

OHBA is 30 Local Associations:

BILD - GTA
Bluewater
Brantford
Chatham-Kent
Greater Dufferin
Durham Region
Grey-Bruce
Guelph & District
Haldimand-Norfolk
Haliburton County
Hamilton-Halton
Kingston-Frontenac
Lanark-Leeds
London
Niagara
North Bay & District
Greater Ottawa
Peterborough & the Kawarthas
Quinte
Renfrew
Sarnia-Lambton
Saugeen County
Seaway Valley
Simcoe County
St. Thomas-Elgin
Stratford & Area
Sudbury & District
Thunder Bay
Waterloo Region
Greater Windsor



Ontario
Home Builders'
Association

*Provincial Policy
Statement
Submission*

November, 2012



Ontario
Home Builders'
Association

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Honourable Bob Chiarelli
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, Ontario, M5G 2E5

November, 2012

Re: Provincial Policy Statement - Five Year Review

Dear Minister,

OHBA is pleased to be given an opportunity to present to you our comments as part of the Provincial Policy Statement five year-review. OHBA is committed to improving new housing affordability and choice for Ontario's new home purchasers and renovation consumers by positively impacting provincial legislation, regulation and policy that affect the industry.

Our members are very concerned that the draft PPS, as presented for consultation, does not encourage housing affordability of choice and economic growth or job creation. The consultation document provides a high level of detail that is unnecessary in a foundational document that should set broad strategic provincial priorities. OHBA is concerned that many new terms are nebulous at best and undefined at worst and could pose serious implementation issues. OHBA cautions that the draft PPS, as written, will place severe constraints on the ability of the residential construction industry to provide a range of housing opportunities in communities across Ontario. We express our concern that while there is merit in ensuring provincial policy achieves the desired goals, it must be balanced against providing certainty and transparency to public sector partners and private sector stakeholders.

We are pleased to provide you with our comments and recommendations to be considered within this review. OHBA is appreciative of the extensive consultation process and opportunities provided by Ministry staff to discuss the PPS with OHBA and our broader membership. We look forward to working with you to improve the draft PPS and to enhance it as a foundational document that will encourage housing affordability of choice and economic growth or job creation. Thank you for the opportunity to present our views on behalf of our 30 local associations.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Joe Vaccaro', written over a faint, larger version of the signature.

Joe Vaccaro
Chief Operating Officer
Ontario Home Builders' Association



Ontario
Home Builders'
Association

About OHBA

The Ontario Home Builders' Association (OHBA) is the voice of the residential construction industry in Ontario. OHBA represents over 4,000 member companies, organized through 30 local associations across the Province. Our membership is made up of all disciplines involved in residential construction including: builders, land developers, renovators, trade contractors, manufacturers and suppliers. The residential construction industry employed over 325,000 people and contributed over \$42 billion to the province's economy in 2011.

One of OHBA's primary goals is to positively affect provincial legislation, regulatory policy and tax policies that concern the industry. OHBA is a strong supporter of policies that will ensure affordability and choice in housing for the citizens of Ontario. Our comprehensive examination of issues and recommendations are guided by the recognition that choice and affordability must be balanced with broader social, economic and environmental issues.

Our members live, work and play in the municipalities that make up their communities, and our comments should be taken in balance with the fact that we not only do business in the cities, towns and villages in Ontario, we also live and raise our families there.



Ontario
Home Builders'
Association

Provincial Policy Statement

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Ontario
Home Builders'
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Provincial Policy Statement *Five-Year Review*

Executive Summary

The Ontario Government's goal should be to provide long-term and sustainable benefits to the citizens of Ontario – economic growth and job creation, safe and liveable communities, enhanced transportation choices, clean water and improvements to the environment. The *Planning Act* states that all decisions shall be *consistent* with the Provincial Policy Statement (PPS). OHBA is very concerned that the draft PPS, as written, will not accomplish these goals and will in fact challenges housing affordability, limit housing choice and constrain opportunities for economic growth and job creation. The planning process is already extremely complex, uncertain and time-consuming and the proposed draft statements only serve to increase the level of complexity and uncertainty for the new housing and development industry.

OHBA is concerned by the direction the provincial government has taken in the draft statements and this submission will suggest a number of recommendations supporting significant changes to the draft policies. OHBA notes that the planning process has become increasingly complex with numerous pieces of legislation and regulation interfacing with the land-use approvals process. OHBA continues to express concern that restrictive public policies drive land prices upwards therefore negatively impacting housing affordability. Furthermore, OHBA is particularly concerned with the increased need for technical studies to address escalating levels of complexity and broad policy language with unclear definitions in the draft PPS. OHBA believes that the draft PPS is too detailed and prescriptive leaving little room for flexibility and creativity.

OHBA believes that the PPS should provide strategic responses to support Ontario in a transitioning economy. It is important that land-use decisions in Ontario carefully balance the environmental, social and economic goals of the province. In order to maintain that balance, economic prosperity plays a significant role and that balanced role is not adequately addressed within the PPS. Without investments in new jobs and employment opportunities, Ontarians will see a decline in their quality of life. An overly regulated planning framework and heavily taxed housing sector negatively impacts housing affordability and, therefore the financial stability of the citizens of Ontario.

