



Greenspace Alliance of Canada's Capital
Alliance pour les espaces verts dans la capitale du Canada

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23 November 2012

To: Darryl Lyons, Team Lead
Ministry of Municipal Affairs and Housing
Local Government and Planning Policy Division
Provincial Planning Policy Branch
777 Bay Street, Floor 14
Toronto Ontario M5G 2E5

By Email: PPSReview@ontario.ca

Dear Mr. Lyons,

Subject: PPS Review - EBR Registry Number 011-7070

The Greenspace Alliance of Canada's Capital welcomes the opportunity to comment on the September 2012 draft Provincial Policy Statement. Our comments are divided in five parts and, in each part, are in order of appearance in the September 2012 draft PPS.

First, we respond to the request for comment on the length of the review cycle (Question 5). We submit that a 5-year cycle is appropriate. It synchronizes well with the mandatory 5-year review of official plans. As a review tends to take two years, changes would take place every seven years or so, which makes for an adequate degree of policy stability.

(1) We are especially supportive of the following amendments contained in the draft:

(These comments are responsive to Question 1.)

Reference to PPS document	Comments
Part III, among other places	The greater emphasis on the fact that the PPS sets minimum standards
Part IV, 2nd para.	Better recognition of Aboriginal peoples' rights & cultures
Part IV, 5th para.; the addition of s. 1.1.1 h	The reference to "maintain biodiversity"
S. 1.1.1 b	More explicit mention of "affordable housing"

S. 1.1.3.8 b; and in the definition of "Comprehensive review"	The references to Life Cycle Analysis
Ss. 1.1.3.8 c 2 and ss. 2.3.5.1 c 4)	Addition of the requirement that alternative locations for growth (not in prime agricultural areas) have to be evaluated
S. 1.1.3.8 b	Inclusion of "and the natural environment"
S. 1.5.1 d	The rewording of this section
S.1.6.2 b	Reference to "adaptive re-use"
The title of s. 1.6.5 and the new s. 1.6.5.7	The explicit mention of Stormwater
S. 1.6.6.2	Inclusion of "transportation demand management"
The title of s. 1.6.8	The addition of "Rail and Marine Facilities"
Ss. 1.7.1 d and e	The addition of these subsections
Ss. 1.7.1 i	Reference to "providing opportunities to support local food"
The title of s. 1.8	The addition of "conservation" and "climate change"
S. 2.1.7 and the definition of "Significant"	Dropping of the word "significant" in relation to Habitat of endangered or threatened species
S. 2.2.1 a	That planning at the watershed scale can be the foundation for considering cumulative impacts of development
Ss. 2.2.1 f	"Planning for" instead of "promoting" efficient and sustainable use of water resources
S. 2.3.1	Inserting "and any associated Class 4 to 7" soils
S. 2.3.3.1; and definition of "On-farm diversified uses"	Recognition of on-farm diversified uses
S. 2.5.3.3	Encouragement of comprehensive rehabilitation planning where there is a concentration of mineral aggregate operations
S. 4.7	The addition of s. 4.7 requiring municipalities to keep their zoning by-laws up to date
The definition of "Habitat of endangered or threatened species"	The inclusion of this definition

The definition of “Heritage attributes”	The inclusion of this definition
The definition of “Two zone concept”	The inclusion of this definition

(2) *To further strengthen the Policy, we suggest the following additional amendments:*
 (These comments are responsive to Questions 2 and 3 unless otherwise indicated.)

Part III	<p>It is correct but not good enough to say that all parts of the PPS should be read together. The Province should provide more guidance to decision makers when conflict arises. We therefore suggest that Part III should include the following direction:</p> <p style="padding-left: 40px;">"In situations where there is a conflict with respect to a matter relating to the natural environment or human health, the policy that provides more protection to either the natural environment or human health, or both, prevails."</p>
Part IV, last para.	We see no justification for deleting the last paragraph of Part IV
S. 1.1.2, 2nd para.	Further to the 2nd para. planning for a longer term than 20 years could at least be "encouraged" not just permitted. Insert " <i>employment areas</i> " before "infrastructure".
S. 1.1.3, 2nd para.	The 3rd sentence expresses a Vision. These are good words, but they should be in Part IV.
S. 1.1.3.1	Format the word "development" in italics so that it has the defined meaning.
S. 1.1.3.2	<p>The first-listed basis for land use patterns within settlement areas should be:</p> <p style="padding-left: 40px;">"protection of <i>natural heritage systems</i> in accord with Section 2.1."</p>
S. 1.1.4.4 (currently 1.1.4.1 d)	<p>We suggest to turn the logic around by saying:</p> <p style="padding-left: 40px;">"In rural areas development shall be sustainable at rural service levels, including rural transportation service levels, and be encouraged to be compatible with the rural landscape."</p>
S. 1.2.2	<p>Strengthen this section by replacing "encouraged" by "required":</p> <p style="padding-left: 40px;">"Planning authorities are required to coordinate planning matters with Aboriginal communities, where appropriate."</p>

