

## Township of Melancthon

### COMMENTS ON PROVINCIAL POLICY STATEMENT REVIEW

This submission on the Provincial Policy Statement review is made on behalf of the Township of Melancthon. As a rural municipality in the northwestern part of Dufferin County, the Township's principal interest in the Provincial Policy Statement (PPS) relates to those provisions involving all aspects of rural development and planning. Those are the primary policy components addressed in this submission.

The submission focuses on issues, concerns and potential improvements. Sections of the document not addressed are those that either do not significantly affect rural municipalities or are viewed as being generally satisfactory in their present form.

#### The Approach to Rural Planning and Development

As is clear from the vision statement in Part IV and many of the policies, the PPS is a policy document primarily intended to concentrate growth and development in urban centers including large metropolitan areas. Other than seeking to ensure the protection of environmental features and functions and the protection and efficient use of agricultural land and other natural resources, there is very little consideration given to rural planning and development, including economic development.

The principal effect of the application of the document's policies, in combination with the requirements of the Growth Plan for the Greater Golden Horseshoe (Growth Plan), has been to significantly reduce or completely eliminate non-resource oriented development in rural areas, including rural settlement areas. While the few policies directly related to planning in rural areas appear to provide support for a limited amount of rural development, many of the other policies essentially contradict and negate these provisions. This is even more strongly evident when the policies of the PPS are combined with those of the Growth Plan.

For the most part, the specific comments provided herein have as their principal basis an interest in seeking a more reasonable, flexible and balanced approach to rural planning and development as we proceed into the second decade of the twenty-first century. There should be a place in the provincial planning framework for those residents and enterprises that need or prefer a rural setting rather than a highly intensified urban growth center.

#### Specific Concerns With the Current Policies

The preceding general comments relate, in part, to aspects of Parts I to IV of the PPS. The following comments address specific policies and the related definitions in Part V of the document. For purposes of explanation or clarification, in some cases the comments briefly

AUG 11 2010

## Comments on Provincial Policy Statement Review

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extend beyond a specific policy to reference either related points of concern or an associated component of the Growth Plan.

### Section 1.1.3.1, Focusing Growth in Settlement Areas

This section proclaims the fundamental principle underlying the growth management related components of the PPS in its statement that “settlement areas shall be the focus of growth”. Over time and in combination with the Growth Plan, this has come very close to meaning that settlement areas shall be the location of all non-resource based growth. In the interest of providing a degree of fairness, openness and balance, it would be appropriate to add a second sentence to this section referencing the policies of section 1.1.4 that permit a limited range of both growth accommodation and land uses in rural areas including rural settlement areas.

### Section 1.1.3.3, Intensification and Redevelopment

This section requiring all municipalities to promote intensification and redevelopment should be revised to encompass two policy areas.

1. Although addressed to some extent by the current wording, there should be a clear requirement that intensification and redevelopment must consider and, to the extent possible, complement existing neighbourhood character.
2. There should be a policy providing the flexibility needed in rural municipalities to permit more modest forms of intensification than would be expected in urban centers.

### Section 1.1.3.7, New Development in Designated Growth Areas

This section addressing the form and location of new development in designated growth areas should be revised to acknowledge that physical features, infrastructure components or other factors may affect the location and form of new development. A drainage feature or steep slope may prevent the siting of new development immediately adjacent to or abutting the existing built area. Also, such features may affect the compactness of new development even though such development is appropriate in the context of the specific community or neighbourhood.

### Section 1.1.3.9, Settlement Areas and their Expansion

This section contains planning policies relating to settlement areas and their expansion. We note the following with regard to these policies.

## Comments on Provincial Policy Statement Review

1. The policies provide for the establishment of new settlement areas while the Growth Plan specifically prohibits them. Although section 4.9 gives priority to the Growth Plan in such situations of policy conflict, it is unclear why such a fundamental policy is completely reversed from one municipal jurisdiction to another. This policy should either be uniform throughout the province or the PPS should specifically reference the application of the prohibitive policy applying to the most populous part of Ontario.
2. A guideline and/or policy expansion should be provided addressing the term “comprehensive review” and the same term should be used in both the PPS and the Growth Plan. While the related definition is helpful, this is a term that will continue to be confronted and interpreted as municipalities consider potential future settlement area expansions. There should also be some flexibility provided for relatively minor expansions particularly those involving small rural settlement areas.

### Section 1.1.4, Rural Planning and Development

This is the only section in the document that specifically addresses permitted uses in the rural areas of municipalities. It also provides most of the related planning and development criteria. The following comments relate to both the section's text and its ongoing and evolving interpretation by provincial ministries and agencies.

