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Subject: Niagara Region's submission: proposed changes to the Provincial Policy Statement (ERO #019-0279)

Date: October 21, 2019

To: Planning Consultation
Provincial Planning Policy Branch, Ministry of Municipal Affairs and Housing

From: Rino Mostacci, MCIP, RPP
Commissioner of Planning and Development Services, Niagara Region

Thank you for the opportunity to comment on proposed changes to the Provincial Policy Statement (PPS).

Kindly accept this submission in response to Environmental Registry of Ontario (ERO) posting #019-0279 on behalf of the Commissioner of Planning and Development Services of the Regional Municipality of Niagara (the "Region").

The Region's submission contains two parts:

1. This cover letter responding to the five questions on the ERO posting.
2. A table containing policy-specific comments to the draft PPS.

Response to ERO questions

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?

The Region supports proposed changes that increase the focus on affordable housing options and creates a connection between the PPS and Housing and Homelessness Action Plans.

However, some proposed changes do not achieve the stated objectives to increase housing supply, create and maintain jobs, and reduce red tape.

Addition language is needed for "rental housing"

Proposed changes do not explicitly recognize rental housing. The development of rental housing is critical and policies must promote this directly.

The PPS contains a new term “housing options”, which is generally supported by the Region. However, the definition does not include the term “rental”. In our view, the definition should include “rental” in order to capture the housing options that will be provided.

Similarly, the PPS should have greater emphasis on purpose-built affordable rental housing, which has a high need in Niagara.

A recent analysis of housing supply and demand in Niagara by the Canadian Centre for Economic Analysis (CANCEA) identified more than 8,500 Niagara households need affordable housing (i.e. that costs no more than \$484 per month for total housing costs).

The Region understands the challenges for private entities to provide housing at an affordable cost level. Therefore, it is crucial for the Province to support the development of non-market rental housing through specific PPS policies to this effect.

Clarification is needed on “market-based need”

The Region requests the Province to clarify roles, responsibilities, and expectations associated to the new term “market-based need”.

Draft policies require municipalities to provide housing options and densities to meet projected market-based needs (at s. 1.4.3).

As proposed, the applicable market geography that would be used to determine a market-based need is unclear. In Niagara, there are at least four market geographies that could be used:

1. Settlement area market area.
2. Local municipal market area.
3. Regional market area.
4. Provincial market area.

Further, the Region is concerned about the introduction of a market-based approach that may undermine certain planning initiatives that are intended to transition an area to different market conditions.

For example, currently Niagara is predominantly composed of privately owned single-detached dwellings. In absence of a clearly defined “market-based need”, the term could be misinterpreted to help justify continuation of single-detached dwelling construction as the only housing option supported by the market.

Municipalities are responsible to define areas that may be suitable for higher densities of housing, consistent with policy, regardless of whether or not the current market

supports that housing form. Long-range planning requires an influence in the market to allow for a desirable outcome in the future.

The Region requests the Province to clarify municipal expectations related to implementing a market-based need approach to development. More specifically, how municipalities can ensure that housing supply is balanced between various housing options and ownership (including rental), and to ensure that planning is based on best practice including fiscally responsible and transit-supportive development beyond what is economically viable in the current market.

Some proposed changes will create red tape

Some proposed changes will not have the desired effect of streamlining development application reviews and approvals.

For example, proposed changes to s. 1.2.2 shifts the Duty to Consult with Indigenous Communities from the Province to applicable Planning Authorities.

This is a significant undertaking for Niagara's Planning Authorities, who may lack funding, resources, knowledge, and legal authority to carry out the Duty. The Duty is better left to the Province since they are the direct representatives of the Crown.

Proposed changes will require consultation during any instance where an archaeological resource is identified. This has the potential to cause significant delays to the review and approval of development applications from both a private and municipal perspective.

Additionally, the Region has concerns with proposed changes in s. 1.2.6 "Land Use Compatibility".

The revisions require an applicant to evaluate all alternative sites for development. This would significantly burden the development application review process from both a private and municipal perspective. The applicant would have to identify and evaluate each site, which would then be subsequently reviewed by municipal staff for completeness or if further work is required.

Better policy is needed for "priority applications"

The Region supports the concept set out in proposed s. 4.7 which requires municipalities increase housing supply by streamlining priority applications

However, the operative part of the policy is too broad: "...priority applications which support housing and job-related growth and development...". This phrase covers practically any type of development application.

The policy should be revised to specifically establish that single- and upper-tier municipalities can identify eligibility requirements for an application to be considered a priority. In Niagara's case, this may include filling a municipally-identified market demand, provide for a variety of housing options, and/or be located within a municipally-identified priority area (i.e. Major Transit Station Area).

The best way to have priority applications move faster would be a new delegated authority to the Chief Planning Official (and their delegates).

A municipal Official Plan could be amended to define what would qualify as a *priority development* and what *type of application* would qualify. For example, a below-market rental development could meet the priority development type requirement and a minor variance application under section 45 of the *Planning Act, 1990* could meet the qualifying application type.

In this case, the application would be processed as a priority application and would *not* proceed to the Committee of Adjustment in the normal course of non-priority applications. Instead, through delegated authority, the Chief Planning Official would approve the application if he or she was satisfied that the required tests under section 45 of the *Planning Act, 1990* were satisfied (which is the same tests that would be considered by the Committee of Adjustment for non-priority applications).

Proceeding this way would save weeks or months for priority applications – an applicant would not need to wait for the Committee of Adjustment schedule.

Notice requirements and appeal rights could remain the same. The applicant and interested parties could appeal to the LPAT in the normal course, if it deems appropriate to do so.

The above process could be accomplished by amending the *Planning Act, 1990* concurrently with updating the PPS.

Question 2

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

Municipalities are delegated more responsibility and have less time to consult

The proposed changes are imbalanced and favour private applicants. As proposed, Planning Authorities are delegated more responsibilities in the PPS and have less time to make decisions on certain planning matters (when considering the PPS with recent amendments to the *Planning Act, 1990*).

Further, certain new terms and phrases lack definition which increases the likelihood of interpretation beyond the intended purpose. This could result in private applications undermining existing municipal policy designed to protect the public interest.

Concern over greater infrastructure deficit

The Region does not support proposed changes to s. 1.6.6.5, as added language could permit all rural lots to connect to existing partial services.

The Region is concerned that this change has the potential to significantly undermine infrastructure-related financing projections and growth capacity for settlement areas.

Firstly, Development Charges do not collect for water and wastewater in rural areas because they have not been traditionally serviced.

Secondly, Niagara has a vast rural area, and if services are extended, it has the potential to undermine planned capacity for urban area growth.

Further, Staff are concerned with how this will be implemented in a two-tier water and wastewater system.

