

MA-BI-1



Albion, 1840

Alton, 1820

Belfountain, 1825

Bolton, 1823

Caledon East, 1821

Caledon Village, 1826

Campbell's Cross, c. 1820

Cataract, 1858

Cheltenham, 1827

Claude, c. 1832

Inglewood, 1883

Mayfield West, 2006

Melville, 1831

Mono Road, 1871

Mono Mills, 1819

Palgrave, 1846

Sandhill, 1839

Terra Cotta, 1855

Tullamore, c. 1820

Victoria, c. 1850

Wildfield, 1833

Administration

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November 28, 2012

The Honourable Kathleen Wynne
Minister of Municipal Affairs & Housing
777 Bay Street,
2nd Floor
Toronto, Ontario
M5G 2E5

LEGISLATIVE SERVICES	
COPY TO:	FOR:
Chair	<input checked="" type="checkbox"/> Committee
CAO	<input checked="" type="checkbox"/>
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Public Works	JAN 10/13
Employee and Business Services	
Health Services	File
Human Services	
Pool Living	

Honourable Minister Wynne:

**RE: Provincial Policy Statement Review – Draft Policies
September 2012**

At the regular meeting of Council held on November 27, 2012, Council passed a resolution regarding the Provincial Policy Statement Review – Draft Policies September 2012. The following resolution was adopted:

That Report DP-2012-0107 regarding Provincial Policy Statement Review - Draft Policies September 2012; be received; and

That the last sentence of the 3rd paragraph on page 6 of Report DP-2012-0107 include the word "Greenbelt" and read as follows:

"The most extreme example of this is expansions of small Greenbelt Villages, which should not be expected to have the density and character of larger urban areas"; and

That the following be included with the Recommendation contained on page 6 of Report DP-2012-0107:

"That the Growth Plan density requirements should not be in force for village settlement boundary expansions within the Greenbelt"; and

That the second paragraph under the title "Water and Sanitary Servicing and Stormwater Management" on page 8 of Report DP-2012-0107 be amended to read:

"The new provisions of the Draft PPS are positive in they provide more flexibility to allow small settlements to round out or infill where there is vacant land within a settlement boundary and develop in a logical manner without being restricted to a maximum of five lots"; and

That the following be included with the Recommendation under the title "Active Transportation" on page 13 of Report DP-2012-0107:

"The Development Charges Act needs to be amended for Active Transportation infrastructure for which there is no 10 year record of service level"; and

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED

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That the PPS should include policies that encourage value-added farm operations, such as the Winery Policies in the Niagara Escarpment Plan to promote agritourism; and

That Report DP-2012-0107 and resolution be forwarded to the Ministry of Municipal Affairs and Housing as the Town's comments on the Draft Provincial Policy Statement – September 2012; and

That copies of this report and resolution be forwarded to the Region of Peel, the City of Brampton, the City of Mississauga, Credit Valley Conservation (CVC), Niagara Escarpment Commission and the Toronto and Region Conservation Authority (TRCA) for their information.

Please note the resolution differs from the recommendation in Report DP-2012-107.

Attached please find a copy of Report DP-2012-107 and corresponding Resolution 2012-729 for your information.

Thank you.

Yours truly,



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Council/Committee Co-ordinator
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Encl.

cc: Region of Peel, Ms. Kathryn Lockyer, Clerk
City of Brampton, Mr. Peter Fay, Clerk
City of Mississauga, Ms. Crystal Greer, Clerk
Credit Valley Conservation
Niagara Escarpment Commission
Toronto and Region Conservation Authority
Mary Hall, Director of Development Approval & Planning Policy
Haiqing Xu, Manager of Development
Kathie Kurtz, Senior Policy Planner



REPORT DP-2012-0107

To: Mayor and Members of Council

From: Development Approval & Planning Policy Department

Meeting: 2012-11-27

Subject: Provincial Policy Statement Review - Draft Policies September 2012

RECOMMENDATIONS

That Report DP-2012-0107 regarding Provincial Policy Statement Review - Draft Policies September 2012, be received; and

That Report DP-2012-0107 be forwarded to the Ministry of Municipal Affairs and Housing as the Town's comments on the Draft Provincial Policy Statement – September 2012; and,

That copies of this report be forwarded to the Region of Peel, the City of Brampton, the City of Mississauga, Credit Valley Conservation (CVC) and the Toronto and Region Conservation Authority (TRCA) for their information.

ORIGIN/BACKGROUND

Under Section 3 of the *Planning Act*, the Minister of Municipal Affairs and Housing may issue policy statements on matters related to municipal planning that are of provincial interest. The Provincial Policy Statement (PPS) is a comprehensive document containing policy directions on a broad range of land use planning matters. Municipal planning decisions are required to be consistent with the PPS and municipalities are required to bring their Official Plans into conformity with the PPS at the time of their five year Official Plan reviews. Where a provincial plan, such as the Growth Plan for the Greater Golden Horseshoe or the Greenbelt Plan is in effect, it is to be read in conjunction with the PPS and generally take precedence over policies in the PPS to the extent of any conflict (Section 4.10).

