AGENDA DATE: October 8, 2019
REPORT DATE: October 3, 2019
SUBJECT: Draft Response to Ministry of Municipal Affairs on the
2019 Provincial Policy Statement Update

RECOMMENDATION:

That Council receive the draft response to the 2019 update to the Provincial Policy Statement and provide feedback to the Director of Development Services on the proposed updates to Provincial Policy Statement.

BACKGROUND:

Attachment 1 is a draft response from the Township of South Frontenac to the Ministry of Municipal Affairs and Housing (MMAH) with regard to its draft update of the Provincial Policy Statement (PPS). MMAH released the draft on July 22nd, 2019, and is asking for comments on the revisions to the PPS prior to October 21st, 2019.

The PPS serves as the foundational policy document for land use planning across Ontario and provides policy direction on matters of provincial interest. The Ontario Planning Act requires that decisions on land use planning matters made by municipalities and other approval authorities “shall be consistent with” the PPS, including the development of Official Plans, Zoning By-laws, subdivision approvals, and minor variances.

FINANCIAL/STAFFING IMPLICATIONS:

None at this time. The updated policies of the Provincial Policy Statement will be reflected in the update to the South Frontenac Official Plan.

ATTACHMENTS:

Attachment 1 – Response to MMAH on the 2019 Provincial Policy Update

Prepared/Submitted by: Claire Dodds, MCIP, RPP, Director of Development Services

Approved by: Neil Carbone, CAO
Township of South Frontenac Response to Proposed Changes to
2019 Provincial Policy Statement Update

Background

This paper is a response from the Township of South Frontenac to the Ministry of Municipal Affairs and Housing (MMAH) with regard to its draft update of the Provincial Policy Statement (PPS). MMAH released the draft on July 22\textsuperscript{nd}, 2019, and is asking for comments on the revisions to the PPS prior to October 21\textsuperscript{st}, 2019.

The PPS serves as the foundational policy document for land use planning across Ontario and provides policy direction on matters of provincial interest. The Ontario Planning Act requires that decisions on land use planning matters made by municipalities and other approval authorities “shall be consistent with” the PPS, including the development of Official Plans, Zoning By-laws, subdivision approvals, and minor variances.

The Township provided input into the response provided by the County of Frontenac. Many of the recommendations provided by the County are paralleled in the Township response. That said, the Township response focuses on matters that impact implementation of the PPS at a local level.

PPS in the Context of Frontenac County

The County of Frontenac is similar in size and density to the other Counties of Eastern Ontario. Frontenac is a primarily rural area, with a permanent population of approximately 27,000 spread over 4,000 sq km. The vast majority of development is residential with both permanent and a growing seasonal population.

Frontenac County is characterized by a predominantly rural landscape and small villages and hamlets. The County has a rich agricultural history with a range of agricultural and forestry farms.

The County has over a thousand lakes, conservation areas, Provincial Parks and a significant portion of the northern half of the County is Crown Land. The landscape has some of the most beautiful natural features and biodiversity that draws permanent and seasonal residents, outdoor recreational enthusiasts, artists and artisans. The regions tourism, recreation and hospitality sectors are strongly linked to the natural heritage and outdoor recreational opportunities that exist.

The way the policies are implemented into the four Township Official Plans impacts businesses, farmers, rural landowners, economic investment and many community interests. It is important for sustainable growth to have a planning system that is working well, balancing competing interests and preserving the rural lifestyle that draws people to work and live here. Land use policies play a major role in guiding decisions over where development should take place, how quickly, and how much land should be allocated for various uses in the villages and the countryside.
The next County Official Plan update is due to start in 2021. The County Official Plan will need to be updated to be consistent with the updated 2019 PPS at that time.

**PPS in the Context of the Township of South Frontenac**

South Frontenac is a predominately rural Township that has a mix rural, agricultural, waterfront and rural settlement land uses. It is located just north of the City of Kingston and has a population of 18,650 residents with a land area of 971.56 km².

The Township has an active and diversified agricultural industry which forms an important part of the local economy and cultural fabric of the community. South Frontenac currently has 13 areas designated as settlement areas within the Township, including a mix of villages and hamlets. Twenty five percent of the land area of the Township is covered with water, having over 75 lakes. It also has significant natural heritage features and biodiversity in part recognized at an international level, with a significant portion of the Township being recognized as part of the Frontenac Arch World UNESCO Biosphere. The eastern portion of the Township includes lands and lakes which form part of the Rideau Canal, a World Heritage UNESCO site. There are many parks (Frontenac Park) and conservation lands (Gould Lake, Elbow Lake) that provide for outdoor recreation and opportunities for public access to water bodies.

