



**Community and Strategic Planning**

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OUR FILE:

**REVIEW OF THE 2005 PROVINCIAL POLICY STATEMENT**

To: The Mayor and Members of the  
Town of Ingersoll Council

MEETING DATE: July 12, 2010  
REPORT NO.: 2010-213

**BACKGROUND:**

The Province is undertaking a review of the 2005 Provincial Policy Statement (PPS) issued under Section 3 of the Planning Act to determine the need for revisions. The PPS represents the Provincial government's policy direction for land use planning and development, and is a consolidated statement of all ministries' policies concerning land use.

The PPS came into effect on March 1, 2005 and plays a key role in land use planning in Ontario as it applies province-wide. Section 3 of the Planning Act also requires that all planning decisions be consistent with the PPS. This includes all Official Plans and zoning by-laws as well as individual decisions on planning matters relating to the development of land.

In order to engage municipalities, agencies, stakeholders and the public in the review of the PPS, the Ministry of Municipal Affairs and Housing (MMAH) has recently posted a Policy Proposal Notice on the Environmental Bill of Rights Registry (EBR Registry Number 010-9766) to solicit comments based on the following 6 questions:

1. *What policies of the current PPS are working effectively?*
2. *Are there policies that need clarification or refinement?*
3. *Are there policies that are no longer needed?*
4. *Are there new policy areas or issues that the Province needs to provide land use planning direction on?*
5. *Is additional support material needed to help implement the PPS?*
6. *Do you have any other comments about the PPS?*

Comments are due to the Ministry by August 31, 2010. The Community and Strategic Planning Office has prepared preliminary comments based on the questions above. Input from the Area Municipal Councils is sought so that additional comment can be incorporated prior to taking a report to County Council as the final submission to the MMAH.

For ease of reference, the PPS in its entirety can be accessed at: <http://www.mah.gov.on.ca/Page215.aspx>. Section references in the text of this report can be found in the PPS.

**COMMENTARY:***a) What policies of the current PPS are working effectively?*

Generally, the policies of the PPS are working effectively, subject to the comments and suggested improvements below. Sometimes, it is difficult to ascertain what the Provincial objectives for land use are, relative to the effect of the PPS. The new legislated standard of requiring consistency with the PPS has the effect of limiting the degree of local flexibility that is desired.

*b) Are there policies that need clarification or refinement?*

The following comments are provided regarding the PPS policies, in chronological order:

- One of the primary concerns with the policies of Section 1.1 of the PPS is that one size does not fit all. The policy framework for managing and directing land use to achieve efficiencies is the same whether the settlement area is a large city or a small village. Specifically, for smaller settlements, the policies pertaining to intensification, phasing and settlement expansion are more onerous. Small settlement areas with little growth may be tied up by one or two landowners with no interest in developing. Mandatory phasing requirements are difficult to comply with in small settlements and should be optional. Intensification is difficult (if not impossible) to meet in privately serviced or semi-serviced villages and, even in fully serviced villages, opportunities for intensification are often limited by servicing or design considerations, not to mention market preferences.
- Comprehensive reviews are required for all boundary expansions, even those that are a few acres in size and were done to facilitate servicing efficiencies or are intended to facilitate enclosure of the Village services within the settlement boundary. Exceptions for situations like these would be sensible.
- Comprehensive reviews as defined in the PPS require substantial data to support any expansion of a settlement boundary. While this may be justified for a larger settlement, it is difficult to refine the data (projections, for example) to a small village in a meaningful way. The Province is encouraged to simplify the comprehensive review requirements for smaller settlements.
- While intensification targets have been established in the three large urban centres of Oxford County, it seems that such targets will eventually become impossible to meet as infill opportunities are exhausted. Intensification through redevelopment is very difficult to achieve without a willing developer, whose timing for redevelopment may not align with the municipality's planning horizon. Once intensification targets are established in an Official Plan, it may be difficult to lower the target without Ministry objection. Another approach may be necessary or at least a better understanding of what the Province anticipates as the next step for intensification, once infill opportunities are used up.
- Section 1.3 of the PPS provides policies for employment areas. Employment areas are defined in Section 6 of the PPS to include clusters of business and economic activities primarily related to manufacturing, warehousing, offices and associated retail and ancillary facilities. Meanwhile, Section 1.3 implies that employment uses would include industrial, commercial and institutional uses. Bill 51 amended the Planning Act to clarify the definition of employment areas, including the uses permitted therein, and clearly indicates that any commercial uses would be those retail uses that are ancillary to manufacturing,

warehousing and office uses. Therefore, the inference in Section 1.3 that commercial uses are permitted in an area of employment should be removed.

