



Report to: Development Services Committee

Date: April 29, 2014

SUBJECT: **Information Report: Provincial Policy Statement, 2014 and Discussion Paper for Rural Ontario**

PREPARED BY: Lilli Duoba, Manager, Natural Heritage, Extension 7925

REVIEWED BY: Marg Wouters, Senior Manager, Policy and Research, Extension 2909

RECOMMENDATION:

- 1) That the staff report entitled "Information Report: Provincial Policy Statement, 2014 and Provincial Policy Statement Discussion Paper for Rural Ontario dated April 29, 2014, be received;
- 2) And That this staff report and Council resolution be forwarded to the Ministry of Municipal Affairs and Housing as Markham's comments on the Provincial Policy Statement 2014 and Draft Discussion Paper on Provincial Policy Statement 2014, Rural Ontario;
- 3) And That the Ministry of Municipal Affairs and Housing be commended for release of an improved and updated Provincial Policy Statement, 2014 and accompanying guidance document;
- 4) And Further That staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

The purpose of this report is to provide an overview of the recently released Provincial Policy Statement, 2014 and the Provincial Policy Statement 2014 Rural Ontario Discussion Paper.

BACKGROUND:

The Provincial Policy Statement (PPS) is the foundation policy document providing planning direction to local municipalities on matters of provincial interest. The document provides policies for building strong healthy communities, wise use and management of resources and protecting public health and safety. The PPS is issued under Section 3 of the Planning Act. All decisions on planning matters made by municipalities and the Ontario Municipal Board must 'be consistent with' the PPS. The Province commenced the review of the PPS in 2010 and released the new PPS in February 2014. The new PPS, 2014 replaces the PPS, 2005. The PPS, 2014 comes into effect on April 30, 2014. A copy of the PPS can be obtained from the link provided in Attachment 'A'.

The Province also released, concurrent with the PPS, the PPS 2014 Discussion Paper for Rural Ontario which provides guidance on the interpretation of new and revised policies

that affect planning in rural Ontario. In Markham, the lands outside of the existing and future urban area would be considered 'rural areas' within the context of the PPS, containing both prime agricultural areas and natural heritage areas.

DISCUSSION:

Provincial consultation undertaken included coordinated input from York Region and area municipalities

The Provincial review involved extensive consultation with the public, municipalities, aboriginal communities and organizations and other stakeholders. City staff provided input into the PPS review through an integrated municipal response coordinated by York Region. Many of the comments provided through the consolidated Regional response were addressed in the new PPS. Specifically, Markham provided input on strengthening the cultural heritage, employment and agricultural policies, supporting new policies in sustainability (green infrastructure and climate change) and clearer interpretation of the relationship of the PPS with other Provincial Plans. The PPS, 2014 provides some level of modification and clarification in all these policy areas and staff support the policy additions and improvements.

PPS 2014 includes new policies and modifications to existing policies to address current planning approaches and better alignment with Provincial Plans and legislation

The new PPS has been updated to include a number of new and improved policies to address current planning challenges and directions. Appendix 'B' provides a summary of the key policy changes to the PPS.

Highlights of the Provincial Policy Statement, 2014

- The planning horizon that municipalities are required to implement is maintained at 20 years
- Better clarity on how to read and interpret the PPS including the relationship of the PPS with other Provincial Plans including the Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Growth Plan

Building Strong Healthy Communities

- Policies to encourage land use patterns which conserve biodiversity and consider impacts of climate change
- Permitting municipalities to plan for infrastructure and public service facilities beyond the 20 year time frame
- Permitting municipalities to plan beyond the 20 years for the protection of employment areas provided lands are not designated beyond the 20 year planning horizon
- New policies included to support active transportation, transit supportive and freight supportive communities
- New policies to implement phasing policies to ensure intensification and growth targets are achieved

Wise Use and Management of Resources

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- New policies and definition to address rural areas in municipalities which enhances the 2005 approach of simply distinguishing between rural, prime and specialty crop lands
 - New definition for on-farm diversified uses which provides greater flexibility for agri-tourism uses and value added agricultural products
 - New policies to promote green infrastructure
 - New policies to address energy supply including renewable energy systems and alternative energy systems
 - New policy to encourage efficient and coordinated communications and telecommunications infrastructure
 - New policy requiring the identification of natural heritage systems in southern Ontario
 - Recognition of development restrictions in habitat of endangered and threatened in accordance with Provincial and Federal requirements
 - Better clarity in the required tests to consider non-agricultural uses in prime agricultural areas
 - New policies to promote archaeological management and cultural plans and the interests of Aboriginal communities in conserving cultural heritage and archeological resources

Protecting Public Health and Safety

- New policy to require the consideration of potential impacts of climate change
- New policy and definition to address wildland fires
- Revised and new definitions

Overall, the Province has provided many positive improvements to the PPS particularly the recognition of the importance of long term planning for employment lands and infrastructure, supporting compact development and good community design, new sustainability policies, greater clarity around the protection and uses on agricultural lands and direction on the interpretation of the Provincial plans relative to the PPS.