S. 1.3.2.4	This new section states: "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. " We suggest deletion of this section since, if not designated in some way, "protection" is unlikely to be effective.
S. 1.6.1	<Infrastructure and public service facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate that considers impacts from climate change while accommodating projected needs.> : Why just "consider"?
S. 1.6.2 c and the definition of "Green infrastructure"	Encouraging <i>green infrastructure</i> to "augment" <i>infrastructure</i> could be interpreted as encouraging the use of parks and natural heritage features and systems to store storm water. To avoid this interpretation we suggest to replace "augment" with "complement" and, in the definition, to delete 'natural heritage features and systems' and insert 'additional' before "parks". We also agree with the City of Ottawa's suggestion to insert "street trees," before "urban forests."
Ss. 1.6.5.1. b 2	Does it have to be said that the systems be "feasible"?
S. 1.6.5.4	<p>This section would appear to outlaw existing developments within the urban areas of municipalities that have private, individual well and septic services. To eliminate the ambiguity we suggest to replace the last sentence of this section by:</p> <p style="padding-left: 40px;">"In <i>settlement areas</i> besides existing developments these services may only be used for infilling and minor rounding out of the existing development."</p> <p>(See also our comment under s. 2.2.2, 2nd paragraph.)</p>
S. 1.6.6.3	This section speaks to transportation systems which cross jurisdictional boundaries. We suggest that, for connections that cross provincial boundaries, the Province acknowledge that it has a role to play.
S. 1.6.9.1, 2nd para. (This comment is responsive to Question 4)	The second paragraph refers to provincial legislation and standards for the location and design of waste management systems. These laws and standards should be referenced.
S. 1.6.10.1	This section laudably directs planning authorities to promote renewable energy systems but puts as the only criterion that they be feasible. Thinking of the proliferation of river dams, we suggest that another criterion should be that they cause limited ecological damage.
S. 1.7	<p>All verbs in s. 1.7 - Long-term Economic Prosperity, are weak: "promote", "encourage".</p> <p>In <e) promoting community investment-readiness; >, "investment-readiness" is not defined.</p>

Current s. 1.7.1 e)	Part e) is proposed to be deleted. We suggest it be retained.
Sections 1.8.2 and 1.8.3 in the current s. 1.8, and definition of "Alternative energy systems"	These subsections are proposed to be deleted. We suggest they be retained. In the same vein, we would retain the definition of "Alternative energy systems".
S. 2.1.2	<p>Change "should" to "shall:</p> <p style="padding-left: 40px;">"The diversity and connectivity of natural features ... <u>shall</u> be maintained..."</p>
S. 2.1.3	While we welcome the addition of new s. 2.1.3, we are concerned by its ambiguity and weakness. It could be improved by stating that the obligation to identify natural heritage systems within its borders or linked to its territory is an obligation of municipalities. The expression "may vary" should be circumscribed by referencing minimum standards such as those expressed in OMNR's <i>Natural Heritage Reference Manual</i> (2010) and other relevant resource material.
S. 2.2.1 g)	<p>Strengthen s. 2.2.1 g) by replacing it with:</p> <p style="padding-left: 40px;">"g) implementing practices that manage stormwater volumes, thermal impacts, contaminant loads, and impacts to erosion such that there will be no negative impacts to downstream ecological and hydrological functions."</p>
S. 2.2.2 1st and 2nd para.	<p>Strengthen the first paragraph of s. 2.2.2 by replacing it with:</p> <p style="padding-left: 40px;"><i>"2.2.2 Development and site alteration shall <u>not be permitted</u> in or near sensitive surface water features and sensitive ground water features unless it can be demonstrated that these features and their related hydrologic functions will be protected, improved or restored."</i></p> <p>Also, we suggest, further to our comment on s. 1.6.5.4, to add to the second paragraph:</p> <p style="padding-left: 40px;">", including maintenance of well-head protection for areas that rely on <i>individual on-site water services</i>"</p>
New ss. 2.6.4 and 2.6.5	New subsections direct that planning authorities "should consider..." We suggest a stronger verb. Specifically, where a municipality has a democratically approved cultural or archaeological heritage preservation plan, the PPS should require that planning authorities' decisions be consistent with them.
The preamble to s. 3.0 and s. 3.1.1	In the preamble do not add the word "generally" in the second sentence. Delete the word "generally" in the lead sentence of s. 3.1.1.

