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Hon. Steve Clark, Minister
Ministry of Municipal Affairs & Housing
17th Floor, 777 Bay Street
Toronto, ON M7A 2J3

Dear Minister Clark

Bruce County supports the government of Ontario's goal to increase the supply of homes across Ontario to respond to the affordability crisis in housing, provided it is balanced with environmental protection, ensuring a good quality of life for residents and having a secure source of funding in order to deliver the services that contribute to good growth. Increasing the supply of housing is a goal of the County and its partner municipalities.

The following are comments in response to the province's Environmental Registry of Ontario (ERO) Postings 019-6177 and 019-2927 which propose a streamlined province-wide land use planning tool and set out a discussion paper regarding the conservation of Ontario's Natural Heritage.

The Provincial Policy Statement (PPS) / Places to Grow ERO posting poses five questions, which we answer below. Following that section, we offer detailed comments related to the 'core elements' of the policy instrument that are described in the ERO posting.

Questions:

1. What are your thoughts on the proposed core elements to be included in a streamlined province-wide land use planning policy instrument?

Policy reviews undertaken by this government have been highly focused on addressing the Greater Golden Horseshoe area. The Places to Grow Act was an area specific policy response to the most rapidly growing parts of Ontario. The pressures on this geography hold true in 2022/23.

The PPS (2014) and PPS (2020) work reasonably well to ensure flexibility for differing areas of the province based on different rates of growth and different land base.

Increasing the complexity of an “all-of-Ontario” planning tool to simplify growth planning for the area covered by the Places to Grow Plan is not a good trade. Please do not complicate land use planning outside of the Greater Golden Horseshoe (GGH) to make it easier for development within the GGHA. An alternative could be to retain and update the Places to Grow Plan as a standalone document and clarify that the PPS does not apply within the area covered by the Growth Plan.

If the Provincial Policy Statement becomes too housing-focused, then all we will get is homes. Ontario’s economy and is already unbalanced in favor of residential real estate.

Increasing opportunities to convert agricultural, rural/resource management, or commercial/industrial land uses to residential uses will increase the price of these lands, making them less affordable for businesses and increasing costs of production.

With increasing global food insecurity and a forecast significant increase in the Canadian population, it is imperative that Ontario retain the maximum capacity to use agricultural lands for agricultural uses, and to support the agricultural system including value-added agricultural products.

The province-wide land use planning policy instrument should provide clear direction to put growth in the right places with the right services, avoid conflicts within urban areas, and protect the rural and agricultural land base from fragmentation and conflicting uses. Development should be directed outside natural hazard areas, and these areas managed to support natural heritage functions. Natural heritage systems should be identified and maintained or enhanced. Impacts to the natural heritage system should be avoided, mitigated, or, as a very last resort, compensated, through a robust and documented analysis. Provincial direction should be given to increase building efficiency and use Net Zero heating and cooling, to avoid accelerating climate change and increasing the strain on our electrical grid associated with the significant increase in housing supply that is anticipated.

Development and implementation of a province-wide land use planning instrument should consider the crown duty to consult and accommodate first nations interests. This should include consideration a clear role for indigenous participation in the planning process and resource capacity for participation by first nations including review of policy proposals and developments that may impact their existing Aboriginal and treaty rights as outlined in section 35 of the Constitution Act, 1982.

2. What land use planning policies should the government use to increase the supply of housing and support a diversity of housing types?

The government should support efforts to increase the efficient delivery of housing supply including clustering and density, to reduce the transport time, costs, and

energy and emissions associated with housing development and subsequent occupancy.

The government should provide more opportunities to facilitate reinvestment in existing developed and serviced areas, to balance the time and cost of locating growth in these areas versus greenfield development.