Implications for Markham's New Official Plan

The Official Plan (adopted 2013) was prepared under the guidance of the PPS 2005. The PPS comes into effect on April 30, 2014 and all decision of Council on or after that date, must be consistent with the new PPS prior to Regional approval of the new Official Plan. Staff will be working with York Region staff to determine if any modifications are required to address the PPS 2014. It should be noted that Markham's new Official Plan exceeded the PPS 2005 in addressing contemporary planning priorities, with new policies on climate change, active transportation, sustainability, natural heritage system planning and employment protection policies, and as such, staff are confident that Markham's Official Plan is already substantially in conformity with the PPS, 2014.

Provincial Policy Statement 2014 Rural Ontario Discussion Paper is a useful resource in the implementation of the PPS

The Province has released the Rural Ontario Discussion Paper for comment. The Discussion Paper can be accessed through the link on Appendix 'C'.

The purpose of the Rural Ontario Discussion Paper is to provide clarity and guidance on the interpretation and implementation of the new rural area policies. The new definition of *rural areas* in the PPS includes "rural settlement areas, rural lands, prime agricultural areas, natural heritage and areas and resource areas". In Markham, the lands outside of the urban boundary containing all prime agricultural lands and natural heritage and hydrologic features, would be considered 'rural areas' within the context of the PPS.

The document is a user friendly approach providing several examples of scenarios of how the policies should be interpreted. The Discussion Paper is particularly helpful in explaining terms that are not defined in the PPS such as 'limited residential development'. The document also clarifies that where provincial plans are in effect, (in Markham these are the Growth Plan, Greenbelt Plan and Oak Ridges Moraine Conservation Plan), these plans take precedence over the policies in the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. Staff suggest that additional scenarios and examples of the application of the PPS policies in the Provincial Plan areas would be very helpful.

The Province will also be releasing other guidance documents related to the PPS, 2014, including one on permitted uses in prime agricultural areas which includes all non urban lands in Markham.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

There are no financial implications related to the recommendations of this report.

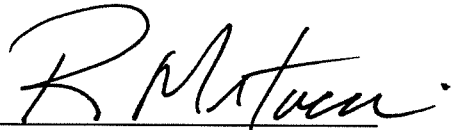
ALIGNMENT WITH STRATEGIC PRIORITIES:

The Provincial Policy Statement provides the framework for land use planning in Ontario and supports the City's growth management and environmental protection priorities.

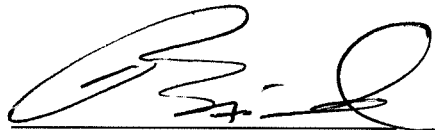
BUSINESS UNITS CONSULTED AND AFFECTED:

Planning, Heritage, Urban Design and Sustainability were engaged in providing input into the review of the Provincial Policy Statement. Comments received were communicated through the consolidated Region of York response to the PPS.

RECOMMENDED BY:



Rino Mostacci, M.C.I.P., R.P.P.
Director of Planning and Urban Design



Jim Baird, M.C.I.P., R.P.P.
Commissioner of Development Services

ATTACHMENTS:

Appendix 'A': PPS 2014 link
<http://www.mah.gov.on.ca/AssetFactory.aspx?did=10463>
Appendix 'B': Key Policy Changes to Provincial Policy Statement
Appendix 'C' PPS 2014 Discussion Paper on Rural Ontario
<http://www.mah.gov.on.ca/AssetFactory.aspx?did=10476>

File Path: Q:\Development\Planning\MISC\MI539 Provincial Policy Statement\PPS
2014\DSC PPS Staff Report April 2014.docx

