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November 23, 2012

Provincial Policy Statement Review
Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay St., 14th Floor
Toronto, ON M5G 2E5

Dear Sir/Madam:

RE: Provincial Policy Statement (PPS) Review

Attached are the County of Renfrew's comments on the draft revised PPS (2012).

The County stresses the need to keep the PPS flexible and reflective of local circumstances, especially for rural and low growth areas.

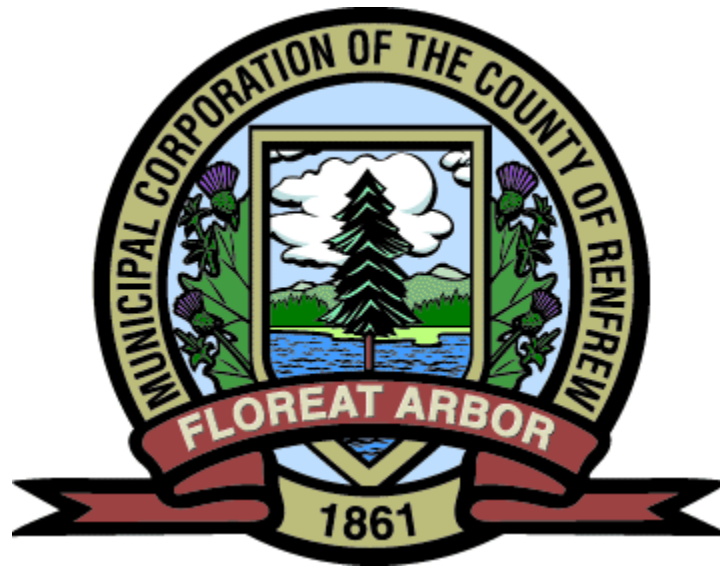
Thank you for the opportunity to comment on the draft revised PPS.

Sincerely,


Robert Sweet
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RS/jhk

Attachment



COMMENTS ON THE DRAFT REVISED PROVINCIAL POLICY STATEMENT (2012)

COUNTY OF RENFREW SUBMISSION

November 2012

County of Renfrew Submission

Draft Revised Provincial Policy Statement (2012)

November 2012

Background

The *Planning Act* requires that local planning decisions be consistent with the Provincial Policy Statement (PPS). Most PPS concerns in rural Ontario centre on policies requiring the majority of development to be located in fully serviced settlement areas, while discouraging growth in the rural areas. There is a need for greater flexibility in rural and low growth municipalities. The one size fits all approach to land use planning in Ontario does not fit the needs of the County of Renfrew.

The County is primarily a rural area with a population of 87,000 spread over the largest geographic county in Ontario (7,440 square kilometers). Nearly half our land base is on Crown land and a considerable amount of our development is on private well and septic systems.

Rural municipalities like Renfrew County should be able to define appropriate scale, density and character of development, including residential development, for its rural areas and landscapes. In rural and low growth areas it is beneficial that the official plan be the comprehensive document to guide land use planning, not the PPS.

General Comments

We support some of the proposed broader statements in the revised PPS, such as those that promote flexible and local context in decision making, even as we believe there is a disconnect between these statements and some of the proposed policies for settlement areas and rural areas which will work against growth and development in our rural communities. In particular, we are concerned with the proposed servicing policies which would limit growth in settlement areas on private services to infill and minor rounding out of existing development. This, coupled with the continued challenging and unresolved issues around the land application of untreated, hauled sewage, gives us concern that the Province is attempting to shutdown development on private services, which is the backbone of our rural development in Renfrew County.

Specific Comments

1. Part III – Geographic Scale of Policies

We support this additional section and the recognition that local context and flexibility is important in decision making. It would be beneficial if these broader statements were carried through into the actual policies of the PPS.

Recommendation #1: That the County of Renfrew supports the draft wording.

2. Part IV – Consultation with Aboriginal Communities

The revised PPS proposes wording that would recognize “the importance of consulting aboriginal communities, as appropriate, on planning matters that may affect their rights and interests.” This section needs to be read in conjunction with the proposed wording in Section 4.3 Implementation and Interpretation. It states that the PPS “shall be implemented in a manner that is consistent with the recognition and affirmation of existing aboriginal and treaty rights in Section 35 of the Constitution Act.” Together, these sections may have broad implications for development on private land and notification requirements in the County of Renfrew.

Recommendation # 2: That the sections dealing with the consultation of aboriginal communities be amended to include wording that leaves the format for this consultation for development on private land to local municipalities, consistent with their accepted practices.