3. How should the government further streamline land use planning policy to increase the supply of housing?

The government can further streamline land use policy to increase housing supply by:

- Restoring ability for Municipalities across Ontario to implement inclusionary zoning
- Eliminating all minimum dwelling unit sizes from zoning by-laws (not just additional units) and removing, including retroactively, the ability for restrictive covenants to establish minimum dwelling sizes other than those outlined in the building code.
- Eliminating parking requirements for accessory apartments in downtown commercial areas.
- Providing more guidance for compatibility and mixed uses in core areas.
- Giving municipalities greater tools to address land banking by the development industry and private landowners.
- Providing no statutory appeal period for official plan and zoning applications that are unchanged between public meeting and adoption and are uncontested.
- Removing 3rd party appeals on new approved Official Plans
- Providing model Community Planning Permit System policies that support high-quality integration of gentle density into the fabric of communities.
- Restoring application of site plan control for residential projects under 10 units outside of the Greater Golden Horseshoe area so that projects can proceed on constrained sites.

Then:

Establish a planning modernization fund to align outdated zoning and Official Plans, and allow the system to stabilize.

We also recommend the province work with the building industry to find ways to streamline and increase resiliency in supply chains, and support business clustering to reduce housing development costs.

Municipalities face a labour shortage of both land use planners and qualified Building Officials which impact the timelines to process development applications. Investing in attracting and training Planners and Building Officials into the industry will also assist with getting housing to market faster.

4. What policy concepts from the Provincial Policy Statement and A Place to Grow are helpful for ensuring there is a sufficient supply and mix of housing and should be included in the new policy document?

PPS direction with respect to housing affordability that focuses on affordability to the 60th percentile for household incomes is a good concept that should be carried forward. It affirms the role of planning in the public interest, recognizing that the market generally supports higher income percentiles without policy intervention, and that specific action is required to build communities that are inclusive of households with a broader range of incomes.

Bruce County has a very high percentage of single-detached housing and has long struggled to achieve even modest density targets in new development; however, we are now seeing more varied housing forms including townhouse and apartment development. There is strong interest in single-detached dwellings amongst households relocating to Bruce County, but there is also significant demand for more modest multi-family dwellings. However these remain typically 1-storey ground-oriented developments, with only a nominal density increase over single-detached development.

Even within higher density forms there can be a broad range of dwelling sizes and finishes. Attention is needed to finding ways for modest dwellings in all typologies to be attractive for developers to build and sell or rent at modest prices.

Systems thinking concepts in the current PPS are a valuable approach to building a stronger and more vital Ontario for the long term and should be carried forward in areas like natural heritage, water resources, and agriculture.

Recognition of aboriginal and treaty rights is important and should be further clarified to clearly recognize and support a role for indigenous communities in the land planning and development process. Consideration needs to be given to ensuring First Nations communities are adequately resourced to be able to review and comment on applications within the processing timeframes set out by the provincial government under the Planning Act.

5. What policy concepts in the Provincial Policy Statement and A Place to Grow should be streamlined or not included in the new policy document?

Regional Market area policies present some challenges to municipalities. Regional areas are a good concept as they support a broader perspective to growth forecasting, however offering a greater flexibility to support boundary adjustment and expansion would be beneficial to ensure that communities can grow at varying paces. Providing for sub-market areas that reflect local geographies, including adjacent communities, is critical to reflect the large geography and sub-regional economic and social relationships when considering growth allocation at a County-wide scale. Having some additional flexibility to facilitate boundary expansions/adjustments where rationally warranted would assist with ensuring housing is able to be built where local demand exists.

It is also important to retain a strong policy framework that protects the agricultural system. Some opportunity to recognize a role for rural uses on non-farm lots within the prime ag area may be beneficial, for example to make best use of building clusters associated with severances of surplus farm dwellings.

Detailed Comments on Elements outlined in ERO Posting 019-6177

The posting outlined potential approaches that could be incorporated as core elements of a new province-wide land use planning tool. We have reproduced these and offer comments on them below.

Residential Land Supply

- 1. Settlement Area Boundary Expansions - streamlined and simplified policy direction that enables municipalities to expand their settlement area boundaries in a coordinated manner with infrastructure planning, in response to changing circumstances, local contexts and market demand to maintain and unlock a sufficient supply of land for housing and future growth**

Coordinating settlement area boundaries with infrastructure planning is logical and appropriate. Asset management should be an integrated component. The province should consider sustainable density to be a matter of provincial interest, and direct that develop occur at densities that can reasonably fund the long-term infrastructure requirements.