For example, if a lower-tier municipality determined that it was logically and financially acceptable, to allow, indiscriminately, owners in the rural area to connect to existing partial services with a statement that there are no negative impacts, the policy would be met regardless of any analysis of the upper-tier system. A conflict arises in those cases where the upper-tier system would be negatively impacted.

Concern with current “market” language

As previously mentioned in Question 1, new policies relating to a market-based need may be interpreted to mean reflective of the current market, such as homeownership over rental, or singles over multiple unit buildings.

The Region is concerned that a market-based need approach could undermine long-range planning work intended to influence the market to meet other desired outcomes, like increased densities and the protection of environmental features.

Question 3

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

Mineral aggregate expansions should have municipal involvement

The Region recommends s. 2.5.2.4 be revised to clarify that municipalities will be included during any application to expand the area of a mineral aggregate operation.

Proposed changes should specify that the municipal land use approvals process must continue to apply for any new or expanding mineral aggregate operations.

Support for the inclusion of references to “climate change”

The Region supports the addition of the term “impacts of a changing climate”.

The Region acknowledges an increase in climate change-related instances across Ontario communities and supports directive to implement best practices that will help municipalities adapt to the impacts of a changing climate.

A “market-based need” may only work in certain municipalities

As proposed, a market-based need approach to offering a variety of housing options will likely only work in municipalities that currently have a diversified housing supply.

As previously mentioned in Question 1, proposed changes fail to specify how a market-based need will be determined and whether it is based on current or transitioning market conditions.

The Province must provide additional direction on the correct implementation of a market-based need to ensure that new development does not solely reflect the existing composition of housing supply within a municipality.

Add a definition for “rural settlements”

The Region suggests a new definition be included for “rural settlements” that is the same as “rural settlements” in the 2019 Growth Plan.

Inclusion of this term would ensure consistency between Provincial Plans and improve clarity to policies that protect urban and rural views, values, and considerations of Ontario’s communities.

Question 4

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

More changes are needed to speed up the planning process.

The Province should improve its internal review and approval service

The Province must ensure that its internal review and approval services are able to meet the same expectations as municipalities.

Municipalities are required to circulate and consult with a variety of parties depending on the type, scale, and complexity of the planning application. Therefore, the timeliness of the process is largely dependent on the ability for all parties – including provincial ministries and agencies – to complete their review and provide comments back to the municipality within prescribed timelines.

On many occasions, delays have been caused by the Province’s inability to meet service delivery expectations. Given proposed PPS changes, and the recent changes

under Bill 108 to reduce municipal review times, it is incumbent on the Province to improve its response time.

The Region recommends adding a new PPS policies that outlines Provincial responsibility and timelines to meet expectations for streamlined service delivery. The policy should recognize all processes that involve Ministries and its agencies, such as those relating to Environmental Compliance Approvals, archaeology clearances, Records of Site Condition, Niagara Escarpment Permits, and Section 26 Approvals.

Province should strengthen its own staffing compliment

The Region recommends the Province strengthen its own ministry and agency resourcing to improve its ability to achieve service delivery expectations.

Currently, one of the largest complaints received from Niagara's development industry involves the time it takes for developers to receive feedback from the Ministry of Natural Resources and Forestry (MNRF) on information requests submitted to local district offices. This becomes especially problematic for the assessment of species that require field work at specific times-of-year.

For example, bats may require acoustic monitoring that can only occur in the month of June. If an applicant submits an information request to the MNRF in April and does not receive a response until July, the bat monitoring cannot be done until the following year. This can have significant implications on development schedules.

The Region recommends that the Province hire topic-specific experts to assist with various planning matters; for example, those that specialize in Environmental Site Assessment applications.

Question 5

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

Update the Land Needs Assessment Methodology

The Region understands that revisions to Land Needs Assessment Methodology is under consideration by the Province to align with the revised 2019 *Growth Plan*. If the market-based need policies remain in the PPS, the Methodology should contain direction on how to account for this.

"Duty to Consult" is problematic and requires more guidance

The Region interprets proposed changes as a significant shift in the roles and responsibilities for Planning Authorities when consulting Indigenous Communities.

As discussed in Question 1, policy changes delegate the Duty to Consult from the Province to Planning Authorities. If this is the intent of the change, the Region requests

the Province provide guidance and other tools to support Planning Authorities with undertaking this responsibility, as well as to ensure consistent practice across Ontario.

Additionally, the Province should provide resources and support to Planning Authorities during the transition period where the Duty to Consult has been delegated and guidance materials are being prepared.

Criteria for determining feasibility of rural service connections

The addition of the term “feasibility” to s. 1.6.6 “Sewage, Water and Stormwater” will require its own set of criteria to determine how it will be considered and measured.

The addition of this term places the onus on upper- and lower-tier municipalities to assess and justify whether municipal services can be connected to rural partial services.

The Region requests the Province to clarify who is responsible to determine the feasibility of this servicing connections, as well as establish the criteria that can be evaluated to determine feasibility.

Update the “Natural Heritage Reference Manual”

The Province should update its “Natural Heritage Reference Manual”, which has not been revised since the 2005 PPS.

The Manual is a critical tool for the implementation of the PPS policies on natural heritage and water resource, in part.

Finalize “Watershed Planning Guidelines”

To assist with implementing policies within s. 2.2 “Water” of the PPS, the Region recommends the Province to finalize its Watershed Planning Guidelines, which have been in draft form since February 2018.

This guideline is an important tool to ensure proper implementation of best practices and to improve timeliness of planning decisions.

Finalize “Client’s Guide to Preliminary Screening for Species at Risk”

The Province should finalize its “Client’s Guide to Preliminary Screening for Species at Risk”, which remains in draft at time of these comments.

This guidance tool will help clarify the relationship on how environment-related matters should be addressed between the PPS and *Endangered Species Act, 2007*.

Finalize “Agricultural Impact Assessment Guidelines”

The Province should finalize its “Agricultural Impact Assessment Guidelines”, which remains in draft at time of these comments.

This guideline will improve the interpretation of policies on matters dealing with competing provincial interests. Particularly, matters relating to adjustments / expansions of settlement areas in s. 1.1.3, or non-agricultural uses in prime agriculture areas in s. 2.3.6.

Modernize the "D-Series" Guidelines

The Province should review and update its D-Series compatibility guidelines to reflect modern technology and practice.

Best practices are continuously evolving and the effect of negative impacts such as odours, noise, lighting, and dust should be considered based on current best practice.

The D-Series guidelines should be modernized to ensure mitigation of negative impacts and reasonable land use separation and transition between uses.

Create "Specialty Crop Area Guidelines"

The definition for "specialty crop area" – which remains unchanged in the draft PPS – mentions that areas are designated using guidelines developed by the Province.