The PPS should be more strategic in nature and less prescriptive affording greater flexibility to protect what is important while facilitating economic growth and providing guidance to local governments and their Official Plans. Furthermore, the PPS should recognize the regional differences and the diversity of settlement areas that exist within the province. Approaches to growth management, housing, infrastructure, employment, the natural environment and transportation vary in different regions of the province.

OHBA is committed in our resolve to ensure that Ontario communities prosper and grow while maintaining an appropriate balance with other key objectives to enhance the quality of life for all Ontarians.



Ontario
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Provincial Policy Statement Five Year Review

Introduction

The Government of Ontario is conducting a review of the Provincial Policy Statement, 2005. OHBA notes that the legislative framework with respect to planning and land development has been significantly overhauled the last several years with the introduction of a new PPS in 2005, the creation of the greenbelt, OMB reform, the Growth Plan for the Greater Golden Horseshoe, reforms to the *Planning Act* and *Municipal Act* and the introduction of a *City of Toronto Act*. The OHBA believes that the sheer volume of regulation has become overwhelming.

The planning process has become a means to itself rather than a means to an end. Businesses are struggling to remain competitive as planning time-frame horizons are lengthening, and builders face great economic, political and planning related uncertainty. An expanding regulatory environment with continuously increased taxes, fees and charges in combination with rising eventually rising mortgage rates will have long-term economic impacts on Ontario families for years to come.

The Ontario Government's stated goal is to provide long-term benefits to Ontarians – new economic growth, more liveable communities, enhanced transportation choices, clean and safe water and improvements to the environment. Ontario also has to plan for over three million new residents who will reside in Ontario within the next couple of decades. The PPS is a critical foundation document to balance diverse goals and objectives while adequately planning for growth.

Our Vision

OHBA has a vision for a sustainable, affordable and prosperous Ontario with a robust and healthy economy that consists of:

- strong and prosperous communities with a high quality of life;
- job creation and strong economic growth;
- an efficient, streamlined government with cost-effective delivery of services, using a rational and consistent set of policies for planning;
- a level playing field with clearly defined rules allowing the private sector to provide safe, affordable, healthy, energy efficient and high-quality housing; and
- respect for regional differences in a diverse province.

OHBA stresses that builders and developers are key stakeholders who are part of the solution to achieve these significant goals. OHBA is committed to working with the government to ensure all citizens can enjoy a sustainable, affordable and prosperous Ontario.

Vision for Ontario's Land Use-Planning System

The population of Ontario is anticipated to grow significantly over the coming decades with the majority of newcomers expected to settle in the Greater Golden Horseshoe (an additional 4.3 million people by 2041). This growth brings with it both challenges and opportunities as the new residents will require housing, job opportunities, health services, education and recreational facilities while enhancing the quality of life for all Ontarians.

The thrust of the Provincial Policy Statement is for intensification and redevelopment before extending development into designated growth areas. OHBA notes that the draft PPS places considerable constraints on settlement area expansion and greenfield development within existing urban boundaries. Even where significant intensification opportunities exist, there is a need to facilitate settlement area boundary expansions to accommodate different types of housing and long-term growth. It is imperative that the PPS not be used to place additional restrictions on intensification that represents good planning. The PPS should be more explicit about the need for municipalities to facilitate intensification where it is appropriate. Overall, the new housing and development industry is extremely concerned by the additional layers of complexity that the draft PPS could create as municipalities implement the policies.

OHBA notes the inclusion of references to the histories and cultures of Aboriginal peoples and the Province's recognition of the importance of consulting with Aboriginal communities, as appropriate, on planning matters that may affect their rights and interests. As discussed further into this submission, in the context of specific policies of the PPS, the Duty to Consult in the context of Aboriginal rights has very specific legal and constitutional meaning and the use of similarly-worded phrases or similar-sounding terms has a very real potential to cause confusion and debate. If this section of the PPS is referring to the Province's and the Crown's constitutional Duty to Consult, then it should say so. If this section is referring to engagement of Aboriginal communities in the planning process by planning authorities and potentially by landowners as a matter of good planning, and not as a constitutional matter, then the wording should be clarified.

OHBA strongly believes that Ontario is diverse with local communities having very different urban, suburban and rural contexts. Therefore, the PPS should be less prescriptive and should provide strategic direction to protect provincial interests allowing flexibility for municipalities to implement the broader goals of the PPS while respecting the local urban/suburban/rural context through the implementation of local Official Plans.