South Frontenac is forecasted to grow in population – increasing by approximately 3000 people by 2034. It is forecast that approximately 70% of growth within Frontenac County will occur within South Frontenac. Much of the growth and development within South Frontenac over the past 20 years has been through the creation of rural residential lots within the commuter-shed of Kingston. With the southern portion of the Township being an easy commute to Kingston, Township residents are able to enjoy a rural lifestyle, while being close to Regional commercial, employment and health care opportunities.

Like many rural communities in Eastern Ontario, the majority of development within South Frontenac is serviced with private water and septic systems. Sydenham is the only settlement area that is partially serviced with municipal water service available in the village.

The policies in the PPS have broad long term implications for the growth and development of South Frontenac.

On August 6th, 2019, South Frontenac Township Council held a Section 26 meeting and officially began the process to develop a new Official Plan. This is the first complete update to the Official Plan since it was put in place, post-amalgamation in 2003. The Official Plan review will unfold over the next two years with the goal of putting the Plan in front of the County for approval in late 2021. The development of a new Official Plan for South Frontenac will be directly impacted by the proposed changes to the PPS.

With this request from MMAH to comment to the Province, the Township is using this opportunity to make suggestions that will provide a better balance between economic development, community sustainability, ecological protection, and protection of farmland in the Township.
MMAH has posed five questions to respond to the draft PPS during this consultation. The Township response to the questions posed by MMAH are outlined below:

**Question 1: Do the proposed policies effectively support goals related to increasing housing supply, creating and maintain jobs, and red tape reduction while continuing to protect the environment, farmland, and public health and safety?**

The 2019 update maintains the existing planning framework requiring Official Plans to “be consistent with” provincial policy. This continuation of “shall be consistent with” provides certainty in the planning process and in developing land use policy for the Township. The Township is supportive of maintaining this policy framework.

The draft 2019 PPS is consistent with the current PPS, recognizing that rural settlement areas shall be the focus of growth. While the Township recognizes the need to direct growth to settlement areas, the continued flexibility of being able to permit limited rural residential development outside of settlement areas and continuing to permit recreational residential uses is critical to the future of the Township.

The draft PPS has been revised to apply some additional flexibility in rural areas when it comes to dealing with planning issues such as settlement area boundary adjustments. This additional flexibility is generally well received. Revisions to policy 1.1.3.9 to allow settlement area boundary adjustments outside a comprehensive review provides significantly more flexibility than under the current 2014 PPS. This is important to the Township as we begin an exercise to consider the rationalization of settlement boundaries as part of the development of a new Official Plan. Being able to make logical adjustments in settlement area boundaries without undertaking a full comprehensive review assists the Township to make decisions to align settlement boundaries to areas where there is infrastructure and appropriate servicing.

Many major policy sections remain unchanged in the 2019 update. The majority of policy sections; in particular natural heritages and natural heritage policies contain the same level of environmental and natural protection. Section 2.1.10 provides further clarification that municipalities can chose to manage wetlands not recognized by the Provincial Policy Statement (e.g. locally significant wetlands) in accordance with Provincial Guidelines (Natural Reference Manual). It also recognizes the relationship between protecting natural heritage features and climate change mitigation.

Revisions proposed to the PPS support and reinforce the existing policies in the County and local Official Plan that protect natural heritage, farmland, and public health and safety largely remain unchanged in this update.

Agriculture is an important part of the employment sector in South Frontenac. Despite having a limited amount of prime agricultural land, farming activity takes place across the region and is an important part of not only the economy but the culture of rural Eastern Ontario. The draft 2019 PPS helps recognize the value of agriculture in rural areas by including new terminology to describe “Agricultural Systems” and the “Agri-
“Food Network” that support the broader farmer community in rural and prime agricultural areas.

With respect to increasing housing supply, the inclusion of the term “Housing Options”, (single detached, semi-detached, townhouses, multiplexes, second residential units and tiny homes) provides a range of housing types and forms throughout the Township; permitting a range of housing options will be considered as part of the new Official Plan for South Frontenac.