Niagara has a significant portion of land designated as specialty crop area. Presently, there are many instances in Niagara where lands are designated as specialty crop area where, in fact, those lands are unsuitable for any type of agriculture-related use.

The Region requests the Province to create its referenced guideline and review existing specialty crop areas to accurately reflect existing uses through ground-truthed analysis.

Create "Wetland Guidelines"

The Province should create Wetland Guidelines as soon as possible to assist with implementing proposed s. 2.1.10.

These guidelines are required to support natural environment planning currently being undertaken by the Region.

Create "Excess Soil Guidelines"

The Province should create "Excess Soil Guidelines" to provide direction and support implementation of the re-use of excess soil as it relates to new s. 3.2.3.

Consistent use of terminology across Provincial Plans

The Province should ensure that the inclusion of new terms and definitions used in the PPS are amended in other Provincial Plans where the intention is to have the same meaning.

Another area of concern is where certain descriptors are used in one section but not another. For instance, proposed changes to s. 1.7.1 reference a “dynamic market-based need”, which is the only time that the word “dynamic” is used before the word “market”. This phrase adds an interpretation concern that may lead to perverse interpretations of this policy and others that use the word “market” without the word “dynamic”.

Provincial guidelines and tools should be updated every five years

The Province should update its guidance tools every five years to better align with municipal official plan update cycles.

The five year review cycle would offer a consistent timeline to update provincial tools to reflect emerging trends and new best practices.

Municipalities could better rely on these tools for planned updates to its official plan and other policy work if the timing of revised guidelines were transparent.

Conclusion

Additional comments on policy-specific changes to the PPS are provided in the enclosed table.

Please contact myself if you have questions or require additional information.

Respectfully submitted and signed by



Rino Mostacci, MCIP, RPP
Commissioner of Planning and Development Services
Niagara Region

Attachment:

- Comment table: Niagara Region's submission – proposed changes to the Provincial Policy Statement (ERO #019-0279)

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Appendix 1

Niagara Region

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PART I: Preamble	
<p>...</p> <p><u>Within the Great Lakes – St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes – St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario and Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.</u></p> <p>...</p>	<p>Staff recommend incorporating the key considerations from the Great Lakes agreements between Ontario and Canada, between Ontario and Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America directly into Part I: Preamble of the PPS.</p>
PART IV: Vision for Ontario's Land Use Planning System	
<p>...</p> <p>Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They also support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. <u>They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region.</u> Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.</p> <p>...</p>	<p>Staff supports the notion that the "impacts of climate change" will vary from region to region. The work of municipalities and planning authorities related to mitigation and adaptation would be greatly supported by strong Provincial direction and policy.</p>

Proposed revisions		Niagara's comments	
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PART V: Policies			
1.0 Building Strong Healthy Communities			
1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns			
1.1.1	Healthy, liveable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate <u>market-based</u> range and mix of residential <u>types</u> (including second <u>single-detached, additional residential</u> units, <u>multi-unit housing</u> , affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; e) promoting <u>the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments</u> , and standards to minimize land consumption and servicing costs;	Staff requests that the term “market-based” be defined with criteria to clarify its meaning. The Province should issue guidelines on this matter. Further, Staff supports the addition of sub-bullet “i)” which includes reference to “regional and local impacts of a changing climate.” This is consistent with the vision of efficient development patterns permit better adaptation and response to the impacts of a changing climate, as mentioned in Part IV of the PPS. However, Staff observe an inconsistency between the terms “adaptation” and “preparing for” referenced in Part IV and s. 1.1.1.i, respectively. The interpretation of “preparing for” is different from “adaptation”. “Adaptation” can be defined as adapting to changes already occurring (e.g. building flood defenses, etc.), while “preparing for” implies readying for something before it has occurred. Proposed language in the policy suggests that climate change is imminent and the impacts have not been felt yet. This is not the case in Ontario. In fact, the government’s position in the revised <i>Growth Plan for the Greater Golden Horseshoe, 2019</i> that specifically sets out	

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	<p>f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing<u>addressing</u> land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and</p> <p>h) promoting development and land use patterns that conserve biodiversity; and consider</p> <p>i) <u>preparing for</u> the <u>regional and local</u> impacts of a changing climate.</p>	<p>that the impacts of climate change are already being felt (at s.1.1.1).</p> <p>Staff recommends the following revision to sub-bullet "i)" to clarify that climate change is happening now and actions are being taken to address the impacts:</p> <p>"i) <u>preparing for adapting to</u> the <u>regional and local</u> impacts of a changing climate", which helps to.</p>
1.1.3 Settlement Areas		
1.1.3.2	<p>Land use patterns within settlement areas shall be based on:</p> <p>a) densities and a mix of land uses which:</p> <p><u>a)</u> 1- efficiently use land and resources;</p> <p><u>b)</u> 2- are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</p> <p><u>c)</u> 3- minimize negative impacts to air quality and climate change, and promote energy efficiency;</p> <p><u>d)</u> <u>prepare for the impacts of a changing climate;</u></p> <p><u>e)</u> 4- support active transportation;</p> <p><u>f)</u> 5- are transit-supportive, where transit is planned, exists or may be developed; <u>and</u></p> <p><u>g)</u> 6- are freight-supportive; and.</p> <p><u>b)</u> <u>Land use patterns within settlement areas shall also be based on</u> a range of uses and opportunities for intensification and redevelopment in accordance with</p>	<p>For the reasons set out in s. 1.1.1 above, Staff recommends revising the language of sub-bullet "d)" from "prepare" to "adapt" in order to recognize change based on current climatic trends:</p> <p><u>"d) prepare <u>adapt</u> to the impacts of a changing climate;"</u></p>

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	the criteria in policy 1.1.3.3, where this can be accommodated.	
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall <u>should</u> have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	Staff recommends the Province not implement this revision. This revision creates more permissive policy language and will make it difficult for municipalities to achieve density / intensification targets on an individual application basis, particularly within strategic growth areas.
1.1.3.7	Planning authorities shall <u>should</u> establish and implement phasing policies to ensure: <ul style="list-style-type: none"> a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs. 	Staff recommends the Province not implement this revision. The word "shall" is more effective in ensuring that municipalities maintain a responsible long-term approach to accommodate forecasted growth.
1.1.3.8	A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that: <ul style="list-style-type: none"> a) sufficient opportunities for<u>to accommodate</u> growth <u>and to satisfy market demand</u> are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon; b) the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life 	<p>Staff generally supports these revisions, as it aligns with the recently amended <i>Growth Plan</i>.</p> <p>Staff observes that proposed language in sub-bullet "e)" will assist municipalities with developing criteria to review and process settlement area boundary expansions and adjustments outside of a Municipal Comprehensive Review (MCR) process. However, "complexity" and "scale" are subjective to a site's context and will be difficult to measure consistently.</p>