Provincial Planning Framework

The provincial government has drastically overhauled the land use planning framework across Ontario since 2003. Increasing building standards, architectural guidelines, the 2005 PPS, planning reform (Bill 51), OMB reform, the Growth Plan for the Greater Golden Horseshoe, the greenbelt, growing the greenbelt criteria and the Lake Simcoe Protection Act are among a number of planning related initiatives that have broad impacts for the residential construction industry, consumers, municipalities and all Ontarians. Furthermore, many of these initiatives required municipal reviews and updates of their official plans and zoning by-laws. Our concern relates to the implementation and interpretation required to "be consistent with", and the potential variations which may result in inconsistencies in decisions by approval authorities and adjudication by the Ontario Municipal Board.

At a broader level, OHBA is concerned that multi-jurisdictional planning frameworks have been in a near constant state of review for a number of years. OHBA believes that significant change over the last decade has brought about a lack of certainty and clarity in the planning framework.

OHBA notes that many public policy documents, including the PPS, lack clear measurables to adequately determine the effectiveness of the PPS. Absent are empirical and qualitative tools to evaluate the PPS performance, its goals appear to be without measure and, therefore, contain no baseline performance for improvements.

1.0 Building Strong and Healthy Communities

1.0. – OHBA is concerned by abstract and nebulous definitions and how certain language could be interpreted on the ground as the PPS is implemented by municipalities or at the OMB. Specifically in sec 1.10, OHBA questions, very specifically, what “resilient” means as this section of the PPS is implemented and is concerned abstract definitions will be an implementation challenge for all stakeholders.

OHBA supports language that recognizes the diversity of settlement areas ranging from rural areas to urban areas including the size and characteristics of these communities so that all areas of Ontario can relate to the policies contained in the PPS.

Managing and Directing Land-Use to Achieve Efficient and Resilient Development and Land use Patterns

1.1.1. (b) – OHBA is concerned by the insertion of “affordable housing”. While OHBA supports numerous affordable housing programs and policies as well as the integration of affordable housing projects within mixed-income complete communities, OHBA is concerned that some municipalities may interpret this PPS policy as permitting municipalities the ability to require private sector obligations towards affordable housing units in new development projects. Following the extensive public and stakeholder consultations through the *Long-Term Affordable Housing Strategy*, the provincial government made a clear policy decision not to permit inclusionary zoning as a municipal planning tool. OHBA is concerned the draft PPS, as written, may provide a ‘back door’ approach to permit inclusionary zoning policies at a municipal level. Furthermore, at a broader public policy level, “housing affordability” is under tremendous pressure as the costs of doing business, government imposed charges and land values are increasing.

1.1.1. (h) – OHBA is again concerned by abstract language in the proposed PPS. Specifically how is “resilience to climate change” measured? How is this policy implemented through a land-use planning policy to be consistent with these terms? OHBA is concerned that municipalities will be looking at measures to gauge the impact of development on climate change, which could necessitate new technical study requirements. Furthermore, OHBA recommends altering language from “... that maintain biodiversity...” to “...and to preserve biodiversity...”

1.1.1. – OHBA recommends an additional statement noting that healthy, livable and safe communities are sustained by accommodating *secondary housing units* as an affordable housing option that also allows seniors to age in place with caregivers while conjointly supporting provincial intensification

objectives.

1.1.2. – OHBA supports the clarification that nothing limits planning for infrastructure beyond the 20 year time horizon. However, OHBA recommends stronger language that would in fact “require” municipalities to plan for infrastructure beyond 20 years. Municipalities, especially those experiencing growth, should have to evaluate their infrastructure needs beyond the 20 years mark.

Settlement Areas

1.1.3. – OHBA notes that broad land use principles, generally supporting intensification and the optimized use of serviceable lands, could present obstacles to the expansion of the urban settlement area boundary as the emphasis could be directed towards intensified development of underutilized areas of the municipality. While this may be suitable in mature urban communities, these policies may constrain growth in other communities where intensification opportunities may not be absorbed by the marketplace. This policy should speak to the balance between infill, intensification, redevelopment and expansion to provide for housing choice in the marketplace.

1.1.3.6. – OHBA recommends “and shall have compact form” be removed.

1.1.3.7. (a) – The draft PPS policy is not new, simply moved, however, OHBA is concerned that this policy brings growth planning principles into the PPS and suggests that intensification targets must be met prior to settlement area expansion. While this is a reality in the Greater Golden Horseshoe (GGH) and may be good public policy in some larger urban centres, this policy may be unrealistic in medium and smaller sized communities. Furthermore it is unclear what would happen if municipalities are unable to meet required densities. Furthermore, OHBA is concerned by policies for intensification targets that should be met “prior” to or “concurrent” with new development within designated growth areas, especially in smaller communities. The policy is redundant in the GGH and not appropriate for most Ontario communities, therefore OHBA recommends this policy be removed.

1.1.3.8. (a) – This section has not changed from the previous PPS, however OHBA suggests the policy should be modified to reflect the reality that just because opportunities for intensification and redevelopment may exist to accommodate the projected needs over the identified planning horizon, this does not ensure that these opportunities will be realized. Many opportunities are theoretical and/or long-term. OHBA notes there are often barriers to intensification and the PPS must ensure that language is reasonable in terms of realistic opportunities for development. The PPS must better recognize different types of settlement patterns across Ontario. OHBA recommends that the policy be revised to say that, “sufficient opportunities for growth are not available or not likely to be developed through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon”.