The current PPS came into effect on March 1, 2005. Subsection 3 (10) of the *Planning Act* states that the PPS must be reviewed every five years from the date it came into effect, to determine whether revisions are needed. The Province commenced the current review in March 2010 and undertook consultations on the PPS 2005. The Ministry of Municipal Affairs and Housing invited comments as to whether changes to the PPS 2005 were needed. The Town of Caledon submitted report PD-2010-049 dated September 21, 2010 to the Ministry of Municipal Affairs and Housing as its comments on the PPS 2005. The report suggested changes to the PPS and made comments on various related matters.

The Ministry has issued a new Draft PPS – September 2012 and has provided an opportunity to submit comments by November 23, 2012. The purpose of this report is to present staff comments on the Draft PPS for Council endorsement and submit it to the Ministry as the Town's comments.



DISCUSSION

The Town's comments of September 2010 concentrated on several key themes. As the Draft PPS – September 2012 builds on the PPS 2005, these themes are still relevant. This report will indicate how the new Draft PPS has responded to the Town's previous comments as well as indicating noteworthy changes to the PPS 2005.

Financial Impact of Implementing Provincial Policies and Plans

The Planning Act requires that municipal planning decisions be consistent with provincial policy statements and plans. Within the Town of Caledon there are a number of provincial plans in effect including the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Niagara Escarpment Plan, the Oak Ridges Moraine Conservation Plan and the Lake Simcoe Protection Plan.

Bringing the Official Plan into conformity comes with very tight timelines and requires significant public consultation. The costs of technical studies to meet environmental standards, protect our natural and cultural heritage, identify intensification opportunities, demonstrate employment land needs and determine infrastructure requirements are significant. All of these occur at both Regional and area municipal levels with significant input and resources. Once the studies are done, the public consultation is undertaken, the draft Official Plan is adopted by Council, a decision is issued by the approval authority, it is almost always appealed to the Ontario Municipal board (OMB), mostly by developers. This is a costly undertaking for municipalities to again hire consultants and lawyers to defend what is developed and endorsed by a democratically elected government, and approved by a senior government.

Caledon staff is of the opinion that, once the Provincial government has approved such a Regional Official Plan Amendment, the Regional Official Plan is deemed to conform to all provincial policies and plans, and there should be no appeal to the OMB. Similarly, an area municipal Official Plan Amendment to conform to provincial policies and plans, once approved, should not be appealed to the OMB.

Recommendation: Official Plan Amendments that are undertaken to be consistent or in conformity with provincial policies and plans should not be subject to an appeal to the OMB.

Need for Sustainability as an Overall Direction/Theme for Land Use Planning

Section 2 of the *Planning Act* outlines matters of provincial interest including "(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians." This provision was introduced through Bill 51, the *Planning and Conservation Land Statute Law Amendment Act, 2005*.

The Draft PPS – September 2012 introduces a number of sustainability-related concepts and language in various policy sections. Part IV – Vision for Ontario includes sustainability and resilience among the desirable characteristics of communities on which the long-term prosperity and social well-being of Ontarians depend. In Section 1.0 Building Strong Healthy Communities, the policies promoting efficient land use and development patterns are seen as supporting sustainability and promoting resilient communities. Throughout the Draft PPS, objectives for land use that are seen as



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promoting sustainability, such as land use patterns that promote active transportation and transit use have been added to the existing policies.

Building strong and healthy communities requires a sufficient tax base to fund services. Promoting active transportation, for example, is a positive direction, but it requires tax dollars to implement. Municipalities must be given support in the draft PPS to achieve financial sustainability, but this can only be achieved by allowing municipalities to grow the commercial and industrial sectors towards a minimum of 30% commercial and industrial property tax base. There are contradictions in the PPS and other provincial plans. For instance, limitations on the planning period, employment land calculations, and land use restrictions in rural and agricultural areas.

Climate change has been given more prominence as a consideration in land use planning in the Draft PPS. Planning authorities are directed to support climate change mitigation and adaptation through land use and development patterns which take into account the impacts of climate change (Section 1.8.1). Infrastructure planning must now consider impacts from climate change (Section 1.6.1). Minimizing impacts from a changing climate is listed as one of the factors supporting long-term economic prosperity (Section 1.7.1). The direction to consider climate change in the PPS is consistent with action item 1.2 of the Peel Climate Change Strategy adopted by Regional Council on June 23, 2011 which is to ensure that climate change is considered in the development of Official Plan policy.

While the introduction of sustainability related concepts in various policies of the Draft PPS is supported by the Town as a progressive step, the PPS should go further and embrace sustainability as an over-arching principle in land use planning. This should be articulated in Part IV of the PPS - Vision for Ontario's Land Use Planning System. Sustainability should also be listed as an underlying objective for each policy topic.

Recommendation: The PPS should state that sustainability is an over-arching principle of land use planning in Part IV – Vision for Ontario's Land Use Planning System. The components of the PPS and other provincial plans, which restrict municipal effort to achieve financial sustainability through proper and proportionate commercial and industrial growth, should be removed.