3. Part IV – Vision for Ontario’s Land Use Planning; 1.1.1(h); 1.6.1 – Resilient Communities, Biodiversity and Climate Change

There are new references in the PPS to maintaining “resilient” communities (Part IV); promoting development and land use patterns that maintain “biodiversity” and “resilience” to “climate change” (1.1.1(h)); and requiring infrastructure and public services facilities to consider “impacts from climate change.” (1.6.1).

While on the surface these may be worthy and timely objectives, our concern is with the implementation of these broad statements (which are not defined) and how they would be applied to local decision making. How do you measure whether a given development proposal is “resilient to climate change?” There are other policies in the PPS which achieve these same objectives without the same level of ambiguity.

Recommendation # 3: That the draft wording dealing with “resilient communities”, “resilience to climate change” and “biodiversity” be deleted from the revised PPS.

4. Part IV – Vision for Ontario’s Land Use Planning; 1.1.3.2(a)(4); 1.5.1(a) and 1.5.1(b); 1.6.4 – Active Transportation and Linkages

While the County of Renfrew recognizes the importance of active transportation and linkages (the County has adopted its own Active Transportation Strategy) we feel that it is important to note that active transportation cannot be promoted in all forms and types of development (e.g., rural severances) and we would not want to see this policy frustrate development in our rural communities.

Recommendation # 4: That the sections dealing with active transportation include wording to the effect that active transportation will be promoted, “where appropriate.”

5. Section 1.0 – Building Strong, Healthy Communities; 1.1.3 Settlement Areas; 1.1.4 Rural Areas – Ontario as a Diverse Province

These sections use similar wording that serve to emphasize the diversity of the province and recognize the variety of the settlement areas and rural areas in Ontario. We note that a variation of this wording exists in the current PPS under Section Part 4, but the carrying through of these themes under the policy sections and in particular in relation to the settlement areas and rural areas is greatly appreciated. We see these sections working in conjunction with the local context and flexibility introduced elsewhere in the draft revised PPS.

Recommendation # 5: That the County of Renfrew supports the draft wording.

6. Section 1.1.1 – Coordination

We support the proposed wording of “other levels of government, agencies and boards” when it comes to coordination on planning matters. One example of implementation of this policy would be better coordination in the issuance of permits to take water.

Recommendation # 6: That the County of Renfrew supports the draft wording.

7. Definition – Comprehensive Review

The draft revised PPS adds wording to the definition of comprehensive review as follows: “In undertaking a comprehensive review the level of detail of the assessment should correspond with the complexity and scale of the proposal.” The County supports this revised wording because it provides needed flexibility in dealing with expansion to settlement areas and recognizes there is a difference between Oshawa and Osceola.

Recommendation # 7: That the County of Renfrew supports the draft wording.

8. Sections 1.6.5.4 and 1.6.5.5 Servicing

The new wording to this section states “in settlement areas these services (i.e., individual on-site sewage and water services) may only be used for infilling and minor rounding out of existing development.”

This policy would greatly limit growth in hamlets on private services. We note that in other PPS policies settlement areas including hamlets are to be the focus of growth and we therefore see a disconnect between these two policies.

Recommendation # 8: That these sections be amended to recognize that many rural settlement areas have no municipal services or only partial services and that new development in these areas be permitted without any qualifying language related to “infilling” or “minor rounding out of existing development.”

9. Section 1.6.5.6 Reserve Sewage Capacity

We note that there has been a subtle change to this already troubling section. In the current PPS, this section states that “planning for sewage and water services shall... e) subject to the hierarchy of services... allow lot creation only if there is confirmation of reserve sewage system capacity...” This phrasing has been replaced by the addition of the wording “planning authorities” may allow lot creation only if there is a confirmation of sufficient reserve sewage system capacity. The existing definition of “reserve sewage system capacity” does not include the land application of untreated, hauled sewage. We are concerned about the intent and implications of this change and a concern that this change could be directed more forcefully at land division committees and other planning authorities to restrict rural severances on private septic systems unless there is sufficient reserve sewage capacity. We have great concerns with this since there has been very little action on addressing this province-wide issue concerning the land application of untreated, hauled sewage.

Recommendation # 9: That, given that the land application of untreated, hauled sewage is a lawful activity and the industry standard, this section be deleted and development be allowed to continue on private services; further, that the definition of ‘reserve sewage system capacity’ in the current PPS be amended to delete reference to the land application of untreated, hauled sewage; further, that any change in the legislation on the land application of untreated, hauled sewage be made only after consultation with affected parties and municipalities; finally, that, if the land application of untreated, hauled sewage is to be prohibited, the Province provide workable alternatives, together with appropriate funding, that would allow continued development on private services.

10. Sections 1.6.7.2 and 1.6.7.3 – Transportation Corridors

These sections focus on the protection of major goods movement facilities and corridors from new development on adjacent lands. As the County continues to support and advocate for the 4- laning of Highway 17, these proposed policies are beneficial.

