarized below:

The recommendations outlined in this report are linked to the Economic, Environmental and Social Pillars of Sustainability. In summary, the alignment of this report with the Community Sustainability Strategy is good.

COMMUNICATIONS:

A copy of this report will be forwarded to the Ministry of Municipal Affairs and Housing, the Region of Halton, the Local Municipalities of Burlington, Milton and Oakville, Conservation Halton, Credit Valley Conservation and the Grand River Conservation Authority.

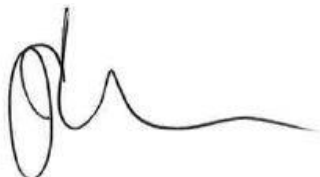
CONCLUSION:

This report has provided an overview of the contents of the Halton Area Planning Partnership Joint Submission on the Provincial review of, and proposed changes to the Provincial Policy Statement. It is recommended that Council endorse the comments contained in the Joint Submission in order to complete the Town's involvement in the Review of the Provincial Policy Statement.

Reviewed and Approved by,



Bronwyn Parker, Manager of Planning Policy



John Linhardt, Commissioner of Planning and Sustainability



Brent Marshall, Chief Administrative Officer