Balance Among Policy Interests

The new provincial planning framework developed in the mid 2000s included the requirement that planning decisions be "consistent with" the PPS that was introduced through Bill 26, *the Strong Communities (Planning Amendment) Act 2004*. It also included the Greenbelt Act 2005 and the Greenbelt Plan 2005, the Places to Grow Act, 2005 and the Growth Plan for the Greater Golden Horseshoe 2006 (the Growth Plan). Under this framework, Caledon is subject to an unprecedented level of provincial intervention in local planning. The entire municipality is now subject to provincial plans and policies representing the provincial interest.

Caledon has consistently stated that social, economic and environmental interests should be balanced in provincial policy and that the balance should also reflect local municipal interests. Part III of the PPS 2005 - How to Read the Provincial Policy Statement stated that "A policy-led system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive integrated and long-term



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approach to planning and recognizes linkages among policy areas". In order to deal with these complex inter-relationships, an appropriate balance among environmental, economic and social factors as well as provincial and local interests is required.

The Draft PPS – September 2012 includes no changes that would improve the balance between provincial and local interests. Part III: How to Read the Provincial Policy Statement introduces a "place-based" approach to planning. This could be interpreted as suggesting that conditions of a particular locality should be considered in planning. Part III states: "The Provincial Policy Statement recognizes the diversity of Ontario and that local context is important. Policies are outcome oriented and some policies provide flexibility in their implementation provided that provincial interests are upheld" and; "Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may build upon these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement." Although giving new recognition to the concept of a local interest, ultimately these statements reinforce the primacy of the provincial interest.

Consequently, the balance among policy interests has not been improved in the Draft PPS – September 2012. The Town is seeking the addition of directives and policies in the PPS to provide a more equitable balance between provincial and local interests.

Recommendation: The PPS should contain more flexibility to allow local municipalities to protect their social, environmental and financial interests.

Mineral Aggregate Resources

One of the key policy areas where an appropriate balance between provincial and local interests is lacking is Mineral Aggregate Resources. The policies of the PPS and the provisions of the *Aggregate Resources Act* give priority to the use and protection of aggregate resources but fail to adequately address the environmental, social and financial impacts of aggregate extraction which are felt at the community level. Section 2.5.2.2 in the PPS 2005, which states "Extraction shall be undertaken in a manner which minimizes social and environmental impacts." is counterbalanced by Section 2.5.2.1 which states "As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible." The absolute nature of this policy undermines the concept of balance among provincial and local interests that is suggested in Section 2.5.2.2. This policy means that the need for mineral aggregate resources is not required to be demonstrated by proponents of aggregate operations, notwithstanding the availability of mineral aggregate resources locally or elsewhere. The Town, together with the Niagara Escarpment Commission and many other municipalities argues that the lack of requirements for a supply/demand analysis has been a major barrier to comprehensive planning to ensure the establishment of new pits and quarries is justified.

A better balance is needed between community interests and the use of aggregate resources. In particular, municipalities should be given a greater role in the approval process for extraction operations through the *Planning Act* and the *Aggregate Resources Act* and tools to ensure that social, environmental and fiscal impacts are minimized. A more robust process to engage the public and municipalities prior to the issuance of a license or approval of a site plan amendment is required.

The process of amending site plans does not allow for sufficient public consultation, municipal involvement or municipal approvals. Site plan approvals for significant



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amendments to pit operations and/or mining below the water table should be subject to a full public process similar to the process for a new license under the *Aggregate Resources Act*. There are strong policies protecting water in Section 2.2 of the PPS which directs planning authorities to protect, improve or restore the quality and quantity of water. Without a meaningful role in the site plan approval process, municipalities are not able to implement the direction of the PPS with respect to the protection of water resources.

The process of rehabilitation planning also does not allow for public and municipal involvement. There should be a requirement for each operator to develop and implement a rehabilitation master plan with municipal participation to protect community interests. Further, the new policy 2.5.3.3 encouraging comprehensive rehabilitation where there is a concentration of mineral aggregate operations is not strong enough. Comprehensive rehabilitation planning should be a requirement for mineral aggregate operations.

The current lack of provincial policy support for addressing the environmental, social and fiscal impacts of aggregate extraction at the local level and the lack of opportunity for municipalities to address these impacts through the approval processes, results in the need for municipalities to engage in lengthy and costly Ontario Municipal Board hearings in an effort to ensure that local interests are represented.

The need for balance has been recognized in the context of mineral mining through an amendment to the *Mining Act*, Bill 173 (*Mining Amendment Act*, 2009). This amendment gives communities in the "Far North" the ability to identify areas as unsuitable for mining through a "community based land use plan". New mines will not be permitted in these areas.

Recommendation: The Province should give municipalities a greater role in the approval of extraction operations, the amendment of site plans and the approval of rehabilitation plans. The Province should adopt the approach in the Mining Act which gives local communities a say in the location of mining operations.