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	<p>cycle, and protect public health and safety and the natural environment;</p> <p>c) in prime agricultural areas:</p> <ol style="list-style-type: none"> 1. the lands do not comprise specialty crop areas; 2. alternative locations have been evaluated, and <ol style="list-style-type: none"> i. there are no reasonable alternatives which avoid prime agricultural areas; and ii. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas; <p>d) the new or expanding settlement area is in compliance with the minimum distance separation formulae; and</p> <p>e) <u>impacts</u> from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are <u>avoided, and where avoidance is not possible, impacts are minimized and</u> mitigated to the extent feasible <u>in accordance with provincial guidelines. In undertaking a comprehensive review the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal</u> in determining the most appropriate direction for expansions to the boundaries of settlement areas or the identification of a settlement area by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.</p>	<p>Staff requests clarification on how municipalities are expected to “satisfy market demand”; for example, who is responsible to determine the market demand.</p>
<u>1.1.3.9</u>	<p><u>Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of settlement area boundaries outside a comprehensive review provided:</u></p>	<p>Staff requests clarification on whether “no net increase”, as mentioned in sub-bullet “a)” applies to the subject settlement area, the lower- or single-tier municipalities total settlement area, or upper-tier municipalities total</p>

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	<p>a) <u>there would be no net increase in land within the settlement areas;</u> b) <u>the adjustment would support the municipality's ability to meet intensification and redevelopment targets established by the municipality;</u> c) <u>prime agricultural areas are addressed in accordance with 1.1.3.8 (c), (d) and (e); and</u> d) <u>the settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.</u></p>	<p>settlement area. This clarification is critical to ensure appropriate interpretation and implementation of the PPS and <i>Growth Plan</i>.</p> <p>Further, Staff requests clarification on whether municipal servicing has to exist outside of the settlement area boundary in order to qualify for an expansion, or planned for within a Master Servicing Plan.</p>
1.2 Coordination		
1.2.1	<p>A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:</p> <p>a) managing and/or promoting growth and development <u>that is integrated with infrastructure planning;</u> b) <u>economic development strategies;</u> c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources; d) infrastructure, electricity generation facilities and transmission and distribution systems, multimodal transportation systems, public service facilities and waste management systems; e) ecosystem, shoreline, watershed, and Great Lakes related issues; f) natural and human-made hazards; g) population, housing and employment projections, based on regional market areas; and</p>	<p>Staff recommends that the wording, "energy supply" as mentioned in PPS s. 1.6.11, be added to sub-bullet "d)", as shown below:</p> <p>"d) infrastructure, <u>energy supply</u>, electricity generation facilities and transmission and distribution systems, multimodal transportation systems, public service facilities and waste management systems;"</p>

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	h) addressing housing needs in accordance with provincial policy statements such as the Ontario Housing Policy Statement: <u>Service Manager Housing and Homelessness Plans</u> .	
1.2.2	Planning authorities are encouraged to <u>shall engage with Indigenous communities</u> and coordinate <u>on land use</u> planning matters with Aboriginal communities .	<p>Staff disagrees with this proposed change since it is an inappropriate shift of the Duty to Consult with Indigenous Communities from the Province to local municipalities (and other Planning Authorities).</p> <p>Municipalities are creatures of the Province rather than direct representatives of the Crown. Thus, municipalities are third party to the Crown's Duty to Consult and may only be expressly given this authority by the Crown.</p> <p>Should the changes to this policy be implemented, Staff cautions that an engagement program of this type will be a significant undertaking for Niagara's municipalities, who may lack funding, resources, knowledge, and legal authority to meaningfully carry out the Duty.</p> <p>If the Province revises the PPS as proposed, Staff recommend that it prepare a series of guidelines and other tools to support Planning Authorities with undertaking consultation efforts to ensure consistency in practices across Ontario. Additionally, the Province should provide resources and support to municipalities during the transition period where these guidance materials are being prepared.</p>
1.2.4	Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall:	Staff recommend consistent alignment and reference to terms used amongst the PPS and other Provincial Plans

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	<ul style="list-style-type: none"> a) identify, coordinate and allocate population, housing and employment projections for lower-tier municipalities. Allocations and projections by upper-tier municipalities shall be based on and reflect Provincial Plans where these exist <u>and informed by provincial guidelines</u>; b) identify areas where growth or development will be directed, including the identification of nodes and the corridors linking these nodes; c) identify targets for intensification and redevelopment within all or any of the lower-tier municipalities, including minimum targets that should be met before expansion of the boundaries of settlement areas is permitted in accordance with policy 1.1.3.8; d) where <u>major</u> transit corridors exist or are to be developed, identify density targets for areas adjacent or in proximity to these corridors <u>and stations</u>, including minimum targets that should be met before expansion of the boundaries of settlement areas is permitted in accordance with policy 1.1.3.8; and e) identify and provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries. 	<p>(i.e. Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan).</p> <p>Specifically for PPS s. 1.2.4, the terms "Major Transit Station Area", "Higher Order Transit" and "Planned Corridor" are not used in a consistent manner. As currently proposed, a "major transit corridor" is not defined in any Provincial Plan and is confusing when considering the similar above-referenced terms.</p>
1.2.6 Land Use Compatibility		
<u>1.2.6.2</u>	<u>Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall ensure that the planning and development of sensitive land uses adjacent to existing or planned industrial, manufacturing, or other uses that are particularly vulnerable to encroachment are only permitted if:</u>	<p>Staff requests clarification on the meaning of "particularly vulnerable to encroachment". Additionally, what is meant by the types of "other uses" is unclear.</p> <p>Staff are of the view that sub-bullet "a)" is an unreasonable test to satisfy.</p>

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	<p>a) <u>alternative locations for the proposed sensitive land uses have been evaluated and there are no reasonable alternative locations; and</u></p> <p>b) <u>potential impacts of these uses are minimized and mitigated in accordance with provincial guidelines, standards and procedures.</u></p>	As proposed, this policy requires an evaluation of all alternative sites for development. This could burden application review processes, inadvertently contradicting the Province's objective to streamline development and eliminate red tape.
1.3 Employment		
1.3.2 Employment Areas		
<u>1.3.2.2</u>	<p><u>At the time of the official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area.</u></p> <p><u>Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.</u></p>	<p>Staff recommends that this policy be revised to be more prescriptive to ensure that employment area designations and their planned functions are aligned. Staff propose the following modification:</p> <p><u>"At the time of the official plan review or update, planning authorities shall should assess employment areas.."</u></p> <p>Staff recognize that not all employment areas are the same. Making the specific distinction that some employment areas are planned for industrial and manufacturing uses is appropriate.</p>
<u>1.3.2.5</u>	<u>Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a Provincial Plan exercise or as regionally-significant by a regional economic development corporation working together with affected upper- and single- tier municipalities and subject to the following:</u>	<p>Staff recommends the Province clarify the term "regional economic development corporation" to improve overall policy interpretation.</p> <p>Further, depending on who this entity is, it may not be appropriate to delegate the authority to designate "regionally significant employment" area(s).</p>