1. From the outset, the term “limited residential development” has been given a very narrow and restrictive interpretation by provincial review and approval agencies, no doubt relying, in part, on the apparently overriding urban oriented growth accommodation policies of section 1.1.3. In 2006 the Growth Plan specified that this form of development will be limited to a maximum of three lots or units. Notwithstanding the provisions of section 4.9, there should be consistency between the two policy documents on this important point. Well planned and sited rural residential development should be permitted on a more significant scale than 3 lots but if such development is deemed to be undesirable, then the PPS should reflect that perspective with wording that is specific and not verging on being misleading.
2. Apparently as a component of the province's push toward an almost fully urbanized future, the Growth Plan directs all development to settlement areas except certain resource based uses and “rural land uses that cannot be located in settlement areas”. The approach is not to plan for those uses that are appropriate to rural areas but to permit in rural areas only those uses that are not appropriate in an urban area. If this is the new reality of rural planning and development in Ontario, then for consistency the PPS policy permitting “other rural land uses” should be changed to permit “other rural land uses that cannot be located in settlement areas”. Policies or guidelines should be developed to

## Comments on Provincial Policy Statement Review

provide examples of such uses and the related planning considerations. Notwithstanding these comments on the current unsatisfactory provincial approach to rural planning policy formulation, it continues to be the Township's intent to seek and support a more positive rural planning framework.

3. Part (d) of this section states that "development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted". This policy has been lost in the rush toward urbanization. Unless the PPS is revised to more comprehensively address the planning and development of rural areas, this policy should be changed to reflect the current interpretation of the PPS and the substantially more restrictive policies of the Growth Plan. An opening clause that places it in the context of the limited range of permitted uses may be appropriate if the current rural planning policy framework is to continue.
4. Part (f) of this section provides another example of the document's approach to rural development, an approach that views rural areas as the place for all the problem uses that are not wanted anywhere else. The reference in part (f) is to retaining "opportunities" in rural areas for locating uses "that require separation from other uses". If there is to be no change in this approach to rural planning, then this very generalized wording should be refined and clarified. How are rural municipalities to "retain opportunities" for siting potentially obnoxious uses? Are all such uses to be considered as permitted in all rural areas? This could be interpreted as being at least part of the intent of this somewhat unusual policy wording. If it is to be retained, the policy requires more clarity.
5. Part (g) states that "recreational, tourism and other economic opportunities should be promoted" in rural areas. While encouraging in its scope and potential, this statement is somewhat misleading when viewed in the more restrictive context of the document's full rural planning policy structure. Unless there are substantive changes to the other applicable rural related PPS planning policies, this policy should be reworded to more accurately reflect the restrictive nature of those other policies and the provisions of the Growth Plan. Again we would note our support for a more positive approach to rural planning and economic development.

### Section 1.3, Employment Areas

The term "employment areas" as used in this section should either be more clearly defined or be replaced by another term. The definition, interpretation and ongoing use of the term implies that it is referencing areas included in some form of an Industrial land use designation in many official plans. The basic policy intent appears to be the retention of sufficient and appropriate lands to accommodate primarily industrial uses including large scale uses and other similar or

## Comments on Provincial Policy Statement Review

compatible uses such as warehousing. In a post-industrial economy employment is found in many other areas such as the central business district, a variety of commercial centers and institutional areas. The use of the term “employment” has led to misinterpretation of this policy because it is too broad to properly address the apparent planning objectives. To some extent all agricultural lands are employment areas but such lands are not related to the planning objectives of this section of the PPS and would not be viewed as “employment areas” in the context of section 1.3. It would be preferable to use a term describing a land use rather than an activity.

### Sections 1.6.4.2, 1.6.4.3 and 1.6.4.4, Servicing Hierarchy

These sections define a servicing hierarchy and provide important related planning policies. We note the following in regard to these policies.

1. We support the policies’ servicing hierarchy including the recognition of the role that individual on-site services play in primarily rural development. We also support the policy in section 1.6.4.4 that permits the use of such services in new development involving a maximum of five lots or residences. This provision should remain in the PPS regardless of the previously referenced three lot maximum in the Growth Plan.
2. The above referenced five lot limit appears, in part to reflect a general lack of policy recognition of the technological advances in on-site sewage servicing systems even in the five years since the last updating of the PPS. There are on-site systems that can now provide secondary and tertiary level treatment. Such systems can service industrial and commercial development in addition to residences. The development limits in both the PPS and the Growth Plan should be revised to reflect this technology and to provide for an appropriately expanded level of rural development within a more positive rural planning policy framework.
3. The last sentence in section 1.6.4.4 permits the use of individual systems for more than five lots or residences in “rural areas”. Consistent with our comments above and notwithstanding the three lot maximum in the Growth Plan, this policy should remain in the PPS. The policy does not override the Growth Plan but does provide the flexibility to consider a future amendment to that Plan, if justified.
4. The definition of the term “rural areas” in the PPS does not include rural settlement areas. In light of this, the effect of the above referenced policy in section 1.6.4.4 permitting the use of individual systems for developments of more than five lots in “rural areas” is to prohibit such developments in rural settlement areas. As the PPS policies currently read, therefore, more than five individually serviced lots can be developed in rural areas but

## Comments on Provincial Policy Statement Review

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not in rural settlement areas. This inconsistency should be corrected by applying the referenced section 1.6.4.4 policy to both rural areas and rural settlement areas.