1.1.3.8. (b) – OHBA recognizes the intent of this policy is with respect to financial policy and long-term municipal asset management. However, it is not clear how a municipality or proponent might gauge “financial viability”. OHBA is concerned that, as written, this policy could be interpreted to mean that new development (i.e. new home buyers) should pay up-front costs for long-term maintenance of new infrastructure. Furthermore, OHBA is concerned this clause could undermine appropriate settlement area expansions.

1.1.3.8. (c) 2 – OHBA is concerned by potential additional reporting and study requirements that may arise demonstrating that alternative locations have been evaluated and providing approval authorities with proof that alternative locations have been fully vetted and would be unsuitable for development. OHBA suggests this is already included in the definition of comprehensive review and applies more broadly.

1.1.3.8. (d) – OHBA is concerned that the minimum distance separation formula is a vaguely defined term that separates uses based on a guideline. OHBA is specifically concerned that new residential in urban expansion areas will have to be separated from agricultural uses. This could be problematic in the orderly expansion of urban areas as those expansions typically occur on former agricultural lands. Practically speaking, this policy would make expansion of settlement areas very difficult. OHBA is concerned the MDS policy is too prescriptive and as such, may be misinterpreted. OHBA recommends this policy be removed.

1.1.4.5. – OHBA is unclear as to how normal farm practices should be protected.

Coordination

1.2.1. (b) – OHBA supports the addition of “economic development strategies”.

1.2.1. (h) – OHBA is concerned by the PPS referencing an external document that could be altered. OHBA is concerned that this may diminish the existing policies in the PPS dealing with housing requirements.

1.2.2 – The use of the term “coordination” in respect of Aboriginal communities has the potential to cause confusion and debate. As noted above, the relationship to the Province’s constitutional Duty to Consult should be clarified. Are planning matters to be coordinated with Aboriginal communities because of planning relationships between these communities and the planning matters being advanced, or because of constitutional requirements? In any event, a direction to planning authorities to coordinate with Aboriginal communities does not in itself satisfy the Province’s constitutional Duty to Consult.

1.2.3. – OHBA is unclear from a land-use planning perspective what “resilient communities” means.

1.2.4. (c) – OHBA is concerned by policies to identify intensification targets that should be met prior to the boundary expansion of settlement areas. For larger settlement areas, OHBA recommends instead of “before” for a change to “before or concurrent with”. Furthermore, OHBA notes that many smaller Ontario communities (i.e. Stratford, Owen Sound etc.) have limited growth potential and that intensification policies such as this can be a significant barrier to investment and those limited opportunities for growth.

1.2.4. (d) – this remains the same as the previous PPS, however OHBA believes it is problematic because achieving density targets along transit corridors is often a long-term planning exercise and dependent on higher density housing and commercial development. If expansion of settlement area boundaries is not permitted until a minimum density target is achieved in these corridors, this may create a shortage of land for ground-related housing. This is an unreasonable constraint on settlement area boundary expansion in a section that deals with coordination.

1.2.6.1 – OHBA recommends “prevent adverse effects” be replaced with “minimize externalities”.

Employment Areas

1.3.1. (c) – OHBA is unclear with respect to the definition of “resilient communities”.

1.3.2. – OHBA suggests that major retail should be a component of the long-term planned urban structure. Major retail is not included in the PPS and it should be planned to best serve growing communities rather than inserted as an after-thought. This should be a key consideration for planning for employment over the long-term.

Furthermore, OHBA supports allowing additional uses, or conversion of uses, in the absence of municipal comprehensive review, where such addition or conversion is otherwise in compliance with the PPS and Places to Grow. The expansion of existing uses would allow better opportunities to maximize infrastructure and land-uses to achieve the objectives of the PPS and growth plans. OHBA notes the economic base of the province is in transition and that some employment areas should be planned for a mix of residential, retail and commercial office uses. The PPS should allow for the opportunity of mixed-use communities that maximize land-uses including mixed-use in employment areas and districts.

1.3.2.4. - Municipalities should be given the opportunity to look out beyond 20 years to plan for employment land objectives. OHBA believes that this period should be extended.

Housing

1.4.1. – OHBA supports policies for a diverse range of housing and for providing “housing choice” to consumers.

1.4.1 (a) – OHBA recommends “through residential intensification and redevelopment and, if necessary lands which are designated and available for residential development” be removed.

1.4.1 (b) – OHBA recommends that maintaining land with servicing capacity and availability is critical to meeting the intent of this policy. Therefore, OHBA recommends additional wording “...land with servicing capacity *and availability* sufficient to provide a 3-year supply of residential units...”.