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	<p>a) <u>there is an identified need for the conversion and the land is not required for employment purposes over the long term;</u></p> <p>b) <u>the proposed uses would not adversely affect the overall viability of the employment area; and</u></p> <p>c) <u>existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.</u></p>	
1.4 Housing		
1.4.3	<p>Planning authorities shall provide for an appropriate range and mix of housing types<u>options</u> and densities to meet projected requirements<u>market-based needs</u> of current and future residents of the regional market area by:</p> <p>a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households <u>and which aligns with applicable housing and homelessness plans</u>. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;</p> <p>b) permitting and facilitating:</p> <ol style="list-style-type: none"> all forms of housing <u>options</u> required to meet the social, health, <u>economic</u> and well- being requirements of current and future residents, including special needs requirements <u>and needs arising from demographic changes and employment opportunities</u>; and all form<u>types</u> of residential intensification, including second<u>additional residential</u> units, 	<p>Staff requests the Province to clarify roles, responsibilities, and expectations associated to the newly introduced term "market-based".</p> <p>Further, Staff:</p> <ul style="list-style-type: none"> requests the Province to establish a guidance document on how the market-based approach is intended to be implemented, and providing direction to municipalities in relation to managing the approach. cautions that shifting to a market-based approach may undermine certain planning initiatives which have the purpose of transitioning areas to improve market conditions in the future. cautions that some municipalities may struggle to meet other Provincial policies if their existing housing supply base is pre-dominantly one housing type. requests the Province to revise its Land Needs Assessment Methodology to reflect proposed elements, including "market-based" approach, and

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	<p>and redevelopment in accordance with policy 1.1.3.3;</p> <p>c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;</p> <p>d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;</p> <p>e) <u>requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and</u></p> <p>f) e) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.</p>	<p>adjusted horizons for calculating vacant residential land supply.</p> <ul style="list-style-type: none"> requests clarification on whether the municipality or private applicant is responsible to undertake a market study to determine "market-based need". Further, the geography used to determine a "market-based need" itself should be specified as to whether this relates to the single, upper- or lower-tier market, or other geography.
1.6 Infrastructure and Public Service Facilities		
1.6.1	<p>Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, <u>an</u> efficient and cost-effective manner that considers <u>prepares for the</u> impacts from of a changing climate change while accommodating projected needs.</p> <p>Planning for infrastructure, electricity generation facilities and transmission and distribution systems, and public service</p>	<p>For the reasons previously described relating to climate change, Staff recommends that the first half of s. 1.6.1 be revised as follows:</p> <p>'Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, <u>an</u> efficient and cost-effective manner that considers <u>prepares for is adaptive to the</u> impacts from of a changing climate change while accommodating projected needs. ..."</p>

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	facilities shall be coordinated and integrated with land use planning <u>and growth management</u> so that they are: <ol style="list-style-type: none"> financially viable over their life cycle, which may be demonstrated through asset management planning; and available to meet current and projected needs. 	
1.6.6 Sewage, Water and Stormwater		
1.6.6.1	Planning for sewage and water services shall: <ol style="list-style-type: none"> direct and accommodate expected<u>forecasted</u> growth or development in a manner that promotes the efficient use and optimization of existing: <ol style="list-style-type: none"> municipal sewage services and municipal water services; and private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available <u>or feasible</u>; ensure that these systems are provided in a manner that: <ol style="list-style-type: none"> can be sustained by the water resources upon which such services rely; <u>prepares for the impacts of a changing climate</u>; is feasible, <u>and</u> financially viable and complies with all regulatory requirements<u>over their lifecycle</u>; and protects human health <u>and safety</u>, and the natural environment; promote water conservation and water use efficiency; integrate servicing and land use considerations at all stages of the planning process; and 	<p>Staff supports the addition of references to “climate change” in s. 1.6.6.1. Staff recognize the impacts of climate change already exists, thus the addition of climate change in this section is well intentioned.</p> <p>Separate to climate change, Staff notes the term “feasible” adds a new dimension to the consideration of municipal service extensions and the use of communal and partial services. Specifically, the addition of the term “feasible” places the onus on upper- and lower-tier municipalities to assess and justify whether municipal services can be extended and/or connected.</p> <p>This is an onerous addition that lacks clarity in application. Staff requests the Province to establish assessment criteria to determine how “feasibility” will be considered and measured.</p>

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	e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. <u>For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.</u>	
1.6.6.3	Where municipal sewage services and municipal water services are not provided <u>available</u> , municipalities may allow the use of <u>planned or feasible</u> private communal sewage services and private communal water services <u>are the preferred form of servicing for multi- unit/lot development to support protection of the environment and minimize potential risks to human health and safety.</u>	Consistent with the above comment, Staff are concerned with the term "feasible" and request assessment criteria.
1.6.6.4	Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided <u>available, planned or feasible</u> , individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these <u>individual on-site sewage services and individual on-site water</u> services may only be used for infilling and minor rounding out of existing development. <u>At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the character of rural settlement areas. Where planning is conducted by an</u>	Consistent with the above comment, Staff are concerned with the term "feasible" and request assessment criteria. Also, Staff are concerned with implementing this new section. Staff requests: <ul style="list-style-type: none"> • clarification as to whether municipalities are expected to complete an assessment of all individual on-site sewage systems and on-site water systems. • clarification on measuring and determining the impact on the environmental health without groundwater sampling and analyses.

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	<u>upper-tier municipality, the upper-tier municipality should work with lower- tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-site sewage services and individual on- site water services on the environmental health and the desired character of rural settlement areas and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.</u>	<ul style="list-style-type: none"> clarification on the assessment to determine adverse or negative environmental health impacts found in a rural area.
1.6.6.5	<p>Partial services shall only be permitted in the following circumstances:</p> <ul style="list-style-type: none"> a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts. <p><u>Where partial services have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in rural areas in municipalities may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In accordance with subsection (a), the extension of partial services into rural areas is only permitted to address failed individual on-site sewage and individual on-site water services for existing development.</u></p>	<p>Staff notes this new policy would allow all rural lots to connect to existing partial services, which could significantly undermine infrastructure-related financing projections and growth capacity for settlement areas.</p> <p>The Region has several concerns. One is the effect on finances. For instance, Development Charges do not collect for water and wastewater in rural areas because they have not been traditionally serviced. Second, because of the significant rural area in Niagara, if services are extended, it has the potential to undermine planned capacity for urban area growth.</p> <p>Further, Staff are concerned with how this will be implemented in a two-tier water and wastewater system.</p> <p>For example, if a lower-tier municipality determined that it was logically and financially acceptable, to allow, indiscriminately, owners in the rural area to connect to existing partial services with a statement that there are no negative impacts, the policy would be met regardless of any analysis of the upper-tier system.</p> <p>Staff are concerned that this policy allows established lots of record to connect to existing partial services even if it is</p>