2. Rural Housing - policy direction that responds to local circumstances and provides increased flexibility to enable more residential development in rural areas, including rural settlement areas

The provincial tool should direct that rural growth occur *especially* in rural settlement areas, to avoid creating new land use conflicts.

Rural settlement areas may or may not be serviced, and typically have a limited range of land uses. They should have opportunities for balanced growth that allows them to be functional, viable, and have critical mass to sustain infrastructure, while directing the majority of growth to serviced, complete communities.

Within rural areas, infilling and rounding out opportunities should be directed to rural settlement areas. Outside of rural settlement areas, rural housing opportunities should primarily support resource-based jobs in rural areas, and infilling in existing permanent or seasonal residential clusters. Rural housing solutions should support multiple dwelling units on an existing lot of record, including additional dwellings units, garden suites and labour supportive housing provided the lots are adequately sized to support servicing. Directing residential growth into rural areas drives up costs for communities by putting increased demand on rural roads, school bussing, communications infrastructure, mail delivery and emergency services. Growth should primarily be directed to serviced settlement areas.

Lot creation outside of rural settlement areas should be limited to conserve rural resources like aggregate resources, agriculture and rural employment uses that are required to support growth and development and to maintain the function of natural heritage and natural hazard areas.

3. Employment Area Conversions - streamlined and simplified policy direction that enables municipalities to promptly seize opportunities to convert lands within employment areas for new residential and mixed-use development, where appropriate

Bruce County's local municipalities have completed some land conversions from employment to residential, most recently through a Minister's Zoning Order. We note that employment area demand is often forecast based on previous utilization rates, which can be impacted by a variety of factors including investment in infrastructure to support development. We encourage reducing barriers and costs to developing employment lands for employment uses, so that they do not sit vacant and face pressure to convert to residential uses while businesses locate in rural areas or on farms, which we are seeing in communities that have designated, but not shovel-ready employment lands. While this may be appropriate for employment uses related to agriculture, resources, or having generally low job density and servicing requirements, it would be beneficial for the long term to have thriving employment areas in settlement areas.

Attainable Housing Supply and Mix

- 1. Housing Mix - policy direction that provides greater certainty that an appropriate range and mix of housing options and densities to meet projected market-based demand and affordable housing needs of current and future residents can be developed, including ground-related housing, missing middle housing, and housing to meet demographic and employment-related needs**

The PPS has historically been focused on housing to address households within the lower 60th percentile in terms of income, but approval authorities have not had sufficient tools to direct housing affordability.

As direct approvers of development municipalities are best positioned to help with the delivery of attainable and affordable housing but lack the resources to do so.

Permissive language and a shift towards market-defined affordability will not help municipalities direct housing forms, or the inclusion of affordable units, that are needed for households in need of attainable housing that is more modest than the market is primarily serving.

- 2. Major Transit Station Areas - policy direction that provides greater certainty that major transit station areas would meet minimum density targets to maximize government investments in infrastructure and promote transit supportive densities, where applicable across Ontario**

Bruce County has no Major Transit Station areas.

Limiting application of inclusionary zoning to Major Transit Station Areas is a missed opportunity to provide municipalities outside of the GGHA with tangible tools to direct housing affordability. The use of inclusionary zoning and other concrete tools to require a certain percentage of development to be affordable should be available across Ontario, if they present a benefit to the community.

The province received a delegation from Bruce County and Saugeen Shores at the Rural Ontario Municipalities Association conference in 2022, and provided a modernization fund grant to explore Community Planning Permits (a current precursor to minister-ordered inclusionary zoning), to support affordability. We encourage the province to continue to work with us to develop an approach for inclusionary zoning in a small-town context.

- 3. Urban Growth Centres - policy direction that enables municipalities to readily identify centres for urban growth (e.g., existing or emerging downtown areas)**

as focal points for intensification and provides greater certainty that a sufficient amount of development, in particular housing, will occur

This does not appear to be applicable for Bruce County communities.