- The definition of employment area and the description of employment uses in Section 1.3 do not contemplate mixed use, live-work arrangements that are becoming more popular due to added flexibility in working arrangements with some employers, i.e. working from home, and greater opportunities for home-based or small business. While some reference to the mixed use concept is provided in the energy policies of Section 1.8.1, flexibility in the PPS to account for mixed use employment opportunities in a settlement (even within employment areas) should be allowed to further support the small business or entrepreneur. Moreover, in a rural context, many small business live-work arrangements occur on farms or non-farm rural residential properties. This is counter to the policy objectives for agricultural areas and settlement areas.
- Section 1.5 of the PPS provides for public spaces, parks and open space. The policy is very encouraging, but lacks the fortitude to assist municipalities in ensuring that parkland dedicated by private developers, as part of a development application, is appropriately located, sized and contains suitable site conditions to permit intended recreational activities. Also, although implied in Section 1.5.1b), the concept of encouraging 'linear parks' should be articulated in this section.
- Regarding the servicing policies of Section 1.6, the following comments apply:
  - Policies permitting the extension of partial or full services beyond existing serviced settlement boundaries to relieve existing development where private services have failed should be more clearly articulated in the PPS.
  - Consideration should be given to permitting existing development outside settlement boundaries to connect to services running cross-country between serviced settlements where greater servicing efficiencies and economies can be achieved and where source water protection objectives could be achieved. Such a policy would require safeguards to ensure that no additional land use permissions are inadvertently granted, i.e. infilling, change of use, that would not otherwise satisfy other planning policies and objectives.
- As the Green Energy and Green Economy Act precludes the application of the planning process in decisions regarding approval of alternative and renewable energy systems, the policies of Section 1.7h) and 1.8.2 and 1.8.3 could be extracted from the PPS. The GEGE Act regulations should account for such considerations as minimizing impacts on agricultural operations, as currently indicated in Section 1.8.3 as well as indicating preferred locations in the Province for such facilities.
- Section 2.1 of the PPS relates to natural heritage. These policies continue to advocate a 2-class system of significant natural heritage resources – those within which development and site alteration cannot occur and those in which it can, as long as such development or site alteration results in no negative impacts on the feature or its ecological functions. These policies need to be a little more creative in how such features are incorporated into the planning process and society. If it is considered acceptable to develop or alter significant woodlands, valleylands, wildlife habitat or areas of natural and scientific interest, under what circumstances and to what end? The current test of no negative impact usually doesn't work – the level of study, peer review, negotiation, or confrontation over such a test is often more than a municipality can, or is willing to, withstand. Moreover, the ownership of the feature at the end of the development process is often a source of concern if the municipality is not a

willing recipient or the developer tries to pawn it off as parkland or get development market value for its acquisition.

Natural features are an asset of society and yet, tend to be viewed as an isolated resource. The PPS does not contemplate that these features might be more gracefully embraced in the path of development; currently there is no reference to them in Sections 1.1.1 about healthy, liveable and safe communities, Section 1.5 on public spaces, Section 1.7 on long-term economic prosperity or Section 1.8 on energy and air quality. There needs to be a better Provincial vision on the incorporation of such features into the community fabric, through eco-tourism opportunities, public spaces, stewardship initiatives, conservation easements, clean water reserves and measures to address climate change. Passive use of such features with limitations on direct invasion or functional intrusion would be beneficial to society and provide more options in the planning process.