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		unable to be determined why the partial service exists (i.e. to address failed on-site water and sewage system or not).
1.6.6.7	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a) <u>be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</u> b) a) minimize, or, where possible, prevent increases in contaminant loads; c) b) minimize <u>erosion and</u> changes in water balance, and erosion <u>prepare for the impacts of a changing climate through the effective management of stormwater;</u> d) e) not increase <u>mitigate</u> risks to human health and safety and property damage <u>and the environment;</u> e) d) maximize the extent and function of vegetative and pervious surfaces; and f) e) promote stormwater management best practices, including stormwater attenuation and re-use, <u>water conservation and efficiency,</u> and low impact development. 	<p>Staff observes redundant text in sub-bullet "c)" and suggests the following revision:</p> <p>"c) minimize <u>erosion and</u> changes in water balance, and <u>prepare for the impacts of a changing climate through effective management of stormwater.</u>"</p>
1.6.8 Transportation and Infrastructure Corridors		
<u>1.6.8.5</u>	<u>The co-location of linear infrastructure should be promoted, where appropriate.</u>	Staff supports this proposed policy, as the co-location of infrastructure will assist with minimizing negative impacts to adjacent and nearby parcels.
1.7 Long-Term Economic Prosperity		
1.7.1	<p>Long-term economic prosperity should be supported by:</p> <ul style="list-style-type: none"> a) <u>promoting</u> opportunities for economic development and community investment-readiness; 	Staff recommends the term "dynamic" be removed from sub-bullet "b)", as this is not defined or used in any other instance:

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<p> <u>b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;</u> <u>c) b) optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;</u> <u>d) e) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;</u> <u>e) d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;</u> <u>f) e) promoting the redevelopment of brownfield sites;</u> <u>g) f) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;</u> <u>h) g) providing opportunities for sustainable tourism development;</u> <u>i) h) <u>sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use</u> conflicts, providing opportunities to support local food, and <u>promoting maintaining and improving the sustainability of agri-food network and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts;</u></u> <u>j) i) promoting energy conservation and providing opportunities for development of renewable <u>increased</u></u> </p>	<p> <u>"b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;"</u> As noted earlier, terms used in the PPS should be consistent with all other Provincial Plans. </p>

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	energy supply systems and alternative energy systems, including district energy; k) j) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and l) k) encouraging efficient and coordinated communications and telecommunications infrastructure.	
1.8 Energy Conservation, Air Quality and Climate Change		
	Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and <u>preparing for impacts of a changing</u> climate change adaptation through land use and development patterns which: <ul style="list-style-type: none"> a) promote compact form and a structure of nodes and corridors; b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future; d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities; e) <u>encourage transit-supportive development and intensification to</u> improve the mix of employment and 	Staff do not support proposed revision to replace “climate change adaptation” by “preparing for impacts of a changing climate” for the following reasons: <ul style="list-style-type: none"> • This change implies climate change has not yet occurred, as we are now ‘preparing for’ as oppose to ‘adapting to’ climate change. Existing PPS language is more consistent with the <i>Growth Plan</i>, which states under s. 4.2.10.1 “upper/single tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas (GHG) emissions and address climate change adaptation goals”. • Climate change is a recently referenced topic within provincial policy, as introduced within the PPS 2014 and the 2017-coordinated Provincial Plan review. Already, there is a lot of terminology associated to “climate change” (i.e. “adaptation”, “mitigation”, “resilience”) and now, “preparing for”. Replacing “climate change adaptation” with “preparing for the impacts of a changing climate” adds more language to an already complex topic and is not consistent with the

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	housing uses to shorten commute journeys and decrease transportation congestion; f) promote design and orientation which: maximizes energy efficiency and conservation, and considers the mitigating <u>effects</u> of vegetation; and 1. maximizes opportunities for the use of renewable energy systems and alternative energy systems; and g) maximize vegetation within settlement areas, where feasible.	climate change language presented in other provincial documents. Staff recommends reference to "adapting to the impacts of a changing climate" to create better conformity across the Provincial Plans. Further, Staff recommend including language to recognize agriculture. Staff suggest including a new sub-bullet "h)" that reads as: <u>"h) protect the agricultural land base."</u>
2.0 Wise Use and Management of Resources		
2.1 Natural Heritage		
<u>2.1.10</u>	<u>Municipalities may choose to manage wetlands not subject to policy 2.1.4 and 2.1.5, in accordance with guidelines developed by the Province.</u>	Staff supports clarification related to wetlands that are not subject to s. 2.1.4 and s. 2.1.5, as this topic has historically been difficult to interpret. Staff recommends that the "guidelines developed by the province" be done as soon as possible. Staff emphasize that these guidelines will be required to support the natural environment planning that is currently being completed by many municipalities as part of ongoing MCR. Similarly, Staff notes that there has been ongoing discussions over the past several years regarding updates to the 'Natural Heritage Reference Manual' which was last updated for the 2005 PPS. This is one of the most important tools for the implementation of the natural heritage and, to some extent, the Water Resource policies to the PPS. Staff recommend that the Province commit to a work plan to update this document.

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2.2 Water		
2.2.1	<p>Planning authorities shall protect, improve or restore the quality and quantity of water by:</p> <ul style="list-style-type: none"> a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development; b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts; <u>c) evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;</u> <u>d)</u> e) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed; <u>e)</u> d) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas; <u>f)</u> e) implementing necessary restrictions on development and site alteration to: <ul style="list-style-type: none"> a. protect all municipal drinking water supplies and designated vulnerable areas; and b. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions; 	<p>Staff supports the inclusion of additional direction related to climate change and watershed planning.</p> <p>In 2018, the Province released Draft Guidelines for Watershed Planning as a result of additional requirements for watershed planning in the Provincial Plans. To date, those guidelines have not yet been finalized.</p> <p>Given the importance of this issue, Staff recommends that the Draft Guidelines be updated as soon as possible to reflect changes to the PPS and Provincial Plans.</p>