### Section 1.6.4.5, Partial Services

This section prohibits the use of partial services in all but a few specific circumstances. In view of the technological improvements in individual on-site sewage servicing systems, this policy should be expanded to permit the general use of such systems in rural areas and rural settlement areas, subject to appropriate planning criteria.

### Section 1.6.6, Transportation and Infrastructure Corridors

A subsection should be added to this part of the PPS requiring full consultation with involved municipalities when planning federal, provincial and upper tier municipal transportation and infrastructure corridors.

### Section 1.6.6.4, Policy Compliance in Transportation and Infrastructure Planning

The policies in this section state that “consideration will be given” to certain other sections of the PPS when planning for corridors and rights-of-way for significant transportation and infrastructure facilities. By way of comparison, under the provisions of section 1.1.3.9 in planning for a settlement area expansion a municipality “shall apply the policies” of the appropriate sections of the PPS. That wording should be used in section 1.6.6.4 in order to provide consistency and eliminate what appears to be a different standard of policy compliance for “significant” transportation and infrastructure facilities than for municipal land use planning.

### Section 1.6.7.2, Protection of Air Transportation Facilities

This section contains policies intended to protect “airports” from incompatible land uses and development. The definition of the term “airports” should be expanded to include private airfields or airstrips.

### Section 1.8.1, Planning and Energy Efficiency

Parts a, b and c of this section should be modified to recognize the different circumstances that apply when considering the types of rural development apparently permitted by the provisions of sections 1.1.4 and 1.1.5. Public transit, for example, is not normally available in rural areas.

## Comments on Provincial Policy Statement Review

### Sections 2.1.3, 2.1.4 and 2.1.5, Natural Heritage Related Policies

These policies address development in or near various significant natural heritage features and areas. They primarily prohibit development and site alteration in such areas. In view of the definition of the term “development” this prohibition applies to lot creation in addition to actual physical development. These policies and the related definition should be revised to permit lot creation in such areas subject to compliance with one of the following two criteria. Either there are no new lot lines created within the natural heritage feature or there is sufficient lot area outside the feature to meet the applicable development related municipal zoning standards and development is prohibited on those portions of the new lot extending into the feature area. In addition, the environmental assessment provisions of section 2.1.6 would continue to apply to any development on the lot in an area meeting the definition of adjacent lands to the natural heritage feature or area.

Also, point (c) of section 2.1.4 should be deleted since the term “significant valleylands” is unnecessary. The key parts of any valley containing a water feature would be included in one or more of the many other defined natural heritage features or natural hazards, primarily either wetlands or hazardous lands. The other parts of these valleylands outside such features do not require any special planning policies.

### Section 2.2, Water Resource Related Planning

It is assumed this section addressing water resources will be updated to reflect the provisions of the Clean Water Act and the related regulations. It would also be helpful to more clearly differentiate between the terms “vulnerable areas” and “sensitive water features”. The definitions appear to be very similar and it may be possible to consolidate some of this water related terminology.

### Section 2.3.1, Prime Agricultural Areas

This section states that prime agricultural areas are areas where prime agricultural lands predominate. The definition of such areas includes a reference to related evaluation procedures established by the Province. This municipality has not been provided with any such evaluation information and has been unable to obtain related material from the Ministry of Agriculture, Food and Rural Affairs. It would be helpful, for example, to have some clarity as to the method to be used to determine precisely where a soil type can be considered as being predominant, particularly in areas of mixed soils or areas fragmented by environmentally significant or hazardous features.

## Comments on Provincial Policy Statement Review

### Section 2.3.2, Specialty Crop Areas

This section requires specialty crop areas to be designated in accordance with evaluation procedures established by the Province. No such procedures have been prepared to date. They should be provided with the updated edition of the PPS, if not sooner. In the interim, the Ministry of Agriculture, Food and Rural Affairs should be assisting in the delineation of specialty crop areas on an as-required site specific basis.