- Section 2.2 of the PPS pertains to water. There are several defined terms within this Section and, as the Clean Water Act and its regulations and rules are now in place, many of these definitions should be revised accordingly.
- Section 2.3 of the PPS contains policies relating to agriculture. The following comments apply:
  - The stronger definition of *'prime agricultural area'* is appreciated.
  - Section 2.3.4 dealing with lot creation and lot adjustments permits the opportunity to sever a surplus farm dwelling where a farm consolidation occurs provided the planning authority zones any vacant remnant parcel to ensure that no new residential dwelling is permitted. This approach is flawed in that the zoning could be reversed at some future time, thereby frustrating the initial policy intent. Or where the farm parcels are actually merged on title in a farm consolidation application, there is nothing to stop the owner of the consolidated farm from applying to split the farm holding in the future, which again, frustrates the original application. Depending on the Provincial objectives of this policy, it may be more reasonable to return to the original PPS definition that permitted one of two or more residences built prior to a given time to be severed as surplus to the farm. There are already many non-farm rural residential lots in the countryside – in the order of 3,000 in Oxford County alone. Limiting the creation of non-farm-related lots should be more of a priority than limiting farm-related residential uses on bona fide farms.
  - For the purposes of the policies relating to agriculture-related and secondary uses, the PPS makes reference to such uses being related to *'the'* farm operation. This is very limiting as it implies that such business uses must be supportive of/reliant on only one farm. Yet, the policies of Section 2.3.4b) permit the severance of an agriculture-related use from the farm that it is supposed to be related to. This is illogical. The approach used in the Oxford County Official Plan (Section 3.1.4.6) is recommended, although this policy would be further improved if the Provincial requirement of the use being related to one farm operation was relaxed. Further, the definition of an agriculture-related use may be further reinforced in order not to undermine the traditional community and service functions of rural settlements.
- Section 2.5 addresses mineral aggregate resources, although in combination with other references to mineral aggregate resources in the PPS, it would appear that the aggregate policies result in a priority for aggregates over other land uses. This is at odds with a balanced approach and equal priority to all policies. It results in areas that are dominated by aggregate extraction, to the exclusion of considerations important to those with other economic livelihoods, i.e. farms and businesses, and established residential uses in the same area.

c) *Are there policies that are no longer needed?*

The aforementioned policies pertaining to alternative and renewable energy systems, and their associated definitions may not be needed in the PPS any longer due to the Green Energy and Green Economy Act.

d) *Are there new policy areas or issues that the Province needs to provide land use planning direction on?*

Section 1.7 directs that long-term economic prosperity should be supported by “*maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets*”. While this is somewhat vague, it can be interpreted to mean that the commercial function of downtowns and mainstreets should be supported. Yet, in the past decade, downtowns have been affected by the proliferation of auto-dependent ‘big box’ developments in peripheral locations of larger settlement areas. These developments enable sprawl and the continued segregation of land uses that confuse efforts to facilitate the development of mixed use, walkable communities and efficient transit systems. Additional direction is needed to support, protect and promote traditional downtowns and to restore their role as a commercial centre and people place. Moreover, policies supporting good urban design and complete communities would be beneficial for downtowns and other commercial areas, and would be consistent with policies in the PPS regarding sustainability.

The PPS policies of Section 2.5 lack any regard for the cumulative impact of numerous aggregate operations in a local area. In aggregate resource areas, it is not uncommon for extraction activities to concentrate, leading to conflicts with other established land uses and concerns over effects on road access and use, noise and air and water quality. This is an important consideration that should be of Provincial concern as well as local. A policy in the PPS requiring consideration of cumulative impact, backed up by Provincial guidance regarding appropriate evaluation criteria to assess cumulative impact is needed.

The current PPS lacks reference to a Provincial position on climate change and how this issue should be considered in the land use planning process. As previously mentioned, the way natural heritage resources are managed may also contribute to Provincial objectives for addressing climate change.

e) *Is additional support material needed to help implement the PPS?*

Section 2.5.2.5 of the PPS outlines the policy tests to be satisfied prior to permitting development within or adjacent to known deposits of mineral aggregate resources. Additional guidance regarding appropriate evaluation criteria by which to assess these tests is required. This will be particularly beneficial for settlement areas that are nearly surrounded by aggregate resources and will have no choice but to address these matters when contemplating settlement expansion.

The term ‘*affordable*’ in Section 1.4 – Housing is defined with reference to the term ‘*annual accommodation costs*’ and yet, this term is not defined. For affordability calculations, assumptions were made by County staff concerning what constituted annual accommodation costs. Additional guidance regarding this term would be useful.

f) *Do you have any other comments about the PPS?*

The 2005 PPS is an improvement over the 1997 version, and with any review comes the opportunity for further improvement. We appreciate the opportunity to provide comments and look forward to continued input to the 5-year review of the Provincial Policy Statement.

**RECOMMENDATION:**

That Report No. 2010-213 be received as information and that additional comments generated by discussion with the Town of Ingersoll Council be incorporated into the final submission prior to consideration by County Council.

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