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	<p><u>g)</u> f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;</p> <p><u>h)</u> g) ensuring consideration of environmental lake capacity, where applicable; and</p> <p><u>i)</u> h) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.</p>	
2.3.3 Permitted Uses		
2.3.3.3	New land uses, <u>in prime agricultural areas</u> , including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.	Staff requests for a similar policy to this one be included in the <i>Growth Plan's</i> "Rural Area" policy section. More specifically, within s. 2.2.9.7 which relates to rural settlement minor rounding out.
2.3.5 Removal of Land from Prime Agricultural Areas		
2.3.5.1	Planning authorities may only exclude land from prime agricultural areas for expansions of or identification of settlement areas in accordance with policy 1.1.3.8.	<p>Staff recommends that a reference to proposed s. 1.1.3.9 of the PPS be added to this policy to improve overall interpretation and readability.</p> <p>Currently, s. 1.1.3.8 of the PPS speaks to instances during a MCR, whereas newly proposed s. 1.1.3.9 speaks to instances outside of a MCR. As proposed, s. 1.1.3.9 reads as, "Notwithstanding policy 1.1.3.8..."</p> <p>Therefore, PPS s. 2.3.5.1 requires clarification to recognize both applicable policies.</p>

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2.5 Mineral Aggregate Resources		
2.5.2 Protection of Long-Term Resource Supply		
2.5.2.2	<p>Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.</p> <p><u>Outside of the Greenbelt Area, extraction may be considered in the natural heritage features listed in section 2.1.5, 2.1.6 and 2.1.7, provided that the long-term rehabilitation can demonstrate no negative impacts on the natural features or their ecological functions.</u></p>	<p>Should this proposed change be accepted, Staff recommends the Province undertake an immediate amendment to the <i>Growth Plan</i>.</p> <p>As proposed, this change would create a conflict with s. 4.2.8.2 of the <i>Growth Plan</i> which prohibits new aggregate operations within several natural heritage features.</p> <p>Further, Staff recommends that a new sub-bullet clause be added to the PPS's "negative impacts" definition in regard to this policy and the term "long-term rehabilitation."</p>
2.5.2.4	<p>Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the <i>Planning Act</i>. <u>Where the Aggregate Resources Act applies, processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations or their expansions.</u> When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.</p>	<p>The intent of this proposed change should be clarified.</p> <p>Staff interpret this to mean that the depth of a mineral aggregate operation (whether new or expanded) is under the <i>Aggregate Resources Act, 1990</i> process and outside of the scope of the municipal land use process.</p> <p>However, Staff are concerned if this change is intended to mean that any "horizontal" expansion of a mineral aggregate operation is outside of the scope of the municipal land use process.</p> <p>Staff strongly recommend that the municipal land use approvals process continue to apply to new mineral aggregate operations, or for any "horizontal" expansions of an existing mineral aggregate operation.</p>

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		Staff propose that added language to s. 2.5.2.4 be revised as follows, "Where <u>mineral aggregate operations</u> the Aggregate Resources Act applies, processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations or their expansions. <u>Municipalities shall remain involved in any application to extend a mineral aggregate operation beyond the existing licensed area.</u> "
2.6 Cultural Heritage and Archaeology		
2.6.5	Planning authorities shall <u>engage with Indigenous communities and</u> consider the <u>their</u> interests of Aboriginal communities in conserving <u>when identifying, protecting and managing</u> cultural heritage and archaeological resources.	Similar to comments to s. 1.2.2, Staff request clarification on consultation requirements. Staff note that the identification of archaeological resources through a development application could be considered as "identifying, protecting and managing cultural heritage and archaeological resources". This would mean that Indigenous Communities would have to be engaged in each of these instances, potentially delaying the review and approval of development applications. As proposed, changes to this policy conflict with the Province's objective to streamline development review and approval processes.

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3.0 Protecting Public Health and Safety		
Preamble	(Note: policies in this section related to natural hazards are <u>subject to ongoing review by the Province's Special Advisor on flooding. Further changes may be considered as a result of this review</u>)	Niagara requests the opportunity to comment on any further changes proposed as a result of the Special Advisor's recommendations.
3.1 Natural Hazards		
3.1.3	Planning authorities shall consider <u>prepare for</u> the potential impacts of <u>a changing</u> climate change that may increase the risk associated with natural hazards.	Staff requests clarification on whether it is the responsibility of single and upper-tier municipalities to ensuring floodplain mapping addresses preparation for the impacts of a changing climate.
3.2 Human-Made Hazards		
<u>3.2.3</u>	<u>Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.</u>	Staff supports the inclusion of additional direction related to the re-use of excess soil, and recommend the Province to finalize guidelines and other tools required for the implementation of this policy.
4.0 Implementation and Interpretation		
<u>4.7</u>	<u>Planning authorities shall take action to support increased housing supply and facilitate a timely and streamlined process for local development by:</u> a) <u>identifying and fast-tracking priority applications which support housing and job-related growth and development; and</u> b) <u>reducing the time needed to process residential and priority applications to the extent practical.</u>	Staff requests the Province to either remove or define the term "priority applications". The definition could include priority residential applications that fill a market demand and provide housing options, or identify areas where priority applications may occur (i.e. Major Transit Station Areas). Should the term "priority applications" be retained without definition, Staff cautions that this policy could become

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		<p>problematic and complex in a politically-sensitive environment.</p> <p>Regional processes are regularly reviewed to improve timeliness. Further, prescribed planning matter timelines have also been shortened by enacted amendments to the <i>Planning Act, 1990</i> through Bill 108. Given the current planning review structure after Bill 108, the Region is having difficulty conceptualizing the mechanism to fast-track applications that are deemed priority.</p> <p>Staff recommends simplifying the policy as follows:</p> <p><u>"Planning authorities shall take action to support increased housing supply and facilitate a timely and streamlined process for local development, by:</u></p> <ul style="list-style-type: none"> <u>a) identifying and fast-tracking priority applications which support housing and job-related growth and development; and</u> <u>b) reducing the time needed to process residential and priority applications to the extent practical."</u>
4.159	Municipalities are encouraged to establish performance indicators to monitor <u>and report on</u> the implementation of the policies in their official plans, <u>in accordance with any reporting requirements, data standards and any other guidelines that may be issued by the Minister.</u>	Staff requests to be notified and consulted in future initiatives undertaken by the Province when developing reporting requirements, data standards, and any other guidelines.
6.0 Definitions		
<u>Agricultural System</u>	<u>A system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:</u>	Staff supports this change, as the definition aligns with the <i>Growth Plan</i> and <i>Greenbelt Plan</i> .