1.4.3. (a) – this policy has not changed from the previous PPS and requires all planning authorities to provide a full range of housing types and densities to satisfy the requirements of housing which is affordable to low and moderate-income households. OHBA believes there are other ways by which the government can achieve its goal for providing housing for low-to-moderate income households that do not restrict the home building industry (i.e. allowing as-of-right secondary suites across Ontario) and recommends that any requirement to provide affordable housing targets be removed from the Policy Statements. Affordably priced private sector produced housing can be provided with development charges credits and other provincial and/or municipal incentives.

1.4.3. (e) – OHBA is supportive of policies that would “minimize the cost of housing and facilitate compact form”. However, OHBA notes that many municipal and provincial public policies are being applied that are detrimental to new home buyers in intensification areas by artificially raising the cost of intensified housing product. OHBA specifically notes that antiquated cash-in-lieu of parkland policies are a barrier to PPS implementation. OHBA strongly believes that park contribution and cash-in-lieu requirements pursuant to s42 and s51 of the Planning Act should be revised in the face of Places to Grow and provincial intensification goals set out in the PPS. The current effect of the application of these statutory sections of the Planning Act results in many municipalities targeting the legislative maximum available, which would be in direct contravention of PPS policy 1.4.3 (e) to “minimize the cost of housing and facilitate compact form”.

Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1. – OHBA is again concerned by undefined terms and how they could be interpreted as municipalities and/or the OMB implement the PPS on the ground. What specifically does “foster social interaction” and “community connectivity” mean? How will policy 1.5.1 be interpreted and implemented by municipalities or decisions made by the Ontario Municipal Board. These policies require clarification from a land-use planning perspective or should be removed from the PPS.

Infrastructure and Public Service Facilities

1.6.1 – While climate change is a critical issue that public policy must address, OHBA is very concerned with how the issue has been inserted into the PPS without consideration of the full implications or implementation challenges. With respect to infrastructure, how do infrastructure related decisions (i.e. the provision of a sewer pipe) consider implications of climate change? How does this policy get implemented into a municipal or regional Official Plan? Consideration for climate change impacts could result in additional technical studies that demonstrate climate change implications for all infrastructure related decisions. OHBA is concerned by the lack of clarity as to what the requirements or interpretations of this policy will be when implemented by municipalities.

1.6.2. (c) – OHBA is concerned that the definition of “green infrastructure” mixes the intent of technology and the function of the natural landscape. The term “green infrastructure” is defined however it is confusing because the detailed list in the definition is not consistent with what is more commonly referred to as “infrastructure” (sewers, laterals, roads etc.). Furthermore, the policy could require additional studies for any new piece of infrastructure and, for the most part, is not quantifiable. OHBA is concerned that this policy opens pandora’s box with respect to various interpretations and potential outcomes.

Sewage, Water and Stormwater

1.6.5.4. – OHBA is concerned by the insertion of “no negative impacts”. This is an exceptionally high standard that is difficult to prove. The PPS should allow for mitigation opportunities to reduce impacts and therefore recommends that policy state “minimize impacts”. Furthermore, OHBA recommends “for infilling and minor rounding out of existing developments” be replaced with “when municipal or private communal sewage or water services are not available.”

1.6.5.5. (b) – Again, OHBA is concerned that “no negative impacts” is too high a standard. The definition of “no negative impacts”, with respect to the policies, provides that hydrogeological or water quality impact assessments are to be completed in accordance to provincial standards demonstrating no negative impact. Furthermore, OHBA recommends “for infilling and minor rounding out of existing developments on partial services” be replaced with “when municipal or private communal sewage or water services are not available.”

1.6.5.7. – OHBA is greatly concerned by additional layers of storm water management (SWM) policies that are covered by other legislative and regulatory mechanisms within the PPS. OHBA strongly cautions against including this level of detail with respect to SWM in the PPS. OHBA is particularly concerned by subsection (d) and strongly recommends that it be removed. OHBA questions how subsection (d) can be implemented in a greenfield development site or within a settlement area boundary expansion. Any new development occurring on a greenfield site will increase impervious surfaces and likely reduce the extent and function of vegetative surfaces. Furthermore, many intensification projects will increase the amount of impervious surfaces. OHBA is very concerned this policy will carve up the white-belt lands that should be available for development with severe restrictions limiting our industries ability to provide housing or employment opportunities. This policy is simply not possible to implement.

Transportation Systems

1.6.6.3. – OHBA recommends this policy be enhanced to encourage and require the evaluation of transit systems crossing municipal boundaries be integrated.

Transportation and Infrastructure Corridors

1.6.7.3. – OHBA is supportive of ensuring new development along existing or planned corridors is compatible and supportive of those corridors. Given the major transit investments underway in a number of Ontario jurisdictions, OHBA recommends the following be inserted after.... “Long-term purposes of the corridors” and “promote density to support the viability of the corridor”...

Waste Management

1.6.9.1. – OHBA recommends that the new language inserted into this section be removed. OHBA is very concerned by the unintended consequences of this draft policy that draws linkages between land-use patterns and waste diversion. One potential interpretation would be that no growth would satisfy this policy as that would mean no additional waste. With about three million additional residents coming to Ontario over the next couple of decades, the no growth option is not an option. OHBA recommends the new language be removed from 1.6.9.1 or substantially redrafted to state that municipalities should plan for waste diversion and waste diversion facilities.