Ss. 3.1.5 a)	The definition of "Institutional use" is elaborated upon by listing certain specific uses. We suggest that seniors residences be included as an institutional use which is not permitted in hazardous lands and hazardous sites.
S. 4.13 (This comment is responsive to Question 4)	<p>The section retains the obligation that "The Province, in consultation with municipalities, other public bodies and stakeholders shall identify performance indicators for measuring the effectiveness of some or all of the policies."</p> <p>We look forward to seeing this long standing commitment acted upon, noting that few of the indicators adopted by the Ministry in 2010 and intended to monitor the "performance" of PPS 2005 fulfil this obligation. Most of them amount to simply counting whether official plans include certain attributes. Since plans are expected to implement the PPS, what is really needed is a set of indicators to monitor the effectiveness of the plans' policies.</p> <p>We suggest that the Province take the initiative to provide guidance to municipalities so that a coherent and comparable set of indicators may finally be adopted.</p>
Definition of "Adjacent lands" ss. d)	We suggest to broaden the source of definition of "protected heritage property" from "the municipal official plan" to other municipally approved plans such as a cultural heritage plan.
Definition of "Comprehensive review"	Delete 'or adopted' to make it clear that only the planning authority can initiate a comprehensive review. Do not delete the protection afforded to <i>specialty crop areas</i> in the current ss. a-3 of the definition including the reference to policy 2.3.2.
Definition of "Conserved"	Change "may" to "will" in the second sentence: ""This will be achieved by the implementation of...".
Definition of "Flooding hazard"	At the end of the definition the Minister of Natural Resources is given the discretion of approving a standard for a specific watershed which is lower than the 100-year flood standard. We believe that there should be no lowering below that standard under any circumstances.
Definition of "Great Lakes - St. Lawrence River System"	For greater certainty, we suggest that the "major water system consisting of ... the St. Lawrence River" include its tributaries within the boundaries of the Province.
The definition of "Infrastructure"	We suggest inclusion of communal (also known as district or area) heating and cooling systems. (Ref. s. 1.6.7.1)

The definition of "Natural heritage system"	The definition is quite convoluted and would place an extremely high burden of proof on linkages before they would be considered part of the system. (It is also meaningless to attribute an "intention" on their existence.) This restricted view of linkages is inconsistent with the view of linkages in the <i>Natural Heritage Reference Manual</i> (2010). Please refer to pp. 5-6 and 10-11 of the attached witness testimony which spells out provincial policy with regard to linkages.
The definition of "Significant" re woodlands	Ss. b (woodlands) refers to <criteria established by the Ontario Ministry of Natural Resources >. If they exist they should be referenced. Municipal criteria should be permitted provided they are not more restrictive, achieve at least the same objectives as the provincial criteria, and are approved by OMNR in a transparent process including public consultation. (See also under definition of Woodlands below.)
S. 1.1.3.2 b	Avoid vague wording such as
S. 1.6.2 a	"where this can be accommodated" (s. 1.1.3.2 b; note that these words are already in s. 1.1.3.3, to which this policy refers)
S. 2.5.2.1	"optimized" (s. 1.6.2 a)
S. 4.12	"realistically possible" (s. 2.5.2.1) " there may be circumstances" ... "should consider" (s. 4.12)

(3) *We regret the absence of the following amendments and urge you to reconsider:*
(These comments are responsive to Question 2.)

S. 1.1.4.1	We regret that the Province is not taking this opportunity to once and for all outlaw Country Lot Estates as many municipalities have already done. It could be accomplished by defining the term "limited residential development" as referenced in s. 1.1.4.1 as meaning, e.g., a maximum of five housing units.
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S. 2.5

We are strongly opposed to the continuing privileged position awarded to the mineral aggregates sector. We note that in this regard the PPS is based on false premises:

- we know of no analysis that demonstrates the existence of a scarcity of aggregates in the Province;
- given that licenses appear to be issued without an expiry date, and given that the apparent lifespan of quarries is 25 years or more, the presumption of rehabilitation is tenuous in many circumstances. In a practical sense of the word mineral aggregate extraction is not an "interim use" of the land (ref. s. 2.5.3.1);
- when aggregates are extracted down to or below the water table, the hydrology of the area is so much affected that rehabilitation becomes a fiction;
- no other jurisdiction in the world adopts an "as close to market as possible" principle (ref. s. 2.5.2.1).