Growth Management

- 1. Population and Employment Forecasts - policy direction that enables municipalities to use the most current, reliable information about the current and future population and employment to determine the amount and type of housing needed and the amount and type of land needed for employment**

It is unclear if this would **direct** Municipalities to use specific information (such as Ministry of Finance (MOF) Growth Forecasts) or would **enable** them to use a broader range of information than is currently applied in practice.

MOF growth forecasts have a long history of being inaccurate and miss the local nuance of seasonal and local employment trends. The province could set a base methodology - but need to allow for local refinement. The One Ontario Data Standard could be beneficial, in future, to providing more refined and nuanced forecasts, but it would be premature to direct municipalities to use a forecast that doesn't offer the accuracy necessary to guide planning and capital forecasts.

The source information for the housing targets established under Bill 23 are unclear, and it is unclear what role these targets will play relative to forecasting, including forecasts for growth in municipalities that have not had targets allocated.

- 2. Intensification - policy direction to increase housing supply through intensification in strategic areas, such as along transit corridors and major transit station areas, in both urban and suburban areas**

Intensification should be the standard and be expected wherever it can be supported. Policy direction should focus on intensification and place the onus on low-density development proposals to demonstrate that they are financially viable for the long term. Municipalities should take a lens of asset management to assess the impact of low density growth versus intensification and building up.

- 3. Large and Fast-growing Municipalities - growth management policies that extend to large and fast-growing municipalities both inside and outside of the Greater Golden Horseshoe, including the coordination with major provincial investments in roads, highways and transit**

Saugeen Shores is fast-growing, but not large. Will it be captured in this policy? Will the province make major investments in roads, highways and transit, and other essential infrastructure, for Saugeen Shores?

Environment and Natural Resources

- 1. Agriculture - policy direction that provides continued protection of prime agricultural areas and promotes Ontario's Agricultural System, while creating increased flexibility to enable more residential development in rural areas that minimizes negative impacts to farmland and farm operations**

Direction with respect to Agriculture should be focused on the Protection and enhancement of the agricultural system and value-adding opportunities. If additional uses are considered in Agricultural areas, the test should be no negative impact, not 'minimize' negative impact.

Creating opportunities for residential development within Agricultural areas will drive up the cost of agricultural land, increase conflict in the countryside. There is a substantial supply of land in designated urban settlement areas across Bruce County, where growth can support full use of municipal infrastructure. Low-density rural growth draws trades and resources away from urban growth in these areas. Long-term protection of agricultural land to avoid speculation and reduction of investment in agricultural infrastructure should be a matter of provincial interest. Ontario needs firm growth boundaries to manage market speculation. Long-term policy commitments are needed to protect agricultural lands for food production.

- 2. Natural Heritage - streamlined policy direction that applies across the province for Ontario's natural heritage, empowering local decision making, and providing more options to reduce development impacts, including offsetting/compensation (Proposed Updates to the Ontario Wetland Evaluation System)**

The recent pandemic has generated renewed and broad community interest in the outdoors and in spending time in our natural environment.

International recognition of the importance of protecting the world's natural heritage at recent events such as COPA-15 underscores the importance of protecting the planet's biodiversity. The PPS is the provincial expression of the value of natural heritage protection that contributes to local and global biodiversity. Consideration should be given to how the PPS functions within the context of the global commitment to the protection of the world's natural heritage.

Streamlining policies may impact the ability of municipalities to effectively steward natural heritage resources, particularly resources that are provincially significant.

Bruce County has already submitted comments expressing concerns with the proposed updates to the Ontario Wetland Evaluation System (OWES).

Offsetting/Compensation may be a reasonable approach where all other opportunities for avoidance and mitigation have been carefully considered and are, on balance, not appropriate. A rudimentary form of offsetting/compensation is already practiced in some communities in the form of requiring tree planting to replace tree removal associated with development. Offsetting/Compensation within a *streamlined* approach risks short-cutting around alternatives that maintain intact natural systems, resulting in the replacement of functional natural systems with simplified and manufactured alternatives. Natural heritage is critical to a healthy environment and to mitigation of climate change impacts, and natural heritage features occur on the landscape where they need to be. Increased investment in the restoration and improvement of natural systems should be encouraged, however this should occur independently of the destruction of natural features.