Greater clarification is needed on the use of term “market-based range and mix” when referring to residential uses in section 1.1.1.b). In the context of South Frontenac, the current market is for single-detached dwellings, and as this trend continues, opportunities for affordable housing or a mix and range of residential uses on rural residential or waterfront lots may not be met. Private individual water and septic services restrict the flexibility to intensify residential units as of right. Private servicing lends itself to supporting single detached dwellings as the predominant housing type in the Township for the foreseeable future. In addition, there are many factors beyond the municipality’s control when allocating residential development and outside factors such as short-term accommodation rentals add extra layers of complexity, especially related to affordability.

Section 1.1.5 Rural Lands in Municipalities is the section of the PPS that most directly guides development in the Township. Greater clarification is required for the use of the term limited rural residential development and how that relates to support for rural lot creation would be helpful as the Township considers policy options for development within its rural lands. Further definition of resource-based recreational uses (including recreational dwellings) as a permitted use in the rural area would also be helpful. When modelling lake capacity, it is imperative to understand the use of the residential property to properly assess phosphorous loading potential. Greater clarification on the use of the term recreation dwelling would assist staff when calculating lake capacity.

Recommendations:

1. The Township of South Frontenac supports the retention of the existing natural heritage policies in the 2019 draft PPS.

2. The Township of South Frontenac supports the continued requirement that all planning approvals “shall be consistent with” the Provincial Policy Statement as it provides a high level of consistency in the land use planning process and the development of land use policy.

3. The Township of South Frontenac supports the proposed changes to Section 1.1.3 (Settlement Areas) that provide more flexibility for rural communities. In particular.

4. The Township of South Frontenac supports the new definitions for “Agricultural System” and “Agri-food Network” as well as corresponding policy changes to Section 1.7(i) (Long Term Economic Prosperity) and Section 2.3.2 (Agriculture) that are intended to sustain and protect agricultural resources.
5. The Township of South Frontenac supports the inclusion of the term “Housing Options” but seeks greater clarity on the term “market-based” as referenced in section 1.1.1.b) and 1.4.3.

6. The Township of South Frontenac requests greater clarity on the terms “limited rural residential development” and “recreational dwellings” under the rural policies of the 2019 PPS.

Question 2: Do the proposed policies strike the right balance? Why or why not?

The Township supports the “shall be consistent with” approach – this level of certainty (compared to “have regard to”) assists to expedite the planning process and review.

South Frontenac supports the continued strong environmental protection policies contained in the draft PPS (Natural Heritage) which will allow for the protection of a significant percentage of the land area in the Township.

The revisions to rural land use policies in the draft PPS have resulted in a policy section that is less prescriptive and more flexible. This is a pragmatic approach that recognizes that the rural landscape – and permitted rural land uses – can be significantly different across Ontario, and which allows municipalities to have more control over the policy approach that best fits their circumstances. This is also reinforced in the changes to the boundary expansion / revision process that will allow smaller rural communities to make boundary changes through a less rigorous process than urban areas.

The Township supports the inclusion of the term “Impacts of a Changing Climate” and the direction for climate change action at the regional and local levels. In recognizing that natural heritage features play a critical role in mitigating the impacts of a changing climate, the Township works with three Conservation Authorities within the region in the protection of wetlands and waterbodies. Proposed language in the draft PPS, such as supporting the management of wetlands as listed in Section 2.1.10, further recognizes the role that environmental features play to mitigate the impacts of climate change.

The revisions to Section 2.5 Mineral Aggregate Resources propose to permit extraction in certain natural heritage features provided that the long-term rehabilitation can demonstrate no negative impacts on the natural features or their ecological functions are concerning to the Township. The lifecycle for extraction could mean that a natural heritage feature is removed for several decades prior to meaningful rehabilitation taking place. While the Township supports extraction of mineral aggregates and has areas identified for potential, greater clarification is required how such an operation would have no negative impact on the natural features or their ecological functions through a rehabilitation plan.

Recommendations:

7. The Township recognizes, when compared to the 2014 PPS, the draft 2019 PPS provides a better balance and more flexibility to deal with planning issues in rural planning areas and the Township supports these changes.
8. The Township acknowledges that the term “Impacts of a Changing Climate” provides clarification for planning authorities incorporating climate related policies within land use plans. The Township supports the retention of the existing natural heritage policies and that Section 2.1.10 clarifies the opportunity to designate locally significant wetlands, should we chose to do so.

9. The Township recommends the Province provide clarification on the requirements for mineral aggregate extraction in identified natural heritage features as listed in section 2.5.2.2 as to how these operations can demonstrate no negative impacts on the natural features or ecological functions of said features. In many instances in the Township, aggregate pits or quarries take several decades for extraction to be complete prior to rehabilitation and there is a loss of natural features or ecological functions during this interim period until rehabilitation could occur.

