

The Corporation of the City of Kawartha Lakes

Planning Advisory Committee Report

Report Number PLAN2020-014

Meeting Date: July 15, 2020

Regular Meeting

Title: Provincial Policy Statement 2020 Information Report

Description: Overview of changes to the Provincial Policy Statement and impacts to land use planning in the City of Kawartha Lakes

Ward Number: All

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Recommendation:

That Report PLAN2020-014, Provincial Policy Statement 2020 Information Report, be received.

Department Head:

Legal/Other:

Chief Administrative Officer:

Background:

The Ontario Government released the new Provincial Policy Statement (PPS) on February 28, 2020. The PPS 2020 is part of the government's plan to build healthier, safer communities, make life more affordable and create a more competitive business environment. The PPS 2020 comes into effect May 1, 2020.

As of May 1, 2020 all decisions, comments, submissions and advice of Council must be consistent with the PPS 2020.

Rationale:

The PPS 2020 is preceded by the PPS 2014, PPS 2005 and the PPS 1996 (amended in 1997). The PPS is issued under the authority of section 3(1) of the Planning Act that provides that the Minister may issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. The PPS provides the policy direction on matters of provincial interest related to land use planning and development. More specifically, PPS policies strive for appropriate development while protecting resources, public health and safety, and the quality of the natural and built environment.

Sections 3(5) and 3(6) of the Planning Act provide that a decision, comment, submission or advice of Council shall be consistent with a PPS document that is in effect on the date of the decision. The term “shall be consistent with” means that Council must not depart from the planning principles in the PPS.

Implementation:

The City of Kawartha Lakes Official Plan (2012) must be reviewed to ensure the policies are consistent with the PPS 2020, as well as conform with provincial plans, such as A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019; Oak Ridges Moraine Conservation Plan, 2017; and, Lake Simcoe Protection Plan, 2009. Council shall revise the Official Plan no less frequently than 10 years after it comes into effect as a new Official Plan; and, every 5 years thereafter, unless it has been replaced by another new Official Plan.

The Minister has issued a conformity date of July 1, 2022. Fundamental to a broad conformity exercise is development of a Growth Management Strategy (GMS), as well as a number of other companion studies to support policy changes in the local context, for instance updated master plans for Servicing, Transportation and Solid Waste Management; Housing and Intensification Strategy; Employment Conversion Analysis; Commercial Policy Review; and, Natural Heritage System and Agricultural System Changes Analyses. The conformity exercise includes a Municipal Comprehensive Review (MCR), also referred to as an Official Plan Review, where the conclusions of the companion

studies are brought forward as amendments to the Official Plan through a public consultation and engagement process.

The City has delayed the launch of its GMS and subsequently its MCR while working with the community to resolve outstanding appeals of its Official Plan. While a number of appeals have been settled, and issues resolved, portions of the Official Plan remain under appeal. Looking ahead to the Province's conformity date, and the relevance of an updated GMS to assist in resolving matters further, Council approved a 2020 Special Project budget for both the GMS and the Commercial Policy Review. Although the work is currently suspended due to the Covid-19 pandemic, there remains much value in proceeding with this work at the earliest appropriate time. The City will consider the direction in the PPS 2020 throughout its MCR, but may also proceed with a number of individual policy updates through policy-specific Official Plan Amendments and the Rural Area Zoning By-law Review.

Overview of Changes:

The PPS 2020 is generally anticipated to have positive impacts on the City, as the policies insert more clarity and flexibility into land use planning. The PPS 2020 aligns with and reinforces recent changes to the Provincial land use planning system through documents such as:

- Ontario Planning Act and Heritage Act through Bill 108: More Homes, More Choice Act, 2019;
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, and, pending proposed Amendment 1 to the Growth Plan, 2019;
- Aggregate Resources Act through Bill 132: Better for People, Smarter for Business Act, 2019;
- O. Reg. 406/19: On-Site and Excess Soil Management.

City Staff have participated in the consultation process for changes to these documents, that support key government priorities of increasing housing supply, supporting job creation and reducing red tape.

The following is a summary of changes across seven (7) key themes and a review of the anticipated impacts on the City. Full details of the changes are included in Appendix A.