We agree with the discussion paper recommendation that coastal wetlands, bogs and fens - should not be eligible for off-setting. Other Provincially significant wetlands should be likewise protected. Other features may be less sensitive disturbance and offsetting.

The provincial discussion paper references ongoing monitoring. Restoration is a long-term process in comparison with short term action to remove existing natural heritage features. We are concerned, in light of the recent proposal to download delineation of wetland boundaries associated with the Ontario Wetland Evaluation System to “evaluators,” and to remove MNRF from any role in consultation or administration of OWES boundaries, that there will be insufficient resources or ownership of the monitoring program.

Further, Bill 23 has removed the ability of municipalities to apply Site Plan Control for smaller-scale development proposals on constrained sites. The outcome is a reduction in available tools that could be used to implement offsetting, where it is appropriate.

Is the province going to administer offsetting programs through some form of overall benefit permit structure and resource the staffing needed to implement permit conditions and monitor these impacts? Will such permits be granted prior to planning decision-making, given the lack of tools to address them within land use planning?

We recommend the province give serious consideration to these matters and collaborate with municipalities to effectively integrate land use planning instruments and other permitting processes that collectively steward our natural environment and facilitate development.

Bruce County and many other jurisdictions have been working diligently to identify and map natural heritage systems (NHS), as are currently required across Ontario’s southern ecoregions. The provincial government has shown leadership in preparing a natural heritage system in the growth plan areas. We would encourage a provincewide approach to natural heritage to value natural systems as an important means of ensuring that future generations can continue to enjoy a healthy environment. Would

a provincewide planning direction mean no NHS identification would be required (as is the case in the north), require NHS be created for the north, or would the province identify NHS provincewide?

Bruce County is within the Traditional Territory of the Saugeen Ojibway Nation (SON), which comprises the Chippewas of Nawash Unceded First Nation and the Saugeen First Nation. SON asserts aboriginal and treaty rights across the entirety of Bruce County and several adjacent counties. SON has articulated interests in natural heritage policy and decision-making, in respect of provincially significant species at risk, as well as species of cultural and economic interest to its members. We would encourage the province to consider the Crown Duty to Consult and Accommodate first nations interests in its decision-making.

3. Natural and human-made hazards - streamlined and clarified policy direction for development in hazard areas, while continuing to protect people and property in areas of highest risk

Climate change is increasing the frequency and severity of storms and natural hazard risks. Areas that were historically at lower risk are now at an increased risk. A streamlined and clear approach would be to provide for robust development standards to address increasing storm intensity and rain-on-snow events, direct development outside of hazard areas, and encourage risk mitigation if areas subject to hazards are redeveloped.

The PPS could speak more to redevelopment insofar as it relates to provincial interests and legal non-conforming rights.

4. Aggregates - streamlined and simplified policy direction that ensures access to aggregate resources close to where they are needed

Aggregate Resource extraction is a temporary land use on the landscape, however community impacts can be significant, and environmental impacts long-lasting.

Streamlined policies would protect aggregate resources from conflicting uses and provide clear requirements for protection and mitigation of natural environment impacts associated with aggregate extraction. Complex policy or site management approaches typically arise from proposals to develop constrained sites while avoiding adverse impacts.

Simplifying policy would either exclude these sites from consideration or accept a higher degree of impact. Given the many current threats to the natural environment, we would recommend that streamlining more clearly exclude constrained sites and focus on optimization of aggregate resource demand.

We recommend the province engage with indigenous communities in respect of the potential impact of policy change on aboriginal and treaty rights.

5. Cultural heritage -policy direction that provides for the identification and continued conservation of cultural heritage resources while creating flexibility to increase housing supply (Proposed Changes to the Ontario Heritage Act and its regulations: Bill 23 (Schedule 6) - the Proposed More Homes Built Faster Act, 2022)

Bruce county has recommended against the proposed changes to the Heritage Act.

Bruce County has been working closely with indigenous communities to develop an archaeological management plan.

We encourage the province to consider updating criteria and guidelines for the practice of archaeology in Ontario to provide expectations for early indigenous engagement and to support positive and reconciliatory relationships with indigenous communities.