### Section 2.3.4.1(c), Farm Consolidation and Lot Creation for Surplus Dwellings

The policy permitting lot creation for surplus farm dwellings resulting from farm consolidation has merit in terms of assisting in the preservation of rural residences. There is a need, however, to put some limits on the interpretation of the term "farm consolidation". To avoid the potential creation of large areas of absentee owned farmland within a rural municipality, the policy should apply to only those consolidations in which the farmer or farm corporation acquiring the subject property has the base of operations on a property owned and located within or abutting the subject municipality.

### Section 2.3.5, Removal of Land from Prime Agricultural Areas

This section should be revised to exclude aggregate extraction from specialty crop areas. These areas are too important to be disrupted and possibly permanently damaged by potentially massive and long term aggregate extraction operations that frequently are more than simply the interim uses referenced in sections 2.5.3.1 and 2.5.4.1 of the PPS. The potential for incomplete or unsuccessful rehabilitation is also an important consideration. Such a prohibition would be a cornerstone in implementing a balanced approach to resource planning and management. On a provincial basis such a policy should not unduly restrict aggregate resource extraction.

### Section 2.5.2.1, Ensuring the Availability of Mineral Aggregate Resources

In this policy apparently intended to maximize the extraction of mineral aggregates the term "reasonably possible" is almost meaningless and open to potential misinterpretation. Although section 4.3 references the need to read and apply the PPS in its entirety, some form of similar wording should be added to this section. As a minimum, wording such as the following would assist in striking a balance between aggregate extraction and other important environmental and resource based policies.

"The extraction and processing of mineral aggregate resources in areas as close to markets as possible shall be supported provided there is consistency with all other relevant policies of this Provincial Policy Statement, including the

## Comments on Provincial Policy Statement Review

environmental and resource based policies of the Natural Heritage, Water and Agriculture sections.”

### Section 2.5.2.3, Conservation of Mineral Aggregate Resources

This section requires the conservation of mineral aggregate resources whenever feasible. In view of the provisions of section 2.5.2.1, whether revised as suggested above or not, it would appear that this section is redundant and should be deleted. If it is retained, the term “feasible” should be addressed more fully to include not just economic feasibility but also environmental feasibility. This comment also applies to the use of this term in section 2.5.2.5.

### Section 2.5.2.5, Protecting Deposits of Mineral Aggregate Resources

This section significantly limits development in and adjacent to known deposits of mineral aggregate resources. Such deposits are defined as including all resource areas identified in the Aggregate Resource Inventory Papers that have “sufficient quantity and quality to warrant present or future extraction”. This wording is sufficiently generalized to have the effect of protecting virtually all aggregate resource deposits. It should be revised to be consistent with the more targeted approach to aggregate resource protection applied in the other related policies. A balanced approach to resource planning and management would not require the protection and preservation of virtually all aggregate resources particularly in areas having important agricultural, environmental and water resources.

### Section 2.5.4.1, Aggregate Extraction in Prime Agricultural Areas

In keeping with our comments on section 2.3.5, we note that this section should also be revised to include a specific prohibition on aggregate extraction in specialty crop areas. Also, the important provisions relating to the exemption from complete agricultural rehabilitation require clarification either in the policy document or in a related guideline. The following lists some related concerns.

1. What constitutes “substantial” quarry excavation below the water table or a quarry depth that renders complete rehabilitation “unfeasible”, as referenced in point (a)?
2. In part (b), the consideration of alternatives to prime lands should include areas both within and beyond the subject municipality. Aggregate resource areas frequently extend across municipal borders and it would be illogical to permit an extractive operation on site involving prime agricultural land in one municipality where there are similar resources underlying poorer agricultural lands or non-agricultural lands in an adjacent municipality.

## Comments on Provincial Policy Statement Review

3. Does part (c) relate to part (b) only or is it a more general provision and exactly what is intended by the term “remaining areas” in reference to maximizing agricultural rehabilitation? This point and this section of the document requires some restructuring and clarification.

Also, the references in both this section and in section 2.5.3.1 to aggregate extraction as an interim use should be either deleted or substantially modified to recognize the potentially long term nature of many extraction operations.

### Section 3.0, Protecting Public Health and Safety

The previous comments about the definition of the term “development” provided in addressing the policies of sections 2.1.3, 2.1.4 and 2.1.5, also apply to the use of that term in the provisions of the various subsections of section 3.0 relating to natural and man-made hazards.

### Conclusion

There is clearly a need for substantial changes to the document in terms of its policies relating to rural planning and development as well as resource related planning particularly as it applies to mineral aggregate resources. This municipality has a vital interest in these aspects of provincial planning policy. We ask, therefore, that the Township be notified of any further public involvement in the process of updating the PPS and that it be given an opportunity to review and provide comments on any draft of the revised document.

All of which is respectfully submitted.

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