Greenfield Density Requirements

The employment policies of the PPS in Section 1.3.1 set out the rules for promoting economic development and competitiveness including: "providing for an appropriate mix and range of employment to meet long term needs"; and "maintain a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses". The Town of Caledon's need for employment land to 2031 has been determined through the Employment Land Needs Study completed in 2007. This study found that the demand for employment land in Caledon is mainly generated by low density uses such as warehousing and logistics. This is due in part to the erosion of the traditional domestic manufacturing base resulting from outsourcing of manufacturing production to emerging global markets, which has greatly reduced the market for traditional manufacturing sites. It is also due to the increasing need for warehousing to store and distribute goods produced abroad and the land economics of these land extensive uses which favour Greenfield areas as the most economic location.

In the long run, employment density is set to become lower because of modern automation and production. Robotics and other computer automation have reduced the



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number of workers on a line. According to US Bureau of Labor Statistics, between 2002 and 2005, the number of auto production workers decreased 8.5 percent while shipments increased 5 percent. Businesses in the Town of Caledon are no exception. The result of these productivity gains has been higher quality, less expensive products, which allow Ontario businesses to compete in the increasingly competitive global market. The drop in employment density in this case is critical to achieving a “long-term prosperity and social well-being of Ontarians ...” as envisioned in the PPS, and insisting that every municipality pursue high density employment development is not only unnecessary, but counterproductive.

A major theme of the PPS and the Growth Plan is to promote “efficient development patterns”, which, in the context of the Growth Plan is implemented through the Greenfield Density Target. The Growth Plan requires that Greenfield areas that were unbuilt as of June 2006 be developed at a density of 50 persons and jobs combined per hectare on a Regional basis. Employment land which is typically developed at a much lower density is included in the calculation. As a result, residential densities must rise to compensate for low density employment land. Providing employment land to meet identified needs can result in residential densities that are unacceptable based on the character of the existing community and the desirable community form for new development areas. The most extreme example of this is expansions of small Villages, which should not be expected to have the density and character of larger urban areas.

Caledon has repeatedly expressed concern to the Province regarding the application of the Greenfield Density Target to employment lands and is taking the opportunity to once again request that the employment densities be de-linked from residential densities in the calculation of Greenfield density. Density targets for employment lands in the Growth Plan should be eliminated, as they contradict the principles for promoting economic development and competitiveness as set out in Section 1.3.1 of the PPS.

A further issue is the inclusion of transportation and goods movement corridors in the calculation of Greenfield density. Despite the fact that a new requirement has been added to Section 1.6.7 of the PPS - Transportation and Infrastructure Corridors, that major goods movement facilities and corridors shall be protected for the long term, future corridors such as the GTA-West Corridor on the west side of Brampton are not permitted to be excluded from the Greenfield density calculation. This increases the density requirement for areas outside the corridor.

Recommendation: The Province should de-link employment lands from residential lands in the calculation of Greenfield Density and should allow future transportation corridors to be deducted from the Designated Greenfield Area land area.

Need for Long Term Strategic Planning beyond the 20 Year Planning Horizon

The PPS 2005 set a planning horizon of up to 20 years for the provision of land to meet identified needs (1.1.2). Provision should be made for the identification of strategic employment areas and areas needed for strategic infrastructure beyond the 20 year time frame to protect them over the long term. The Growth Plan encourages municipalities to preserve lands within settlement areas in the vicinity of major highway interchanges, ports, rail yards and airports for employment uses (2.2.6.10) and this principle should be applied outside as well as inside settlement areas.

The Draft PPS – September 2012 responds to this issue in the Employment Areas



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policies. A new Section 1.3.2.3 states that "Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations". However, the following new Section 1.3.2.4 states that "Planning authorities may plan for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2." This Section reinforces the direction that the protection of employment areas is limited to the 20 year planning horizon.

With respect to infrastructure, the Draft PPS has introduced some flexibility, adding the following to Section 1.1.2: "Nothing in policy 1.1.2 limits the planning for infrastructure and public service facilities beyond a 20 year time horizon."

Since infrastructure can now be planned beyond the 20 year planning horizon, the Province should provide similar flexibility with respect to employment lands. The identification and protection of employment lands in strategic locations in the vicinity of major transportation infrastructure should be encouraged beyond the 20 year time frame to provide a high degree of certainty that such lands will be available for employment uses in the long term.

Recommendation: The Province should permit the designation of Strategic Employment Lands beyond the 20 year planning horizon in the vicinity of major goods movement facilities and corridors.

Funding Infrastructure Beyond 2031

In the PPS 2005, infrastructure and land use planning are subject to the 2031 planning horizon. Therefore, the planning of infrastructure is coordinated with planned land use change. The Draft PPS – September 2012 allows infrastructure to be planned beyond 2031 (1.1.2.). However, land use planning continues to be restricted to the 2031 time horizon. This will result in infrastructure planning preceding land use planning. This raises the question as to how the capacity of infrastructure is to be determined and justified when population and employment numbers are not available beyond 2031. Further, there is a question as to how infrastructure is to be paid for if development does not occur concurrently. An update to the Development Charges Act will be necessary to ensure that infrastructure beyond 2031 is funded.