Community Infrastructure

1. Infrastructure Supply and Capacity - policy direction to increase flexibility for servicing new development (e.g., water and wastewater) and encourage municipalities to undertake long-range integrated infrastructure planning

Municipalities in Bruce County have been hesitant to consider communal servicing approaches. Current PPS direction to review suitability of onsite wastewater treatment for long-term use is appropriate, but poorly understood.

The province could provide clear and updated direction on Communal servicing that mitigates risk to municipalities and developers associated with their deployment, and address gaps in source water protection policies to provide appropriate and cost-effective and risk-mitigation standards for community infrastructure.

The province could also provide leadership regarding the role of planning in determining appropriate densities of development where full services are not provided, and the role of the building code in implementing wastewater treatment technologies when building permits are issued. While we are open to the opportunity for advanced onsite wastewater treatment technologies to support some level of intensification, we and our front-line building officials and inspectors are concerned about the ability to clearly regulate these systems when they are advanced to support intensive development, and the ability to effectively administer the additional maintenance and inspection regime that these systems require. Updates to the D5-4 guideline, and the building code, would greatly assist in this regard.

- 2. School Capacity - coordinated policy direction that ensures publicly funded school facilities are part of integrated municipal planning and meet the needs of high growth communities, including the Ministry of Education's proposal to support the development of an urban schools' framework for rapidly growing areas**

Bruce County welcomes this approach; Saugeen Shores is experiencing rapid growth and regularly meets with School Board staff to review enrollment projections relative to school capacity.

We encourage the province to adopt a similar approach to health services planning, that considers both permanent and seasonal populations and their potential to impact delivery of health care services.

Streamlined Planning Framework

- 1. Outcomes-Focused - streamlined, less prescriptive policy direction requiring fewer studies, including a straightforward approach to assessing land needs, that is focused on outcomes**
- 2. Relevance - streamlined policy direction that focuses on the above-noted land use planning matters and other topics not listed that are also key to land use planning and reflect provincial interests**
- 3. Speed and Flexibility - policy direction that reduces the complexity and increases the flexibility of comprehensive reviews, enabling municipalities to implement provincial policy direction faster and easier**

This appears to be related to the Growth Plan. The PPS (2020) has just one reference to 'study' (in the definition of an ANSI), and 13 references to "assess", focused on: comprehensive reviews, archaeological or heritage impact assessments, environmental assessments, wildland fire risk assessments, assessments of negative impacts (hydrogeological or water quality), suitability of employment areas, remediation of contaminated sites, and long-term impacts of onsite sewage disposal systems. Assessing these considerations is part of good land use planning.

Bruce County Planners apply a common-sense approach to development reviews and avoid studies whenever a comparable result can be achieved through best practices.

When studies are warranted, a clear terms of reference offers great value. Increasing flexibility may reduce the consistency of application, creating an uneven policy framework and jurisdictions attracting development in the short term at the risk of long-term costs that may extend beyond their boundaries. Flexibility may also increase uncertainty, as the standard may be unclear.

Outcomes, Relevance and Speed are directly related to the quality of submissions that are received from proponents. These can often come in the form of concise briefs and summaries of what exists and what is proposed, rather than lengthy studies. High initial quality in applications supports clear understanding by all the stakeholders and enables them to be swiftly moved forward for a decision.

Summary

The Provincial Policy Statement (PPS 2020) is a foundational policy document that generally works well in Bruce County. It provides guidance and direction for balancing growth with protection of natural hazards, natural heritage systems and protection of rural and agricultural resources.

As the province undertakes the review of the PPS 2020 and the Places to Grow Act, increasing the complexity of an “all-of-Ontario” planning tool to simplify growth planning for the area covered by the Places to Grow Plan is not a good trade. Please do not complicate land use planning outside of the Greater Golden Horseshoe (GGH) to make it easier for development within the GGHA.

We encourage meaningful consultation with municipalities about any proposed changes. Municipalities require a serious commitment from the provincial government that any timelines to review comments and implement changes to the Provincial Policy Statement will be upheld.

Most sincerely,

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