10. The Township does not see a significant benefit to increasing the planning horizon from 20 to 25 years for the protection of employment land and under 1.4.1, the maintenance of increasing the land supply period from 10 to 12 years of land supply for residential growth. The Township and County have been working through the process to update population projection using a 20 year time horizon. It is recommended that the planning horizon remain consistent with the timeframes currently established in the 2014 PPS (20 year planning horizon & 10 year supply of land for residential growth).

11. Section 1.4.3 speaks to permitting an appropriate range and mix of housing options and densities to meet projected market-based needs. “Market based needs” is not a defined term. It is recommended that either a definition or a guideline document provide further direction on what the Province means by “market based needs”.

**Question 3: How do these policies take into consideration the views of Ontario communities?**

It is the Township’s position that the 2019 PPS provides a better balance and more flexibility to deal with planning issues in rural planning areas than the current 2014 PPS.

It recognizes the need for strong protection of natural heritage features and functions, the protection of agricultural land and more broadly the agricultural industries that support it, it considers the need to provide a variety of housing options to allow all people in a community to be able to access safe, affordable and reliable housing choices. It also considers servicing scenarios that are more common in rural Ontario for communities that do not have municipal servicing.

While many views of Ontario’s communities are taken into account, the policies proposed in section 4.7 of the draft PPS speak to the “fast-tracking priority applications which support job related growth and development”. This same section speaks to “reducing the time needed to process residential and priority applications to the extent practical”. While there is a recognition that getting housing to market is a priority across
the Province, recent reductions in timelines to process planning applications has already occurred through Bill 108. Bill 108 has also significantly altered the public’s ability to appeal decisions on Plans of Subdivisions or Condominium, the two most common planning applications to bring housing to market. In rural communities, the idea of “fast tracking priority applications” goes against the transparency that local government strives to achieve. While it is a priority to bring housing to the market, it should not be at the expense of undertaking appropriate review of developments within the public realm through the planning process. Staff and Council believe in fairness and equity in receiving and reviewing development applications through the already shortened timeframe for planning applications under Bill 108. It is also challenging to implement criteria for prioritization of fast tracking applications in a two-tier planning system where there may be differing criteria at the County than at the Township level.

**Recommendation:**

12. Remove section 4.7 and its mention of “fast-tracking priority applications” and leave the timelines to process a planning application in the regulations already put into effect with Bill 108.

**Question 4: Are there any other policy changes that are needed to support key priorities for housing, job creation, and streamlining of development approvals?**

With the exception of the water system in the village of Sydenham, there are no municipal water or sewer systems in the villages and hamlets in the Township and it is highly unlikely that any municipal systems will be created in the near future. The current PPS does not recognize that there are many settlement areas in rural Ontario that have no water or sewer services. Where private services (water and septic) are the only servicing option – the current development standards mean that there is no difference between the lot size (2 acres) and density of development within a rural settlement area and the development standards for a rural residential lot outside of a settlement area (2 acres). It is challenging for rural municipalities to direct growth to settlement areas where there is no advantage (reduced lot size, density, housing mix) to develop within a settlement area rather than outside it. There are also challenges for the redevelopment and vitality of existing village/hamlet development where these lots are significantly undersized based on today’s standards for development on individual services. There is a shortage of housing options other than single detached dwellings and large lots to meet the needs of our aging rural population. Long-term rural residents want to stay in their home communities and not leave to find more suitable housing options in larger regional centres.

Rural municipalities, like South Frontenac need a viable servicing option and alternative to individual servicing – but one that does not require a rural communities to carry the financial burden that installing full municipal services would put on its residents.

The installation of full municipal services in the Township’s settlement areas could not happen without a significant infrastructure funding investment from the Province.
The County of Frontenac has spent the past two years completing a regional study to promote the use of communal services for new development and redevelopment in settlement areas - 2019 Communal Services Study. The Township has been directly involved in this study as it has developed. Implementation will begin in 2020 and will be crucial to create new employment areas, allow for new forms of residential development beyond single detached homes, and the stabilizing and strengthening of existing mainstreets, as well as better environmental protection.