Provincial Policy Statement, 2014: Key Changes by Policy Area

Policy Area	Provincial Policy Statement, 2005	Provincial Policy Statement, 2014 (builds upon PPS, 2005)
Healthy, Active Communities	• Support healthy, active communities by promoting efficient development and land use patterns, improving accessibility, and planning public streets, spaces and facilities to be safe • Support land use patterns/densities that promote compact form, minimize length/number of vehicle trips, and support transit and alternative transportation modes • Promote a coordinated, integrated and comprehensive approach when dealing with planning matters within or across municipalities	Note: The policies referenced below are not intended to be an exhaustive list. Only the most relevant policies are identified as examples. • Promote the use of active transportation, transit and transit-supportive development, and provide for connectivity among transportation modes Policies 1.1.3.2, 1.2.1, 1.5.1, 1.6.1, 1.6.7 • Promote coordination between municipalities and other levels of government, agencies and boards (e.g., planning for trails, transit and infrastructure) Policy 1.2 • Encourage coordination of emergency management with other planning considerations Policy 1.2.3 • Encourage coordination and co-location of public facilities (e.g., schools, libraries and recreational facilities) accessible by active transportation and transit Policy 1.6.5 • Recognize additional elements of healthy communities, such as community design and planning for all ages Policy 1.1.1 • Recognize institutional uses (i.e., cemeteries, places of worship, and long-term care homes) as important elements of communities Policy 1.1.1
Northern and Rural Communities	• Focus growth to settlement areas, but also permit some development in rural and unincorporated areas • Provide for flexibility to reflect local characteristics (e.g., not specifying targets for intensification)	• Recognize the diversity of settlement areas and rural areas and that some municipalities are experiencing no growth or declining population Various preambles and policies in Section 1.0, such as 1.1.3.1, 1.1.4, 1.1.5 • New section of rural policies to support healthy, integrated and viable rural areas Policy 1.1.4 • Clarify the types of uses that may occur on rural lands Policy 1.1.5

Provincial Policy Statement, 2014 (builds upon PPS, 2005) Provincial Policy Statement, 2005 Policy Area Note: The policies referenced below are not intended to be an exhaustive list. Only the most relevant policies are identified as examples.		
		- Clarify that the studies needed to support small settlement area expansions and employment area conversions may be less complex than those required for large projects Definition of 'Comprehensive Review', Policy 1.1.4.3 - Clarify that municipalities can determine the appropriate locations for required intensification and redevelopment opportunities, and that locally determined intensification targets should be based on local conditions Policies 1.1.3.3, 1.1.3.5
Economy and Employment	- Maintain diversified economic base, and range and choice of employment lands - Preserve planned employment areas for current and future use	- Enhance the protection for major industries and facilities from new and incompatible uses that can impact their ability to continue or expand Policy 1.2.6 - Strengthen the protection of corridors for goods movement and protect employment areas in close proximity to corridors and facilities for goods movement Policies 1.3.2.3, 1.6.8 - Support long-term planning for employment areas Policy 1.3.2.4 - Promote investment-ready communities, place-making and mixed-use areas to support economic development Policies 1.3.1, 1.7.1 - Recognize the importance of communication infrastructure, energy infrastructure and goods movement as essential components of a strong economy Policy 1.7.1

Provincial Policy Statement, 2014 (builds upon PPS, 2005)		Provincial Policy Statement, 2005	
Policy Area		Note: The policies referenced below are not intended to be an exhaustive list. Only the most relevant policies are identified as examples.	
Infrastructure	- Strengthen the protection for provincially planned transportation corridors and promote land use compatibility for lands adjacent to planned and existing corridors Policy 1.6.8 - Support the adaptive re-use of infrastructure and require consideration of life-cycle cost of infrastructure (e.g., through asset management planning) Policies 1.6.1, 1.6.3 - Planning for infrastructure/public service facilities can extend beyond 20 years Policy 1.1.2	- Protect existing and future transportation corridors and do not allow incompatible uses within them - Provide infrastructure in a coordinated, efficient and cost-effective manner to meet projected needs - Sufficient land is to be made available to meet projected needs for a time horizon of up to 20 years, except where an alternate time period has been established by a provincial plan	
Servicing (Sewage and Water)	Allow infill and minor "rounding out" in settlement areas on septic tanks and wells where sewer and water services are not provided (i.e., removes five lot limit for development on private servicing), and require development on private servicing to demonstrate it will not negatively impact surface and ground water Policies 1.6.6.4, 1.6.6.5	- Private services allowed for development of five lots or less, where sewer and water services are not provided - In rural areas, private services allowed for development of more than five lots	
Climate Change	- Require the consideration of potential impacts of climate change (e.g., flooding due to severe weather) to support the reduction of greenhouse gas emissions and adaptation to climate change Policy 1.8 - Encourage green infrastructure (e.g., permeable surfaces) and strengthen stormwater management requirements Policies 1.6.2, 1.6.6.7	- In settlement areas, land use patterns are to be based on densities and a mix of land uses that minimize negative impacts to air quality and climate change - Indirectly supports climate change by promoting compact built form, intensification, stormwater management, public transit and alternative transportation, and alternative/renewable energy	
Natural Heritage, Wetlands and Water	Require identification of natural heritage systems in southern Ontario (Ecoregions 6E and 7E) Policy 2.1.3	Maintain/restore diversity/connectivity of features, and long-term ecological function/biodiversity of	