Energy Supply

1.6.10.1. – OHBA recommends “should provide” be replaces with “should encourage”.

Long-Term Economic Prosperity

1.7.1. (d) – OHBA is again concerned by the addition of vague terms and how policies encourage a sense of place or how cultural heritage resource policies are actually implemented.

1.7.1. (e) – OHBA recommends a clearer definition of what ‘community investment readiness’ actually means. If the policy is with respect to long-term land supply, infrastructure and transit funding, which OHBA would support, the intent of the policy should be clearer.

1.7.1. (i) – OHBA is concerned that promoting opportunities to support local food could be interpreted as a policy supporting municipal food-belts to constrain land supply for new development. OHBA recommends that this policy either be removed or additional clarity be provided as to the intent of the policy.

1.7.1. (k) – OHBA is concerned by vague terminology suggesting land-use decisions minimize negative impacts of climate change and consider ecological benefits of nature. How are these policies intended to be implemented at a zoning or official plan level? Specifically, how should the OMB consider ecological benefits provided by nature when making land-use decisions?

Energy Conservation, Air Quality and Climate Change

1.8.1. (d) – OHBA supports this new policy to focus freight-intensive land uses to areas well serviced by major highways, airports, rail facilities and marine facilities.

1.8.1. (f) – Again OHBA is concerned by the vague definition and implications of the inclusion of climate change within this policy. Development proposals may be further subjected to requests for studies that illustrate how a particular project relates to impacts of climate change, if any.

1.8.1. (g) – This level of land-use planning detail is not appropriate and could be problematic to implement. OHBA recommends this policy be removed.

2.0 Wise Use and Management of Resources

OHBA recommends “maintaining biodiversity” be replaced with “safeguarding/supporting biodiversity”.

Natural Heritage

2.1.1. – The language stating that Natural features and areas shall be protected for the long term is vague and inclusive – it lacks clarity with respect to what features and areas are intended to be protected. The term ‘natural features and areas’ is not italicized and therefore not defined, however, the term *Natural heritage features and areas* is defined.

2.1.3. – OHBA is concerned that this new policy may elevate insignificant features for protection. Essentially natural heritage systems will likely be incorporated into local Official Plans as an additional feature requiring consideration. OHBA is concerned there may not be appropriate tests of significance and that municipalities may map and protect features to obtain provincial protection. This policy could lead towards a number of relatively minor features being elevated in status.

2.1.5. – OHBA notes the 6E and 7E mapping apply to central and south-western Ontario. The identification of NHS and refining areas of protection for significant woodlands and valley-lands will assist in providing certainty and clarity for all stakeholders. OHBA also notes that the term “significant wildlife habitat” is not defined in the PPS. OHBA is, however, concerned with respect to applying any increasing levels of protection for marginal features over and above the PPS, 2005.

2.1.7. – OHBA is concerned by the potential impact with respect to The Ministry of Natural Resources ESA permitting that this proposed policy might have. It is critical that there be better alignment between the PPS and other legislative and policy initiatives such as the *Endangered Species Act* (ESA). The MNR ESA Overall Benefit Permit is an end of process permit and approval authorities should not hold up planning related approvals while proponents work with MNR through the Overall Benefit Permitting process. OHBA is concerned that the proposed policy may not be flexible enough for municipalities to continue processing applications while proponents work through a separate permitting process with MNR.

2.1.8. – This policy has remained the same from the previous PPS and is prohibitive in its wording and the definitions provided when it states that “Development and site alteration will not be permitted on adjacent lands to 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on the ecological functions.” This is a very strong statement which suggests that mitigation measures cannot be considered and implemented. OHBA recommends that the Statement 2.1.8 be modified to allow for mitigation measures being implemented on adjacent lands in order to demonstrate that there will be no negative impacts on the natural features or ecological functions of the identified areas.

Water

2.2.1. (g) – policy remained the same from the previous PPS and requires that all planning authorities ensure “storm water management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.” This is in contradiction to the thrust of the Provincial Policy Statements that require intensification, even in new development areas, and require the efficient use of land for housing. Intensification, by its definition, requires that the site is developed at a higher density. This precludes the stated goal of Statement 2.2.1 (g) to increase the extent of vegetative and pervious surfaces. OHBA recommends that the Statement 2.2.1(g) be removed.

Agricultural

2.3.1. – OHBA is concerned by potentially adding additional constraints with additional protections for class 4-7 soils within the prime agricultural areas. OHBA would appreciate additional clarity with respect to how these new policies would be applied within the white-belt of the Growth Plan area which is envisioned as a long-term urban reserve.