It is noted that there are a number of changes proposed in the draft PPS that promote communal services both for new forms of development and protecting and strengthening mainstreets. For example:

- New wording has been added in the Settlement Areas policy section that states that “vitality and regeneration (emphasis added) of settlement areas is critical” (Section 1.1.3);

- In the Housing section it is noted that planning authorities shall provide for an appropriate range and mix of housing options and densities, in part by “permitting and facilitating housing options required to meet ... the needs arising from demographic changes and employment opportunities” (Section 1.4.3 b). Further, in Section 1.7 it is noted that long term economic prosperity should be supported by ... encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce” (Section 1.7.1 b). In the Township (as in other parts of rural Ontario) there is a lack of seniors housing, medium density housing, and apartments. The only opportunity for this housing market to be supplied is through installation of communal services.

- Section 1.6.6.3 is proposed to be revised to state that where full municipal services are not available (or financially feasible), that “… private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety” (Section 1.6.6.3). The County recognizes that the wording is proposed to be changed from “municipalities may allow the use of” communal services to recognizing this type of servicing as a “preferred form”.

- The term “Housing Options” outlines a number of residential uses including rowhouses and townhouses that may be made feasible in rural settlement areas as a result of development on communal services.

The Township of South Frontenac supports engagement with Indigenous communities in the coordination of land use planning matters with the included policy in Section 1.2.2. South Frontenac looks forward to receiving guidance documents from the Ministry of Municipal Affairs to assist the Township to fulfill its duty to consult with First Nations peoples with land claims to our area.
Recommendations:

13. The Township of South Frontenac supports the proposed changes to Sections 1.4, 1.6, and 1.7 that will facilitate the use of communal services in villages and hamlets which for Frontenac will support key priorities for housing and job creation.

14. The Township of South Frontenac requests guidance materials to assist in understanding the responsibilities and obligations of the Township in its duty to consult with First Nations people in our area.

Question 5: Are there other tools that are needed to help implement the proposed policies?

One planning tool that is not currently prescribed under the Planning Act or through regulation is the use of conditional zoning. Conditional zoning allows for increased flexibility and permits municipalities to respond to the unique features of a particular land use application. It has the potential to allow for a planning approval through one planning process and can be applied in rural areas where the landscape and land uses are typically diverse.

Communal servicing has the potential to enhance the vitality of rural communities to achieve more of the goals and objectives set out through the policy framework established in the PPS and County Official Plan. More importantly, communal servicing has the potential to create the servicing flexibility needed to meet the needs of local communities. That said, rural communities, such as South Frontenac, need tools to be able to mitigate the real and perceived risks associated with this form of development. Other legislation that has a direct or indirect impact on the feasibility of implementing communal servicing should be reviewed by the Province. For example, if a communal private water well is established (communal well), is there a full requirement to undertake the establishment of a well-head protection zone under Source Water Protection zone or would a different scale of study and protection be appropriate? With identifying private communal servicing as a preferred option for multi-lot developments in rural settlement areas it is recommended that the Province review all aspects of legislation and permitting in order to ensure that real and perceived barriers that would hinder this type of servicing solution are removed.

South Frontenac encourages the province to take a leadership role in helping rural communities make communal servicing a workable and implementable servicing solution.

Recommendations:

15. The Township of South Frontenac recommends that the Province consider allowing for the use of conditional zoning in the planning process.

16. The Province take a leadership role with managing and mitigating risk from the implementation of communal servicing system in order to support rural...
communities to direct growth to rural settlement areas and providing housing options for rural communities.

17. The Province review other legislation that may put barriers in place to facilitating the implementation of communal servicing in rural Ontario.

Additional Comments

The Township supports the County’s request to obtain accurate, up-to-date mapping from the province to support local planning decisions. The Provincial Policy Statement directs planning authorities to protect a number of features and resources as well as to avoid development in certain areas. In the context of Frontenac, the County and member municipalities rely on the various Ministries including the Ministry of Natural Resources and Forestry and the Ministry of the Environment, Conservation and Parks, to identify these areas. Efficiencies are found when this work is carried out at the Provincial level; the costs of retaining a consultant to perform mapping services is not feasible at the local level.

In addition to updated mapping, South Frontenac would like to request that implementation guidelines be prepared as part of the release of the 2019 PPS. Implementation guidelines will provide greater clarity to approval authorities and members of the public and private consultants.

Summary and Conclusion

The Township of South Frontenac generally supports the overall changes to the Provincial Policy Statement. The changes will allow for a greater degree of flexibility and discretion for dealing with small-scale development in rural Ontario that can enhance economic opportunities.

Thank you for the opportunity to comment on the proposed changes to the Provincial Policy Statement. The Township looks forward to a continued partnership with the Ministry on this project and future engagement on changes to the land use planning framework in Ontario.