Recommendation: The Province should amend the Development Charges Act to allow for funding of infrastructure to be built beyond the 20 year horizon for land use planning. The planning horizon for Development Charges should match the planning horizon for infrastructure planning.

Impediments to Providing Parkland to Promote Healthy, Active Communities

Section 1.5 of the PPS regarding Public Spaces, Recreation, Parks, Trails and Open Space encourages the provision of built and natural settings for recreation including parklands as a way of promoting healthy, active communities. However, the Development Charges Act restricts the level of service that can be funded through Development Charges to the average level of service provided in the previous 10 years. The Planning Act allows a municipality to require the dedication of a maximum of 5% of the land within a residential development or one hectare per 300 residential units or 2% of the land within a commercial or industrial development for parkland purposes. As a



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result of the legislative limitations on the amount of parkland that can be provided by a municipality through Development Charges and parkland dedication, municipalities do not have the tools to achieve the principle in the PPS.

Recommendation: The Province should amend the Development Charges Act to allow for funding of parks and recreation facilities beyond the average level of service in the previous 10 year period and amend the Planning Act to increase the parkland dedication provisions.

Water and Sanitary Servicing and Stormwater Management

The PPS 2005 sets out a hierarchy of servicing giving preference to municipal sewage and water services. Private communal sewage and water services are permitted where municipal sewage and water services are not available. Where neither of these servicing options are provided, individual on-site sewage and water services may be used, but their use is limited to new development of five or less lots (Section 1.6.4.4). The Draft PPS – September 2012 has removed the maximum of five or less lots to be serviced by individual on-site services and has replaced it with a condition that these services may only be used for infilling and minor rounding out of existing development (Section 1.6.5.4), and further, there must be no negative impacts to the environment.

The new provisions of the Draft PPS are positive in that they provide more flexibility to allow settlements to round out and develop in a logical manner without being restricted to a maximum of five lots.

The PPS and the Greenbelt Plan contemplate municipal sewage and water services only within settlement areas. As a result, existing rural enterprises of significant size located outside of settlement areas do not have the opportunity to connect to nearby municipal water and sewer systems. These uses will continue to be serviced by individual septic systems to the detriment of their operations and the environment. This also creates impediments for rural economic development, for example, rural tourism uses. The provincial policy framework should offer enough flexibility in its policies to allow the extension of municipal sanitary and water services to rural uses located beyond settlement area boundaries if there is a demonstrated environmental benefit.

The PPS 2005 did not address stormwater management. This was a deficiency, particularly as the Greenbelt Plan contains policies on stormwater management infrastructure including objectives for a stormwater management plan.

The Draft PPS – September 2012 has addressed stormwater management by listing objectives in Section 1.6.5.7. including:

- a) Minimize, or, where possible, prevent increases in contaminant loads;
- b) Minimize changes in water balance and erosion;
- c) No increase risks to human health and safety and property damage;
- d) Maintain or increase the extent and function of vegetative and pervious surfaces; and
- e) Promote stormwater management best practices, including stormwater attenuation and reuse.

These objectives are positive and supportable, but should be strengthened by the addition of directives to maintain and protect the pre-development condition of groundwater and surface water.

Recommendation: The Province should amend the Greenbelt Plan to allow the extension of municipal sewage and water services to rural tourism uses outside of settlement boundaries if there is a demonstrated environmental benefit. The Province should direct that the pre-development condition of groundwater and surface water shall be maintained.



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Permitted Uses in Prime Agricultural Areas

A major issue of concern to the Town is the need to promote economic development and on-farm diversification in agricultural areas. A major policy constraint in the PPS 2005 was the restriction in Section 2.3.3.1 of non-agricultural uses in the Prime Agricultural Area to secondary uses and agriculture related uses and the requirement that these uses be small in scale.

The Draft PPS appears to provide more support for on-farm enterprises than the PPS 2005. Section 2.3.3.1 lists the permitted uses in prime agricultural areas as “agricultural uses, agriculture-related uses and on-farm diversified uses”. The term “on-farm diversified uses” replaces the term “secondary uses”. “On-farm diversified uses” is defined as “small scale uses that are secondary to the principal use of the property and help support the farm. 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 from the farm operation.” This definition differs from the previous definition of secondary uses by introducing one new permitted use: agri-tourism uses and by introducing a requirement that the permitted on-farm diversified uses be small in scale.

