

DATE: July 16, 2002

TO: Chairman and Members of the Planning and Development Committee

FROM: Thomas S. Mokrzycki, Commissioner of Planning and Building

SUBJECT: **Provincial Policy Statement (PPS) Five-Year Review Update - Summary of Consultations**
MEETING DATE: August 6, 2002

ORIGIN: Planning and Building Department

BACKGROUND: The Provincial Policy Statement (PPS) is a key element in Ontario's land use planning system. It provides direction on matters of Provincial interest related to land use planning and development, and promotes the Provincial "policy-led" planning system. The current PPS came into effect on May 22, 1996 (see Exhibit 1).

In July, 2001, the Ministry of Municipal Affairs and Housing initiated a five-year review of the Provincial Policy Statement.

The Ministry of Municipal Affairs and Housing requested feedback from those with an interest in land use planning, to assess what individuals working with the PPS think about the policies contained in the document, whether they are working, whether they need to be revised and finally, if more policies are needed to protect Ontario's interest in land use planning.

Mississauga's submission dated September 17, 2001 to the Ministry is attached as Exhibit 2.

On May 14, 2002, the Ministry released a "Summary of Consultations" (see Exhibit 3) which highlights the range of views of those who are directly, or indirectly, impacted by PPS Policies. This report reviews these comments in the context of Mississauga's submission and City Plan. The summary document is intended to present a broad overview of the input received from stakeholders. However, as there is no indication of the province's position on the issues raised, or how they may be addressed, it is difficult to assess if and how the City's comments and concerns regarding the PPS will be considered. For instance, stakeholder input, including Mississauga, identified a need for a defined provincial 'vision' which would provide direction for land use planning. However, there is no discussion or suggestions from the province regarding such a 'vision' which stakeholders could then provide additional comments on.

As noted in the "Summary" document, *"the PPS will be an important vehicle for supporting Ontario's Smart Growth Strategy to promote and manage growth in ways that sustain a strong economy, build strong communities, and promote a healthy environment"*.

COMMENTS:

Summary of Comments

Main Themes

Most of the issues identified in Mississauga's submission (see Exhibit 2) are consistent with comments received from other stakeholders; namely,

- Vision - the need for the Ministry to articulate a land use planning vision for Ontario;

- Growth Management - stakeholders identified growth management as a key issue - with direct links to quality of life, transportation and infrastructure planning, and protecting the environment, water and agricultural land. It was also stated that growth management must recognize differing regional priorities, especially the needs of major urban communities;
- Smart Growth - requested references to "sustainable development" appear to have been replaced with the term "smart growth". Comments identified the direct link between the PPS and the achievement of Smart Growth objectives. Stakeholders noted that traditional approaches to growth management are no longer adequate and that Smart Growth principles and goals should be integrated into the PPS;
- Environmental Protection - a key priority in land use planning and a critical determinant of quality of life. Emphasis should be placed on environmental protection to balance the current economic development theme. Although water protection was a universal theme in the wake of Walkerton, no mention is made of the Walkerton Inquiry reports or their recommendations. Mississauga staff concur with the statements in the "Summary of Consultations" that the water policy paragraph in the PPS is far too brief to adequately address the broad scope of water related issues which this policy is intended to cover. In addition, there continues to be too much of an overlap between provincial agencies having jurisdiction over the quality and quantity of storm water. The Ministry of Natural Resources, Ministry of Environment, Department of Fisheries and Oceans, and the Conservation Authorities currently review storm drainage plans. On top of this complex and time consuming process, the Ministry of Transportation is now requesting that all drainage above and below highway crossings requires their approvals for quality and quantity control of water. The review of stormwater related projects should be undertaken by one single and

accountable provincial authority or their representative (i.e. Conservation Authority) along with the local government. These agencies will represent the Province's requirements in the review process. In doing so, this will ensure that there is a more defined role for all reviewing agencies and will avoid overlapping of review and the associated delays in implementation.

The need to recognize air quality, climate change and cross-boundary issues was identified; however, there was no indication of how these issues might be considered in the planning process.