County Recommendation # 10: That the County of Renfrew supports the draft wording.

11. Section 1.6.10.1 – Energy Supply

The Green Energy Act provides a province-led, coordinated approvals framework for renewable energy projects and exempts these projects from Planning Act approval including documents such as official plans and zoning by-laws. This section of the PPS appears to contradict the Green Energy Act by requiring municipalities to encourage opportunities for renewable energy projects. Since municipalities have been removed from the approvals process, they should not be required to implement policies to encourage opportunities for renewable energy projects.

County Recommendation # 11: That this section be deleted from the PPS (or at least be revised) to acknowledge that municipal planning documents are not applicable to this type of land use.

12. Sections 2.1.3; 2.1.5; and Figure 1 – Line Delineating Lands South and East of the Canadian Shield Related to Significant Valleylands and Woodlands

This line has been extended north-westward above the current cutoff at Arnprior and now takes in a large swath of Renfrew County encompassing the Townships of McNab/Braeside, Horton, Whitewater Region, North Algona Wilberforce, Admaston/Bromley and Laurentian Valley, and the Towns of Renfrew and Petawawa. The inclusion of these lands will impose restrictions on development and will require identification of these features in planning documents at great cost. The delineation of this line is based on geological formations and does not appropriately recognize the unique demographic, economic and social realities of Renfrew County.

The natural features in these sections are already protected by virtue of the fact that over fifty percent of the County land base is Crown land, which prohibits development. A further reduction of the land base available for development is not beneficial to our County.

Recommendation # 12: That the line delineated in the draft revised PPS be amended to correspond with the municipal boundary between the County of Renfrew and the City Ottawa.

13. Sections 2.3.3.1 and Related Definitions Agriculture Uses, Agriculture Related Uses, On-Farm Diversified Uses and Agri-Tourism Uses

These changes all appear to be aimed at providing much needed flexibility to the list of permitted uses in the agricultural areas.

Recommendation # 13: That the County of Renfrew supports the draft wording.

14. Section 3.1.1(d); 3.13; 3.18 and Definition of Hazardous Lands – Wildland Fires

These sections deal with hazardous lands associated with wildland fires. What are wildlands? Is the Province going to identify these areas? What impact will this have on new development in rural areas? There is too much ambiguity with these sections.

Recommendation # 14: That the draft wording on wildland fires be deleted from the revised PPS.

15. Definitions – Negative Impacts

The definition of negative impacts has been expanded to state that “negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards.” We are concerned that the PPS is now specifying potential studies for all development, including lot creation by severance on private services. The decision regarding the type of study, if any, required for a particular development should be left with the local decision makers.

Recommendation # 15: That the draft wording be revised to state: “Where appropriate as determined by planning authorities, negative impacts should be assessed through...”

16. Extension of the Review Cycle of the PPS beyond the current 5 year period

A review is a significant undertaking involving considerable time and resources and therefore the review should be extended to a 10 year period, subject to any interim review that may have to take place as a result of major policy change or development at the provincial level. Our experience has been that the five year review cycle of the PPS results in a domino effect on official plan and comprehensive zoning by-law reviews such that planning offices are in a constant state of updates; the resources for these reviews could be better put to other priorities.

Recommendation # 16: That the cycle for the review of the PPS, and by extension official plans, be increased to 10 years, subject to any emergency, interim review required.

Closing Comments

Our closing comments deal with the systems approach being proposed in the revised PPS and its relationship to the species-by-species approach in the ESA.

The definition of natural heritage system is proposed to be expanded to include “linkages” and “connectivity” between natural heritage areas. This definition has to be looked at in conjunction with the revised definition to the habitat of endangered species and threatened species which reflects the changes made to the Endangered Species Act in 2007.

The concern with the linkages approach, combined with the ever expanding list of endangered species, is the steady and relentless application of natural “values” across the landscape to the point that there may be no land to develop to sustain our local economies. Our experience has been that the application of these values across the landscape by provincial officials has not always been balanced by other considerations such as economic, social and demographic factors.

We feel that the systems approach and the species-by-species approach are different and will duplicate work and result in conflicts. In addition, there is a shortage of pertinent data on which to base planning decisions and we are concerned about the implications of this lack of data on values mapping and on future development proposals.

Finally, we have concerns with the mapping of these natural heritage systems from a cost perspective. Because there is a lack of data there is no provincial mapping as there is with mineral aggregate deposits, for example. This invariably means the mapping will have to be done at the local level incurring costs to municipalities and private property owners. In low growth areas the cost of this mapping will not only outweigh any benefits, but will deter development altogether.