The addition of on-farm diversified uses as permitted uses in the Prime Agricultural Area will potentially improve the economic well-being of farmers in Ontario, but without clarity as to what is considered small in scale, and a lack of guidelines provided by the Province, there are difficulties in permitting on-farm diversified uses. Secondary uses can be more effectively evaluated by examining the use’s compatibility with surrounding land uses rather than by placing hard limits on the scale of the secondary use. The concept of what is small in scale is specific to the context in which it is used. Wording that would introduce the concept of compatibility would therefore be more supportive of economic growth within the agricultural area. The definition of on-farm diversified uses should be as follows: “On-farm diversified uses shall be permitted as accessory and subordinate to the principal use of the property in the prime agricultural designation *provided that the new uses are compatible with and do not hinder surrounding agricultural uses.*”

The Draft PPS – September 2012 has removed the requirement that agriculture related uses, which are farm related commercial and industrial uses, be small in scale. From an economic development perspective, the Province should provide guidelines to ensure that agriculture related uses are not confused with on-farm diversified uses and are not subject to the requirement applied to on-farm diversified uses that they be small in scale. With respect to agricultural related uses such as feed mills, farm equipment dealerships, agricultural research and development facilities, farm supply stores and agri-food processing facilities, in order to ensure there is support within provincial policy, it is strongly advised that guidelines accompany the PPS that clearly identify what agricultural-related uses are permitted on prime agricultural lands. These uses must be located in close proximity to the agricultural community which they serve.

Recommendation: The Province should expand the list of permitted non-agricultural uses in the Prime Agricultural Area and replace the restriction that they be small in scale with a restriction that they be compatible with surrounding land uses.



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REPORT DP-2012-0107Removal of Land from Prime Agricultural Areas

Section 2.3.5 of the PPS sets out conditions for the removal of land from Prime Agricultural Areas, including expansions of settlement areas, extraction of mineral, petroleum or mineral aggregate resources, and limited non-residential uses. The specific conditions for non-residential uses include conformity with the minimum distance separation formulae; the demonstration of need within the 20 year planning horizon and that alternative locations have been evaluated.

The Provincial Growth Plan identifies a significant amount of Prime Agricultural Land in the White Belt in Caledon that will eventually be developed. As a result, this land can be viewed as agricultural land in transition, and does not warrant the level of protection that long term agricultural areas would warrant. Therefore the requirements in Section 2.3.5 for permitting non-agricultural uses are too stringent. The Province should consider setting less onerous tests for permitting non-agricultural uses, for example, consideration of proximity to settlement areas.

Recommendation: The Province should introduce more flexibility to allow removal of land from Prime Agricultural Areas in the White Belt.

Rural Areas

The PPS 2005 permitted a very limited range of uses and activities in rural areas including uses related to the management of or use of resources, resource-based recreational activities, limited residential development and other rural land uses (Section 1.1.4.1). Since the rural area in Caledon is covered by the Greenbelt Plan and is therefore not eligible for urban forms of economic development, there should be a greater range in the permitted uses to ensure that the rural area is economically viable. Municipalities should be given greater flexibility to plan for a broad range of economic development opportunities in the rural area which are deemed appropriate to the rural context.

The Draft PPS has added language that would appear to support this view. The Draft PPS recognizes that rural areas are important to the economic success of the Province and our quality of life and that it is important to protect and build on rural assets and amenities to support a sustainable economy. However no changes have been made to the list of permitted uses in Section 1.1.4.1. A new Section 1.1.4.5 introduces "on-farm diversified uses" as uses which should be protected and promoted. The limitations of "on-farm diversified uses" are discussed above in the section on Agriculture. It appears that no significant flexibility has been provided in the PPS for municipalities to pursue economic development opportunities in the rural area. As the protection of prime agricultural land is not a concern in rural areas, the PPS should permit a broader range of non-agricultural uses and they should not be limited to those that are small in scale.

Rural economic development is piecemeal, occurring on a property-by-property basis. A Rural Tourism Strategy would co-ordinate a number of different developments to enhance the tourism experience. This could include farmers markets, golf trails, restaurants, spas, museums and country inns and hotels. Land use planning under the PPS should have regard to a tourism plan that would identify the most favourable locations for facilities, rather than having their location so narrowly restricted under the



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Recommendation: The PPS should contain flexibility to allow municipalities to pursue economic development in the rural area through non-agricultural uses, based on a Rural Tourism Strategy.

Need for a Comprehensive Transportation Planning Approach

The Town is committed to the provision and enhancement of an efficient transportation system, which is consistent with the "Multi-Modal Transportation System" approach that is accessible to all members of the community. Section 1.7 of the PPS 2005, Long-Term Economic Prosperity, lists actions that should be undertaken to support long-term economic prosperity in the Province. This list includes "d) providing for an efficient, cost-effective, reliable multi-modal transportation system that is integrated with adjacent systems and those of other jurisdictions and is appropriate to address projected needs." However, the Transportation Systems policies did not adequately reflect this direction. There was no reference to the multi-modal approach which involves comprehensive transportation planning that addresses all transportation modes in an integrated manner. The transportation planning considerations listed in the PPS should be broadened to encompass economic, environmental and social/cultural considerations and include support for the provision of public transit in rural communities.