- Resources - it was noted that implementing PPS and Smart Growth objectives requires funding, technical information and expertise which should be provided by the Province; however, no mention was made of the need for some form of compensation for those landowners who have natural or heritage resources which have been deemed of Provincial interest.
- Efficient, Cost-Effective Development and Land Use Patterns (section 1.1.1 c) - Mississauga, as well as other stakeholders, identified the need to include the protection of the environment as a condition for the expansion of urban areas and rural settlement areas;
- Quality of Life - Mississauga had requested that a new section (1.1.4 - Quality of Life or Environmental Capability) should be developed. Others agreed - "some stakeholders also said that a greater priority should be placed on a range of issues such as quality of life"
- Section 111 - Policies - (1.1.2 a) - this section states that land requirements and land use patterns will be based on "an appropriate range and mix of housing to accommodate growth

projected....". Mississauga wanted this phrase deleted from this section regarding land requirements. Other stakeholders also recognized this issue;

- Section 111 - Policies (1.2.1 b - Housing) - Mississauga had requested that the policy requiring "where new development is to occur, at least a 3-year supply of residential units with servicing capacity is draft approved on registered plans" be deleted. The "Summary" document identified this as a policy no longer required;
- Transportation - stakeholders recognized that transportation planning is a crucial element of Smart Growth and articulated the need to more strategically plan and coordinate transportation investments across municipal and regional boundaries;
- Implementation - it was recognized that the current implementation section is weak. Some of the implementation challenges identified as important included an increased Provincial role in education, training and monitoring; clarifying the meaning of "shall have regard to", and the need for implementation tools and performance measurers. Although the policies focus on "end results", the resources and tools for implementing some of these policies are not all currently available.

The Province, through the PPS, identifies the need for a coordinated approach when dealing with cross-municipal boundary issues, and also the need to protect significant transportation corridors, but has not provided the necessary legislation required to empower the newly formed Smart Growth Panels or the former Greater Toronto Services Board with the ability to implement these policies for the Greater Toronto Area (GTA).

Although Page 13, Implementation, of the "Summary of Consultations" notes that while some suggestions to improve implementation were directly within the scope of the PPS review, others related to funding and initiatives were beyond the realm of land use planning. In view of the limited scope of this review, the Central Ontario Smart Growth Panel should be requested to review the Provincial Policy Statement from the perspective of enabling municipalities to effectively implement them in the GTA

Mississauga Issues Not Identified in Summary Document

The "Summary" document did not acknowledge certain issues raised in Mississauga's submission; namely,

- Section 111 - Policies - Efficient, Cost-Effective Development and Land Use Patterns - (1.1.1 e) states that "where upper tier planning takes place, projections for municipalities will be coordinated and allocated by upper tier governments, in consultation with lower tier governments".

At the time, Mississauga wanted to replace reference to "upper tier governments" with the "Greater Toronto Services Board" and delete the phrase "and allocated".

- Section 111 - Policies (1.2.1 a - Housing) - Mississauga requested the reference "to maintaining at all times a 10-year supply of land" be amended to read "an appropriate supply";
- Section 111 - Policies (1.1.2 e) - Mississauga requested the addition of the phrase "and public service facilities" with regard to a condition for providing opportunities for redevelopment and intensification;

- Section 111- Policies (1.1.3 d) - Mississauga requested that this section should be amended to clarify how an official plan can address water efficiency;
- Section 111 - Policies (1.1.3 g) - it was recommended that this section be amended to provide further direction on the separation of sensitive land uses;
- Section 111 - Policies (2.5) - it was recommended that Section 41 of the be amended to permit the imposition of an archeological survey where required as a condition of site plan approval.

Difference of Opinion

There are three areas where the comments of the majority of stakeholders and Mississauga had varying degrees of opinion; namely,

- Performance Indicators - Mississauga had recommended that the requirement of performance indicators be deleted. Others suggested the Province undertake performance management for the PPS;
- Residential Intensification - while Mississauga supported the concept of residential intensification, our submission requested that the phrase "encourage all forms of residential intensification" be replaced with "provide opportunities for" and that the words "and public service facilities" be inserted after the words "planned infrastructure".

"The "Summary" document states "there was strong support for intensification policies". Some stakeholders thought the PPS should establish targets for both affordable housing and as well as for a mix for housing types. Mississauga City Plan has policies to encourage a full range and mix of dwelling types, including opportunities for affordable housing.

- Affordable Housing - Stakeholders suggested specifying minimum targets for affordable housing in the PPS and to give greater direction as to what is considered "affordable" in various areas of the Province. Mississauga recommended that the PPS should reflect the role of municipalities of providing opportunities for affordable housing to be built.

Selected Issues not contained in the Mississauga Submission

There were issues raised by other stakeholders that were not included in our submission that are identified for information purposes; namely,

- provide strong policies for the protection of water;
- whether the "shall have regard to" provision is sufficient to implement objectives of Smart Growth;
- clarification as to whether or not there is an implied ranking in the order of PPS principles;
- recognize the limits to growth in some areas;
- the language in the PPS should be more concise and that there should be more technical definitions;
- air quality was another important environmental issue that should be considered in the PPS review;
- the PPS policies for endangered and threatened species should be expanded to protect vulnerable species;
- planning for new telecommunications and information technologies is a key infrastructure issue and should be included in the PPS;

- some stakeholders stated that the concept of infrastructure should be expanded to include non-traditional forms of infrastructure, such as social and educational facilities;
- stakeholders said that the PPS should recognize that waste reduction, diversion and recycling are important components of waste management.