1. Growth Management

- Planning horizon increased from 20 to 25 years
- Accommodations for residential growth increased from 10 to 15 years, with added flexibility for municipalities to provide at least a 3-year and up to 5-year supply of residential units on serviced and zoned residential land
- Settlement area boundary adjustment may occur outside of an MCR

- Coordination and alignment of forecasted growth with transit-supportive development, and sewage and water services

Impacts to the City

As part of the MCR, the City will evaluate its existing and projected land supply needs through the GMS. The last GMS (2011) concluded that the City had sufficient lands within settlement areas to accommodate the 100,000 population forecast and 29,000 employment forecast to the 2031 planning horizon. The forthcoming GMS exercise will undertake a lands needs assessment to accommodate the current forecast of 107,000 population and 32,000 employment to 2041. Notwithstanding, the Province has recently released Proposed Amendment 1 to the Growth Plan, 2019, that extends the planning horizon to 2051 with a forecast of 117,000 population and 39,000 employment (low growth scenario of 114,000 and 38,000, respectively; high growth scenario of 119,000 and 40,000, respectively). A significant distinction is that the proposed forecast represents minimum targets, as opposed to maximums, which inevitably impacts the City's growth and development strategy. Staff are reviewing the proposed changes as part of the Province's consultation, and will provide a submission within the commenting period open to July 31, 2020. All future conformity work will be in accordance with the applicable Growth Plan.

The increased forecast will inform the land supply requirements, and may enable an increase in housing supply in the City. The new settlement area boundary adjustment policies give the City the opportunity and the option to unlock land for development to support more housing and jobs ahead of the MCR. The City would have to justify any changes to the boundary through studies, including, water and wastewater assessments, agricultural impact assessments, and a land needs assessment.

The City has seen a number of development plans placed on hold because of servicing constraints. Further to the policy changes, and through the new GMS, the City will coordinate growth, sewage and water services, and transportation to facilitate uninterrupted development to meet the City's forecasted needs.

2. Housing

- 'Housing options' defined as a range of types (single-detached, multiplexes, Additional Residential Units/ARUs, etc.) and a variety of arrangements and forms (co-ownership housing, co-operative housing, land lease communities, affordable housing, etc.)
- Address 'market-based' and 'affordable housing' needs
- Alignment of affordable housing targets in the Official Plan with Housing and Homelessness Plans

Impacts to the City

The policies further enable the City to support a variety of housing types, options and arrangements to meet projected market-based and affordable housing needs. Development inquiries indicate an interest in non-traditional housing options, for instance life lease housing and tiny homes, both of which are recognized as new housing options. Staff will consider and evaluate the opportunities to support greater housing options in the City through policy-specific amendments to the affected zoning by-laws and the Official Plan to authorize the use of ARUs, and as supplemented further through the Rural Zoning By-law Review and the MCR.

The PPS 2020 does not define or qualify the concept of market-based housing, which will likely generate different interpretations across Ontario. Staff will need to consider a consistent, locally-appropriate approach to evaluating market-based needs.

The PPS 2020 validates the importance of the affordable housing targets included in the CKL-H Housing and Homelessness Plan (2019) by requiring these targets to be directly translated into the Official Plan. This will achieve a consistent approach and messaging across various City Departments.

3. Environment

- Prepare for the impacts of 'climate change' defined as consequences from changes in weather patterns
- Locate public service facilities (i.e. land, buildings and structures for the provision of social assistance, recreation, police and fire protection, etc.) and infrastructure away from natural hazards
- Consider district energy as a form of energy supply
- Support on-site and local re-use of excess soil

Impacts to the City

The City must ensure the Official Plan policies proactively protect human health and safety from changes in weather patterns by preparing for present and future impacts of climate change at local and regional levels. In addition to the Official Plan there are a number of resources in the City to guide climate change policies, including the Healthy Environment Plan, Lake Management Plans, updates to the floodplain mapping, and Kawartha's Naturally Connected.

The City of Toronto and the City of Markham have developed guidelines for connecting buildings to a district energy system in an effort to reduce greenhouse gas emissions and improve energy resilience. As interest in and feasibility of district energy grows, it is anticipated to extend into the City as another element that encourages compact, complete communities.

The PPS 2020 in alignment with the Province's new Soil Management regulation consider that soil is a finite commodity, and clarify when excess soil is safe for reuse and introduce systems for testing and tracking of soil. Reuse of local soil is anticipated to decrease illegal dumping and inappropriate relocation of soil in the City, decrease the number of trucks travelling through the community, and divert healthy soil from landfills.

4. Employment

- Identify strategic employment sites for investment, monitor their suitability, address barriers, and review employment area designations through the MCR for appropriateness
- Conversion of employment areas outside of the MCR subject to conditions
- Prohibit residential and/or limit sensitive uses within employment areas that are planned for industrial or manufacturing
- New criteria to evaluate the appropriateness of locating sensitive land uses in proximity to major facilities (includes airports and manufacturing)

Impacts to the City

The economic development and competitiveness strategies are voluntary, while providing the City with the tools to review the effectiveness of employment lands for the long-term.

Older employment lands or brownfield sites across the City may be more suitable for residential uses and the employment conversion permission in the PPS 2020 provides flexibility to unlock these lands for residential development, as appropriate, sooner.

The policies also protect long-term viability of industrial and manufacturing sites from encroachment by residential development and will affect where and how the City grows.