2.3.3.3. – Similar to section 1.1.3.8 (d) – OHBA is concerned the MDS policy is too prescriptive and may be misinterpreted. The MDS should not apply to designated urban/settlement areas or in circumstances where MDS would have the potential to affect lands within an urban/settlement area. OHBA recommends the policy be revised to state “new land uses in the rural area ...”

Removal of Land from Prime Agricultural Lands

2.3.5.1. (c) 2 – OHBA is concerned that the minimum distance separation formulae could be a constraint for the orderly expansion of urban areas when farms are adjacent to settlement area boundary expansions.

Cultural Heritage and Archaeology

2.6.1. – This section has not changed from the previous PPS and OHBA supports the conservation and protection of Ontario's heritage resources where possible. However, a greater emphasis on intensification and redevelopment inevitably leads to greater development pressure on built heritage resources and significant cultural heritage landscapes. The Growth Plan for the Greater Golden Horseshoe recognizes this conflict and it is addressed in section 4.2.4 (e) "Cultural heritage conservation, including conservation of cultural heritage and archaeological resources where feasible, as built-up areas are intensified." OHBA believe the growth plan language is more appropriate and flexible than the language in section 2.6.1 of the PPS, "significant built heritage resources and significant cultural heritage landscapes shall be conserved." OHBA cautions that heritage lands and buildings impact land availability and supply and therefore create conflicts with intensification targets. Therefore, OHBA recommends section 2.6.1 of the PPS be amended to reflect the language used in section 4.2.4 (e) of the Growth Plan. Furthermore, OHBA notes that the PPS definitions do not match the *Ontario Heritage Act*.

OHBA recommends that the definition of *Significant cultural heritage landscapes* specifically exclude rural road streetscapes, farm building clusters and view corridors within urban areas. The preservation of extensive agricultural landscapes in an urban context is counterproductive and contrary to so many other policies of the PPS, yet some planning authorities have applied the definition in this manner to preserve these features in an urban context as *Significant cultural heritage landscapes* – OHBA recommends that the province provide clarity that the interpretation of this section of the PPS does not include such areas to be within the definition of a *Significant cultural heritage landscapes*.

2.6.2. – OHBA is concerned this policy has changed from restrictive to prohibitive as it related to the development of sites with archaeological resources. The term "conservation" is used, which could mean leaving these resources in place. Archaeological management has always meant proper documentation and preservation of resources, but not preventing development, except in exceptional cases.

2.6.3. – OHBA is concerned the strengthened language that "planning authorities shall not permit development or site alteration... "will provide the ability to sterilize a site. OHBA is very concerned that without the ability for mitigation, some sites, even when development has commenced would not be able to proceed. OHBA anticipates that intensification oriented policies, directing growth towards existing communities and downtowns, will continue to mount pressure on heritage buildings and the inevitable conflicts between heritage conservation and intensification will become an even more significant issue for stakeholders in the years ahead. OHBA is very concerned that the draft policy does not allow for mitigation or creative solutions and simply does not permit development or site alteration.

2.6.5 – With reference to Aboriginal communities, this section uses the term "consider". Is this meant to imply a different level of engagement than the terms "consultation" and "coordination" used elsewhere in the PPS.

3.0 Protecting Public Health and Safety

Natural Hazards

3.1.3. – OHBA is again concerned by the inclusion of language (climate change) that is poorly defined in terms of how it will be implemented. OHBA questions how specifically planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards. This type of policy can be troublesome from the point of view of a development proponent as the test for assessing risk has not been substantiated. This will likely necessitate technical studies that forecast the impacts of climate change on factors such as flooding – something that can be considerably difficult to model.

4.0 Implementation and Interpretation

4.3 – As noted above previously in this submission, OHBA is concerned with imposing new or unforeseen consultation requirements with respect to Aboriginal communities through the PPS. The Duty to Consult is and remains the Crown's duty. This policy seems to restate the Province's constitutional obligation. If so then it is redundant. If it is intended to do something other than restate the Province's constitutional obligation, the intention needs to be made clear. This policy must be adequately defined to avoid misinterpretation for all stakeholders.

4.6 - It is not clear why the sentence “comprehensive, integrated and long term planning is best achieved through municipal official plans” is being deleted. Municipal official plans are the key implementation tool for the PPS and the Growth Plans. The deletion is not appropriate.

4.7. – OHBA supports this new policy to ensure municipal zoning and development permit by-laws are up-to-date with their official plans and the PPS. OHBA has expressed concerns to the Ministry of Municipal Affairs and Housing that many municipalities have out-dated zoning by-laws and some large municipalities have not modernized their zoning in a couple of decades. It is critical that municipalities update and modernize zoning to reflect the current planning framework.

OHBA notes that it will be critical for the Ministry of Municipal Affairs and Housing to bring forward an appropriate transition policy to support the implementation of a new PPS.

6.0 Definitions

In general, OHBA recommends that some definitions require greater clarification. OHBA specifically notes that the PPS is lacking a clear definition for the terms 'resilient', 'financial viability' and 'climate change'. Multiple potential interpretations for various terms could result in significant implementation challenges.