Provincial Policy Statement, 2014 (builds upon PPS, 2005)		
Provincial Policy Statement, 2005		
Policy Area		
	natural heritage systems • Protect significant woodlands and valleylands south and east of the Canadian Shield • Protect provincially significant wetlands and significant coastal wetlands • Protect, improve, restore sensitive surface and ground water features and hydrological functions	Note: The policies referenced below are not intended to be an exhaustive list. Only the most relevant policies are identified as examples. • Refine area of protection of significant woodlands and valleylands in southern Ontario on an ecoregion basis Policy 2.1.5 • Protect all Great Lakes coastal wetlands in Ecoregions 5E, 6E and 7E that are not already protected as significant coastal wetlands Policies 2.1.4, 2.1.5 • Require identification of shoreline areas and support consideration of cumulative impacts Policy 2.2.1 • Ensure consideration of environmental lake capacity, where applicable Policy 2.2.1
Agriculture	• Prime agricultural areas shall be protected for long-term use • Agriculture-related uses to be small scale and directly related to the farm operation	• Require designation of prime agricultural areas, further protection of agriculture from impacts of non-farm development, and support agricultural uses in rural areas Policies 2.3, 1.1.4.1, 1.1.5.8 • Permit more on-farm diversified uses (e.g., agri-tourism) and provide flexibility for larger agriculture-related uses (e.g., grain dryers) to service the broader farming community Policy 2.3.2, Definitions of 'On-farm Diversified Uses' and 'Agriculture-related Uses'
Mineral Aggregate Resources	• Protects some natural heritage features/areas from extraction while extraction in other features requires demonstration of no negative impact • Permits extraction of mineral aggregate resources in prime agricultural areas as an interim use provided that rehabilitation will be carried out	• Require identification of mineral, petroleum, and mineral aggregate resources, where provincial information is available Policies 2.4.2, 2.5.1 • Support the conservation of mineral aggregate resources and comprehensive rehabilitation planning Policy 2.5.2.3 • Strengthen requirements for rehabilitation of aggregate extraction sites in specialty crop areas and further limit extraction below the water table in specialty crop areas Policy 2.5.4.1

Policy Area	Provincial Policy Statement, 2005	Provincial Policy Statement, 2014 (builds upon PPS, 2005)
		Note: The policies referenced below are not intended to be an exhaustive list. Only the most relevant policies are identified as examples. • Require mitigation of negative impacts wherever possible as part of rehabilitation Policy 2.5.3.1 • Promote ancillary recycling facilities at extraction sites (e.g., pits and quarries) Policy 2.5.2.3
Aboriginal	• No reference to Aboriginal interests	• Recognize Aboriginal interests in land use planning Vision • Promote the conservation of cultural heritage and archaeological resources, including the use of archaeological management plans and cultural plans Policy 2.6.4 • Encourage coordination with Aboriginal communities Policy 1.2.2 • Recognize that implementation of the PPS shall be consistent with the recognition and affirmation of existing Aboriginal and treaty rights in the <i>Constitution Act, 1982</i> Policy 4.3
Integration and Implementation	• PPS shall be read in its entirety and all relevant policies applied to each situation • Implementation policies provide direction on the relationship with other legislation, regulations, policy and provincial plans	• Provide more direction on how the policies should be applied and how the PPS works with provincial plans, other legislation, regulations, and policies Policies 4.10, 4.12 • Promote coordinated, integrated planning processes (e.g., integrated approach to <i>Planning Act</i> and <i>Environmental Assessment Act</i> processes) Policy 4.11 • Recognize Ontario's diversity through reference to the <i>Ontario Human Rights Code</i> and the <i>Canadian Charter of Rights and Freedoms</i> Policy 4.6