The Transportation Systems policies in Section 1.6.6 of the Draft PPS include a revision to Section 1.6.6.3 that reads: "As part of a multi modal transportation system, connectivity within and among transportation systems and modes should be maintained and where possible, improved including connections which cross jurisdictional boundaries." This direction should be reflected throughout the Transportation Systems policies, and comprehensive planning for connectivity among transportation modes and jurisdictions should be promoted. A new policy should be added as follows: "Adopt a multi-modal transportation system approach which includes planning for seamless connectivity and fosters a collaborative/coordinated approach among various jurisdictions."

Reference to economic, environmental and social/cultural considerations in transportation planning has not been added to the Draft PPS, nor has policy support for the provision of public transit in rural communities. Two new policies should be added to address these gaps as follows: "Transportation planning should be responsive to economic, environmental and social/cultural considerations." and; "Enhanced use and accessibility of public transit in rural communities should be supported."

Recommendation: Policies should be added to the PPS to strengthen transportation connectivity and a coordinated approach.

Coordination of Planning for Transportation and Infrastructure Corridors

The Draft PPS-September 2012 includes a new policy in Section 1.6.7 Transportation and Infrastructure Corridors: "Major goods movement facilities and corridors shall be protected for the long term" (Section 1.6.7.2). Economic development is dependent on the movement of goods and services and the infrastructure to ensure the efficiencies associated with transportation corridors and facilities is extremely important. However there needs to be an assurance that long term protection of this infrastructure is completed in communication and coordination with all levels of government as directed



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in Section 1.2.1 of the PPS. Provincial planning for all public infrastructure projects should be in coordination with upper and lower tier governments.

The current process in which planned transportation corridors are not identified for protection until the Environmental Assessment is fairly well advanced is problematic. The Town's experience with the GTA-West Corridor in which the need to protect the link to Highway 410 was not identified until draft plans of subdivision in the area had been approved illustrates this.

Recommendation: Provincial identification of transportation corridors for protection should be undertaken in communication and coordination with municipalities.

Active Transportation

The PPS directs that land use patterns shall be based on support of active transportation and that healthy, active communities should be promoted by planning public streets, spaces and facilities to facilitate active transportation (Section 1.5.1 a). The Transportation Systems policies direct that a land use pattern that promotes active transportation should be supported (Section 1.6.6.4). While the Town supports active transportation, there is a cost to providing public infrastructure for this purpose that should not be borne entirely at the municipal level. The Province should encourage the provision of active transportation facilities by contributing funding for infrastructure costs. Provincial grants should be made to municipalities for projects which include active transportation in their design.

The Development Charges Act allows municipalities to charge new developments for capital infrastructure based on the average level of that service provided over the past 10 years. Municipalities desiring to build a transit-oriented community cannot charge development to initiate public transit if it has not had a public transit system in the past.

Recommendation: The Province should fund infrastructure costs for transportation facilities that promote an active life style. The Development Charges Act needs to be amended to allow municipalities to charge new developments for planned transit services based on forecasted costs, not on historical service levels.

Long-Term Economic Prosperity

Changes to Section 1.7 of the PPS 2005 regarding Long-Term Economic Prosperity introduced in the Draft PPS are worthy of note. Section 1.7.1 of the Draft PPS adds a number of new considerations that are seen as supporting long-term economic prosperity. These include Section 1.7.1 a) "promoting opportunities for economic development". This is a very broad statement that does not provide adequate direction for planning. From an economic development point of view, planning authorities must ensure that the land use policies as well as the fiscal and cultural environment is supportive of industrial/commercial/agricultural investment attraction and retention. Section 1.7.1 i) indicates that providing opportunities to support local food supports long-term economic prosperity. Local food requires support by permitting additional uses on farms and providing flexibility for agricultural-related uses.

The addition of other considerations for supporting long-term economic prosperity in Section 1.7.1 such as: encouraging a sense of place through built form, cultural planning and promoting features that help define character, such as cultural heritage resources; promoting energy conservation; and, minimizing the negative impacts from a changing

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climate and considering the ecological benefits provided by nature is a progressive step and is supported. These considerations have inherent value as they contribute to quality of life and/or environmental sustainability. Acknowledging that they also have economic value lends further support to their implementation. For example, recognizing that a sense of place contributes to long-term economic prosperity will increase the likelihood that preserving and creating community character will receive more attention during the development approval process.

A key impediment to long-term economic development that is not addressed in this policy section is the need to ensure an adequate supply and choice of employment land. Designating lands for enterprises that will make significant contributions to the regional and provincial economy is constrained by the 20 year time frame for designating land in Section 1.1.2 of the PPS. For example, the PPS does not recognize the land requirements for the western G.T.A. manufacturing, warehousing and goods movement sectors. The Growth Plan tends to treat all developments in the Greater Golden Horseshoe homogeneously to achieve a unified greenfield density target of 50 persons and jobs combined per hectare. The reality of less than 50 persons and jobs per hectare leads to insufficient land being designated for these uses.

Recommendation: Land use policies should be supportive of investment attraction and retention, such as supporting local food by permitting additional uses on farms. The Province should provide more policy flexibility for the designation of employment lands to meet long term needs.