The PPS includes several references to *brownfield* sites but no references to *greyfields*. The Growth Plan for the Greater Golden Horseshoe introduced several references to *greyfields*, and these should be incorporated into the PPS – both in the definitions section and into PPS policies.

OHBA is concerned that *Natural Heritage Systems* has too broad a definition, which could be used to

restrict development on too many lands that are not “significant” in any way. This is very evident in that the system can include areas with neither ecological importance nor ecological functions (i.e., “... *lands that have the potential to be restored to a natural state...*”). The term 'working landscapes that enable ecological functions' could describe most lands. Additional clarity is required.

OHBA is concerned by changes to the definition of *Comprehensive Review*. Sec a) 2 – includes new language “...considers physical constraints to accommodating the proposed development within existing settlement area boundaries.” OHBA is concerned that new language suggests an additional hurdle or complexity to urban boundary expansions – clarification of the intent of this definition is recommended. Sec a) 3- suggests consideration for “...financial viability over the life cycle of these asset”. Similar to concerns raised earlier in this OHBA PPS submission, OHBA is unclear as to the intention of the new wording and what unintended or additional requirements may be included in an already complex process. Lastly new language “In undertaking a comprehensive review the level of detail of the assessment should correspond with the complexity and scale of the proposal” – OHBA notes that comprehensive reviews can be very lengthy and costly undertakings, so flexibility to reduce the scope for less complex and smaller scale proposals would be welcome.

OHBA is concerned by the definition of *Regional Market Area* (RMA). The current definition in the PPS, 2005 allows for an interpretation that the RMA might be broader than a lower-tier municipality but less than an upper tier municipality; this aspect is lost in the updated definition of the PPS. This would present planning challenges in places like Durham, Simcoe and Niagara (potentially others too), which have a combination of very urban and very rural municipalities as well as significant distances between lower tier municipalities. In these areas there is not a high degree of social and economic interaction but they happen to share an upper-tier. OHBA is concerned by the term “functional” being used in the definition - what is meant by “functional” regional market area? Based on the definition of regional market area, why is the adjective “functional” required? Could someone interpret the GTA or GTAH to mean “functional” regional market area? This would be a cause for concern and confusion. OHBA recommends that the definition of a regional market area be amended to remove the reference to it being normally the upper-tier municipalities, and to allow flexibility for a market area that is defined by the market itself, as opposed to political boundaries. Experts preparing growth forecasts for a regional market area should have the flexibility to determine what area is appropriate and can defend the use of a particular area.

The definition of “significance” as it relates to natural heritage merits some additional consideration. While criteria is recommended by the province, municipal approaches that achieve or exceed the same objective may also be used. This approach has tipped the playing field in favour of the assignment of natural heritage significance to unnecessarily and unreasonably large land areas within the urban and near urban areas of the GTA. This has created a challenging circumstance for those interested in the ability to reach balanced and appropriate land-use planning decisions.

Further guidance is required from the province to prevent such occurrences from becoming inefficient and contrary to the province’s interests.

Required Review of the PPS

OHBA recommends that the five-year review of the PPS be extended to a ten-year review period, coinciding with reviews of other provincial plans (i.e. greenbelt & Growth Plan). This would ensure changes and modifications to the PPS and other provincial plans can be coordinated and consolidated. The perpetual review of various provincial planning policies creates significant uncertainty for industry, municipalities and other stakeholders. This is a barrier to economic development and the efficient implementation of provincial policy.

Conclusion

OHBA previously recommended that the Provincial Policy Statement should be a strategic document to protect provincial interests and set broad planning parameters, goals and objectives. OHBA is disappointed that this recommendation was clearly disregarded in favour of generating an even more prescriptive document that more closely resembles zoning bylaws. Furthermore, through a detailed policy document impacting multiple ministries, OHBA is concerned by potential unintended consequences and that many ambiguous policies and definitions may be impacted in a variety of ways through the implementation process.

OHBA noted that the government is in the process of implementing the Growth Plan for the Greater Golden Horseshoe which provides an opportunity for the PPS to return to its roots as a broader strategic set of policies that are truly provincial in nature. The Growth Plan provides the prescriptive detail for the high growth area within the Greater Golden Horseshoe, while the PPS should set a foundation for planning across Ontario.

OHBA believes that the PPS should provide strategic responses to support Ontario in a transitioning economy. It is important that land-use decisions in Ontario carefully balance the environmental, social and economic goals of the province. In order to maintain that balance, economic prosperity plays a significant role and that balanced role is not adequately addressed within the PPS. Without investments in new jobs and employment opportunities, Ontarians will see a decline in their quality of life. An overly regulated planning framework and heavily taxed housing sector negatively impacts housing affordability and, therefore the financial stability of the citizens of Ontario.

OHBA is committed to working with the province in creating the right balance and to ensure that Ontario is prosperous and healthy. We are committed in our resolve to ensure that Ontario communities prosper and grow and are prepared to work with government in order to arrive at a workable solution that will enhance the quality of life for all Ontarians.