We recommend the following amendments to Section 2.5:

S. 2.5.2.1

Remove the reference to "as close to market as possible" and require a demonstration of need.

S. 2.5.2.2

Amend so that it reads:

"Extraction shall be undertaken in a manner which adequately addresses social and environmental impacts and considers cumulative impacts."

After s. 2.5.2.3

Insert a new section saying:

"No aggregate operation, pit or quarry shall be established or expanded in locations which are deemed to be incompatible (for reasons of public health, public safety, and/or environmental impact)."

S. 2.5.3.2

Remove this section in its entirety. We fear that this section opens a loophole to allow extraction of aggregates in wetlands and other natural areas.

S. 2.5.3.4

Include Crown lands as well as private lands.

S. 2.5.4 and s. 2.3.5.1 b

Delete "mineral aggregate resources" as a justification for removal of land from prime agricultural areas, and delete s. 2.5.4 (Extraction in Prime Agricultural Areas) in its entirety.

S. 2.5.5.1

Wayside pits and quarries should be allowed only with the same precautions as licenced operations and require an official plan amendment, rezoning or development permit under the *Planning Act*.

(4) *Comment on selected suggestions by City of Ottawa staff*
(Memo from John Moser dated 31 October 2012 and related detailed Response.)

(4a) *We are supportive of the following comments by City staff:*

S. 1.3.2.4 and s. 1.1.2	We agree that a planning authority should be able to plan for employment areas over a longer time horizon than 20 years. While we suggested above to delete s. 1.3.2.4, we also suggested inserting "employment areas" in s. 1.1.2.
S. 1.6.8.1	We share the concern that protection of the economic role of airports could be interpreted as protection of the right to expand development around airports into activities not directly related to airport business. This "protection" has to be circumscribed. The City refers to inaccessibility to rail and major goods transportation systems. We add that Ottawa's international airport is surrounded by sensitive natural areas.
S. 1.8.1 g	We agree that "tree canopy" is a wiser use of words than "vegetation."
S. 2.1.8	We agree that this section should also reference policy 2.1.7 (re habitat of endangered species) and suspect its omission was an oversight.
S. 2.3.2	We agree that there is a contradiction between this policy and the definition of "Prime agricultural area" -- the former imposes Provincial procedures for identification while the latter allows equivalent municipal procedures if approved by the Ministry. We agree that alternative procedures should be allowed if they meet or exceed provincial standards.
S. 3.0	We agree that the concept of public health is cast too narrowly and should also capture health promotion, prevention of injury and prevention of chronic diseases through land use planning.
Definition of "Woodlands"	We agree that a municipality should be able to use alternative processes to identify woodlands if they meet or exceed Provincial procedures and are approved by the Ministry. (See also under definition of "Significant" above.)

(4b) *We demur to the following comments by City staff:*

S. 1.1.2	Staff complains that "up to 20 years" has been interpreted by the OMB as "beyond 20 years" yet the meaning of "up to" is unambiguous. If staff is correct about the OMB's misinterpretation it should appeal the Decision.
S. 1.1.3.7 a	Staff wonders whether intensification targets and phased development are a consideration or a requirement. We submit that "to ensure" clearly means that it is a requirement.
About climate change	The City complains that climate change should only be considered in "major planning and policy decisions," not in "minor or routine planning decisions." We disagree. Climate change considerations should permeate every planning decision because they apply widely. Awareness and effective action is still very weak and every opportunity should be used to improve on that.

(5) *Errata*

S. 1.0, title	Better English: s. 1.0, title: "Building Strong <u>and</u> Healthy Communities".
Definition	In the definition of "Conserved", second sentence, "sent" should be "set".
Definition	In the definition of "On-farm diversified use" it should say "principal", not "principle".

Again, thank you for the opportunity to comment.

Amy Kempster, Chair

Attachment: Witness Statement of Martin Callsen, 9 December 2011

Cc: Ottawa City Council
John Moser
Lee Ann Snedden
Nick Stow