Timing of Provincial Policy Statement Review

As part of its consultation on the PPS Review, the Ministry of Municipal Affairs and Housing has asked whether the five year PPS review cycle should be extended. The Town of Caledon believes that the review period should be coordinated with the review of the provincial plans, which occurs every ten years. This would help to address the conflicts between the PPS and provincial plans.

In addition to the co-ordination of plans and policies, the Province should also coordinate with amendments to companion legislation, which would support municipalities in implementing these plans and policies. Examples of this coordination include the Development Charges Act, the Green Energy Act, and the Aggregate Resources Act.

Recommendation: The next review of the PPS should occur in 2015 in conjunction with the review of provincial plans. Future reviews of the PPS should coordinate with amendments to companion legislation, such as the Development Charges Act, the Green Energy Act, and the Aggregate Resources Act.

FINANCIAL IMPLICATIONS

Not applicable at this time. Staff will continue to monitor the PPS review process for any potential financial and staff resourcing implications.

LEGAL IMPLICATIONS

The PPS is issued under the authority of Section 3 of the Planning Act and came into effect on March 1, 2005. The *Planning Act* requires that decisions affecting planning



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matters "shall be consistent with" policy statements under the Act. In addition to decisions made under the *Planning Act*, the requirement to be consistent with the PPS also applies to decisions made under a wide range of legislation and regulations that affect applications made under the *Planning Act*.

The *Planning Act* requires the Minister of Municipal Affairs and Housing to review the PPS at least once every five years.

NEXT STEPS

This report is to be forwarded to the Ministry of Municipal Affairs and Housing as Caledon's comments on the Draft PPS – September 2012.

COMMUNITY BASED STRATEGIC PLAN

The matters discussed in this report relate to Goal 2 of the CBSP: facilitate development of a safe, beautiful, connected and vibrant community of communities based on sound planning principles, and specifically Strategic Objective 2D: Manage Growth and Use Land Wisely.

POLICIES/LEGISLATION

The Planning Act 1990

The Planning and Conservation Land Statute Law Amendment Act 2006

Provincial Policy Statement 2005

CONSULTATIONS

Economic Development

Kant Chawla, Senior Transportation Planner

Tim Manley, Senior Policy Planner

Ohi Izirein, Senior Policy Planner

Sally Drummond, Heritage Resource Officer

ATTACHMENTS

Schedule A Draft PPS September 2012

CONCLUSION

In summary, the Draft PPS-September 2012 has not fully addressed the Town's concerns. Areas of concern include:

- Municipal Official Plan amendments that occur to achieve conformity with provincial plans once approved by the Province and regional planning authority should not be appealable to the Ontario Municipal Board;
- The inclusion of sustainability as an over-arching theme for land use planning to provide a context and framework for the sustainability-related concepts that are dispersed throughout the policy sections;
- The PPS and other provincial land use plans currently limit municipalities' ability to grow the commercial and industrial tax base to achieve a level of financial

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sustainability to have sustainable, healthy communities. The restrictions in the PPS and provincial plans should be removed.

- The primacy given to the provincial interest over local interests, particularly with respect to mineral aggregate resources. The process for approving site plan amendments and rehabilitation plans does not allow for sufficient municipal involvement or recognition of local community interests
- The PPS recommendations to promote healthy, active communities are laudable. However, municipalities are not given the resources to implement this direction. The methodology of historical service levels in the Development Charges Act prevents the use of levying development charges for public transit and limits the level of funding for parkland improvement. The allowed amounts of parkland dedication requirements in the Planning Act reflect a time before provincial density requirements were introduced. The Planning Act and the Development charges Act need to be changed to give municipalities the tools to implement this direction of the PPS.
- The inclusion of employment lands in the calculation of Greenfield Density in implementing the theme of "efficient development patterns" in the PPS through the Greenfield Density Target in the Growth Plan. Employment Lands should be de-linked from residential in the calculation of Greenfield density;
- The need for flexibility to identify strategic employment lands in the vicinity of goods movement facilities and corridors beyond the 20 year time frame, similar to the flexibility that has been introduced for infrastructure planning;
- The need to encourage and promote economic development in the Agricultural and Rural areas through flexibility with respect to the type of uses permitted on farms as secondary to the agricultural use and by replacing the requirement that such uses be small in scale with a requirement that they be compatible with and do not hinder surrounding agricultural uses.
- The fact that Prime Agricultural Land in the White Belt will eventually be developed, and consequently the requirements for permitting non-agricultural uses are too stringent.
- The review of the PPS and other provincial plans should be coordinated for consistency and to reduce the duplicated efforts of change that currently occurs including changes to the PPS every five years and changes to provincial plans every 10 years. Complementary changes to provincial legislation to support the implementation of provincial planning changes should occur at the same time.

A progressive step in the Draft PPS-September 2012 that should be supported is the recognition that considerations that have inherent value in contributing to the quality of life and/or environmental sustainability also contribute to long-term economic prosperity. This will assist in giving more prominence in the land use planning process to values such as sense of place, local food, energy conservation, minimizing negative impacts of climate change and considering the benefits provided by nature.

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