5. Cultural Heritage and Indigenous Engagement

- Alignment of definitions with recent changes to the Heritage Act (i.e. conserved, cultural heritage landscape, significant)
- Requirement to engage and coordinate with Indigenous communities regarding land use planning matters, including cultural heritage and archaeological resources

Impacts to the City

Consultation with Indigenous communities was previously encouraged and is now required on planning matters when section 35 Aboriginal or treaty rights are affected. The policies support early engagement as a best practice for relationship-building and addressing issues at the front end in the planning

process. The City continues to notify Indigenous communities on planning applications in accordance with the Planning Act. There is added value and benefit to pre-circulating information and providing an extended review opportunity to improve engagement and identify and discuss issues.

Staff continue their dialogue with Curve Lake First Nation, and will be engaging Indigenous communities through the MCR, which is crucial to strengthening relationships

6. Rural Matters

- Rural residential development permitted on rural lands, including lot creation, that is locally appropriate
- On-farm diversified uses include ground mounted solar facilities in prime agricultural areas that are secondary to the agricultural use
- Planning authorities encouraged to use the new 'agricultural system' and consider the new 'agri-food network'
- Clarification that depth of extraction for new and existing mineral aggregate operations is regulated only by the Aggregate Resources Act (ARA)

Impacts to the City

The City's Official Plan policies for rural lands support limited residential development for retiring farmers and surplus dwellings resulting from farm lot consolidation. All other requests for residential development are subject to an Official Plan Amendment process. The changes continue to support and protect the City's prime agricultural land base, while increasing flexibility for residential development on rural lands that the City considers locally appropriate.

While the PPS 2020 encourages the use of the agricultural system mapping, the City is required to identify and protect the agricultural system and consider agri-food networks in accordance with the policies in the Growth Plan, 2019. Preliminary cross-reference of the provincial mapping with the City's existing prime agricultural and rural areas identified a number of discrepancies, including expansion in prime agricultural lands and reduction in rural lands. The City will be refining the agricultural system through the MCR.

The PPS 2020 aligns with the requirements in the ARA that provide that zoning by-law provisions which restrict depth of extraction are inoperative. The City's concurrent draft Aggregate Policy Review (OPA 11) is being revised in accordance with this policy direction.

7. Infrastructure

- Infill is permitted on existing lots in rural areas with partial services
- Clarification that where municipal sewage and water services are not available, private communal services are preferred, and where municipal or

private communal services are not available, individual on-site services may be used where there are no negative impacts

- Assess long-term impacts of individual on-site sewage and water services through the MCR

Impacts to the City

The PPS 2020 policies recognize sewage and water service constraints in rural areas, and permit development on existing lots of record on partial services. The new servicing direction provides the City with an opportunity consider infilling 'gaps' in between adjacent waterfront areas, or adding new waterfront areas, and rounding out or reconfiguring hamlet areas, where it is reasonable to do so and is locally appropriate.

Given that many areas of the City are reliant on individual on-site services, the City could assess the long-term impacts of servicing on environmental health and consider the feasibility of other forms of servicing through the MCR.

Next Steps:

To advance the City's conformity exercise ahead of the MCR, to support existing operations and to reduce the number of phases throughout the MCR, it is recommended that the City consider the following as next steps:

- Diversify housing options – amend the Official Plan and the affected zoning by-laws to permit ARUs, and consider other new housing options
- Protect natural heritage – develop a Tree Preservation By-law and refine Kawartha's Naturally Connected mapping with the Province
- Advance the City's economic development – build an inventory and marketing strategy of shovel-ready industrial lands to assist the Economic Recovery Task Force
- Strengthen the City's relationship with Indigenous communities – develop an engagement strategy together for a consistent approach in working with Indigenous communities, and implement through an Official Plan amendment
- Support rural economy – amend the Official Plan and the affected zoning by-laws to permit on-farm diversified uses and continue the Aggregates Policy Review (OPA 11)

Other Alternatives Considered:

Not applicable.

Financial/Operation Impacts:

There are no financial implications to the City with respect to these changes.

Relationship of Recommendation(s) To The 2020-2023 Strategic Plan:

The Council Adopted Strategic Plan identifies four Strategic Priorities:

- A Vibrant and Growing Economy
- An Exceptional Quality of Life
- A Healthy Environment
- Good Government

The PPS 2020 aligns with the objectives of the Strategic Plan as its intent is to support the economy and job creation, encourage an increase in the mix and supply of housing, support rural and Indigenous communities, protect the environment and public safety, and reduce barriers and costs for development by providing greater certainty.

Attachments:

Appendix A: Summary of Changes PPS, 2020



Appendix B: PPS, 2020



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Department Head: Chris Marshall, Director, Development Services

Department File: Provincial Legislation: 2020 - PPS