Comparison of City Plan and the PPS

Section 3 of the *Planning Act* requires that, in exercising any authority that affects planning matters, planning authorities "shall have regard to" policy statements issued under the Act. The PPS policies are intended to form the basis upon which municipalities formulate local planning policies. Therefore, there is a direct link between the PPS and City Plan. While the policies in City Plan do not conflict with the PPS, the emphasis and details may vary, while some policies in the PPS do not apply to Mississauga.

The three Principles of the PPS and the Goals and Objectives of City Plan are similar. The PPS speaks to "promoting efficient, cost-effective development and land use patterns ...", while the Goals and Objectives state "Mississauga will develop a compact, orderly urban form characterized by centres, corridors and local communities". In addition, the PPS states that development patterns "will stimulate growth and protect the environment and public health". The Environmental goals state that "Mississauga will protect and maintain significant natural heritage features, promote pollution reduction and land use compatibility, protect people and property from hazards ...".

There are numerous Policies where the City Plan and the PPS are similar; namely,

- Environmental and Natural Heritage protection, including

water, wetlands, woodlands and the protection of species and habitat;

- Transportation objectives and policies to increase use of public transit by a variety of incentives and supporting alternative modes of transportation, including cycling and walking; supporting the integration of land use planning, urban form and transportation planning to provide safe and energy efficient transportation systems; encouraging transit supportive development densities, where appropriate; protecting transportation corridors, including the Transitway and other rapid transit corridors as shown on Schedule 4, Transit Network Long Term Concept;
- Housing - policies to provide opportunities for the development of a full range of housing choices, for a variety of affordable dwelling types, encourage compatible residential intensification, and emphasizing linkages between housing and other policy areas (e.g. employment opportunities, transit);
- Growth Management/Smart Growth - City Plan supports the principles of growth management in terms of compact urban form and cost-effective development, compatible residential intensification, redevelopment, transit-oriented land use planning, encouraging alternative modes of transportation, quality of life, and protecting the environment. Issued such as limits to growth, land supply requirements, while a major element of smart growth, are not as significant in Mississauga as in other municipalities;
- Waste Management - Section 1.3.4.1 in the PPS states that "Waste Management Systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and will be located and designed in accordance with provincial standards and legislation". Although not a municipal function, Section 4.2.3.6, (c) Waste Management, of City Plan states "the location and operation of waste transfer stations, waste processing stations, and

composting facilities must comply with all Municipal, Regional, and Provincial Government requirements". In addition, "the sites for such facilities will be located, planned, designed, operated and maintained in such a way as to ensure compatibility with adjacent, existing and future land uses ...";

- Public Health and Safety - protecting public health and safety is a main principle of the PPS. City Plan recognizes the need for land use compatibility and the protection of people and property from hazards.

A policy area in the PPS which is not directly reflected in City Plan is with respect to land requirements. Section 1.1.2 (a) requires a provision of sufficient land "to accommodate growth projected for a time horizon of up to 20 years." This policy does not apply to Mississauga because all of Mississauga is within the urban boundary. Similarly, Section 1.2.1 (a) states that provision for "maintaining at all times at least a 10-year supply of land designated and available for new residential development and residential intensification", while (b) requires "at least a 3-year supply of residential units with servicing capacity in draft approved or registered plans". Due to the extent of "build-out", Mississauga may not, in the future, be able to comply with these policies.

Next Steps

The Ministry will be establishing focus groups to further clarify the issues. These groups will meet over the summer (Mississauga staff have requested to be included in a focus group) and a draft PPS should be available for consultation in the fall with a final report scheduled for December, 2002.

CONCLUSION:

The Province is undertaking a five-year review of the Provincial Policy Statement. The PPS is intended to form the basis upon

which municipalities formulate local planning policies. In addition, the PPS will play a major role in growth management and achieving the objectives of Smart Growth.

Mississauga participated in the initial review through a submission to the Ministry of Municipal Affairs and Housing in September, 2001. The Ministry has recently released a report titled "Summary of Consultations". A review of the "Summary" document indicates a number of issues raised by Mississauga were also considered significant by other stakeholders.

RECOMMENDATION:

That the report titled "Provincial Policy Statement (PPS) Five-Year Review Update - Summary of Consultations" dated July 16, 2002 from the Commissioner of Planning and Building be received for information and forwarded by the City Clerk to the Minister of Municipal Affairs and Housing..

Thomas S. Mokrzycki
Commissioner of Planning and Building