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	a) <u>an agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; and</u> b) <u>an agri-food network which includes infrastructure, services, and assets important to the viability of the agri- food sector.</u>	
<u>Agri-food network</u>	<u>Within the Agricultural System, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.</u>	Staff supports this change, as the definition aligns with the <i>Growth Plan</i> and <i>Greenbelt Plan</i> .
Areas of archaeological potential	Means areas with the likelihood to contain archaeological resources. Methods <u>Criteria</u> to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The Ontario Heritage Act requires archaeological potential to be confirmed <u>by a licensed archaeologist</u> through archaeological <u>assessment and/or</u> fieldwork.	Staff recommends the following revision: "... The Ontario Heritage Act requires archaeological potential to be confirmed <u>by a licensed archaeologist</u> through archaeological <u>assessment</u> . <u>Archaeological Master Plan, and/or</u> fieldwork."
Built heritage resource	Means a building, structure, monument, installation or any manufactured <u>or constructed part or</u> remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal <u>Indigenous</u> community. <u>Most</u> built heritage resources are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or <u>has been</u> included on local, provincial, <u>federal</u> and/or federal <u>international</u> registers.	Staff recommends the <i>Growth Plan</i> 's "built heritage resource" definition be amended to reflect this change.

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Comprehensive review	Means a) for the purposes of policies 1.1.3.8, <u>1.1.3.9</u> and 1.3.2.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which ...	Staff requests consistent use and reference to the term "Municipal Comprehensive Review" within all Provincial Plans.
Conserved	Means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act . This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment <u>that has been approved or adopted by the planning authority or decision-maker</u> . Mitigative measures and/or alternative development approaches can be included in these plans and assessments.	Staff recommends the <i>Growth Plan's</i> "conserved" definition also be amended to reflect this change.
Cultural heritage landscape	Means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal <u>Indigenous</u> community. The area may involve <u>include</u> features such as <u>buildings</u> , structures, spaces, <u>views</u> , archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated <u>Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest</u> under the Ontario Heritage Act villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage	Staff recommends the <i>Growth Plan's</i> "cultural heritage landscape" definition also be amended to reflect this change.

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	significance; and areas recognized by, or have been included on federal and/or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site); registers, or protected through official plan, zoning by-law, or other land use planning mechanisms.;	
Habitat	<p>Of endangered species and threatened species: means <u>habitat within the meaning of Section 2 of the Endangered Species Act, 2007</u></p> <p>a) with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) is in force, the area prescribed by that regulation as the habitat of the species; or</p> <p>b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources; and</p> <p>c) places in the areas described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.</p>	<p>Staff requests the Province to finalize guidance on how to comply with the new <i>Endangered Species Act, 2007</i>.</p> <p>Staff notes that the Ministry of Environment, Conservation and Parks, Species at Risk Branch, has drafted a "Client's Guide to Preliminary Screening for Species at Risk" (Draft, May 2019) which remains in draft at time of these comments.</p>
<u>Housing options</u>	<p><u>Means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi- residential buildings and uses such as, but not limited to life lease housing, co- ownership housing, co-operative housing, community land trusts, affordable housing.</u></p>	<p>Staff recommends that "rental" housing be explicitly mentioned in this definition in order to reflect market-demand and housing options.</p> <p>Additionally, Staff requests clarification as to whether "additional residential units" still includes "second units" and "garden suites". If not, Staff requests that these terms</p>

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	<u>housing for people with special needs, and housing related to employment, institutional or educational uses.</u>	be added to align with terms used in the <i>Planning Act, 1990</i> .
<u>Impacts of a changing climate</u>	<u>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.</u>	<p>Staff supports the inclusion of a climate change definition, although it is too simplistic in its current form since it is attempting to define two large topics, "climate change" and the impacts of a "changing climate".</p> <p>As proposed, this definition does not address:</p> <ul style="list-style-type: none"> the global responsibility of climate change; the recognition that human activity is largely responsible for climate change; and natural disasters and rising temperatures as part of resulting changes. <p>Staff recommends adding two separate definitions - one defining climate change and one defining the impacts associated with that change.</p> <p>Staff proposes the following new definition for Climate Change consistent with the accepted international standard set out by the UN Framework on Climate Change:</p> <p><u>"Climate change: a change in climate that alters the composition of the global atmosphere and natural climate variability observed over time due directly or indirectly by human activity"</u></p>

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		<p>And the Region suggests revising the existing definition to one that refers to the impacts of climate change, as follows:</p> <p><u>"Impacts of a changing climate: means potential for the present and future consequences and opportunities from changes in climate weather patterns at local and regional levels including extreme weather events, rising temperatures, natural disasters, and climate variability."</u></p>
Negative impacts	<p>Means</p> <ul style="list-style-type: none"> a) in regard to policy 1.6.6.4 and 1.6.6.5, <u>potential risks to human health and safety and</u> degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards; b) in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities; c) in regard to fish habitat, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and d) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which 	<p>Staff recommends that the definition for "negative impact" be revised to include the "long-term rehabilitation" of mineral aggregate resource extraction areas, as mentioned in PPS s. 2.5.2.2.</p>

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	an area is identified due to single, multiple or successive development or site alteration activities.	
On-farm diversified uses	Means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri- tourism uses, and uses that produce value-added agricultural products. <u>Ground-mounted solar facilities are permitted in prime agricultural areas and specialty crop areas only as on-farm diversified uses.</u>	Staff note that if this term is included within the "on-farm diversified uses" definition, the use may be counted towards the 2% of all permitted on-farm diversified uses, as per Provincial Publication #851.
Planned corridors	Means corridors or future corridors which are required to meet projected needs, and are identified through Provincial Plans, preferred alignment(s) determined through the Environmental Assessment Act process, or identified through planning studies where the Ontario Ministry of Transportation, <u>Metrolinx</u> , Ontario Ministry of Energy, Northern Development and Mines or Independent Electricity System Operator (IESO) or any successor to those ministries or entities is actively pursuing the identification of a corridor. Approaches for the protection of planned corridors may be recommended in guidelines developed by the Province.	Staff recommends the <i>Growth Plan's</i> "planned corridor" definition also be amended to reflect this change.
Public service facilities	Means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, <u>long-term care services</u> , and cultural services. Public service facilities do not include infrastructure.	Staff recommends the <i>Growth Plan's</i> "public service facility" definition also be amended to reflect this change.
Threatened species	Means a species that is listed or categorized <u>classified</u> as a "Threatened Species" on the Ontario Ministry of Natural	Staff requests the Province to finalize guidance on how to comply with the new <i>Endangered Species Act, 2007</i> .

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	Resources' official Species at Risk <u>in Ontario</u> List, as updated and amended from time to time.	Staff notes that the Ministry of Environment, Conservation and Parks, Species at Risk Branch, has drafted a "Client's Guide to Preliminary Screening for Species at Risk" (Draft, May 2019) which remains in draft at time of these comments.
Transit-supportive	In regard to land use patterns, means development that makes transit viable, <u>optimizes investments in transit infrastructure</u> , and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities, <u>including air rights development, in proximity to transit stations, corridors and associated elements within the transportation system</u> . Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.	Staff recommend that the <i>Growth Plan's</i> "transit-supportive" definition also be amended to reflect this change.