

May 9, 2023

Ministry of Municipal Affairs and Housing

Re: COMMENTS ON PROPOSED PROVINCIAL PLANNING STATEMENT  
DATED APRIL 6, 2023  
Environmental Registry of Ontario Posting # 019-6813

We are landowners of rural land east of Kingston, Ontario. Our family have been small scale residential developers since 1961. Our existing development is situated approximately 8 km east of Kingston outside of the urban boundary. This existing residential development consists of 103 lots with single-family residential homes developed in 5 phases. All previous phases have been partially serviced with municipal water and private septic systems. In 1994 we agreed to support the eastward expansion of the municipal water system by committing to pay levies for future developed lots and providing land for a municipal water tower at the eastern end of the expanded water system.

We recognize the current housing shortage and it is our intention to complete the final phase of this development on partial services to assist with this crisis. However we are limited by the policy direction provided in the 2020 Provincial Policy Statement (PPS) regarding partial servicing.

The 2020 PPS prevents municipalities from allowing the rounding out of existing partially-serviced communities unless they receive partial servicing due to there having been a failure of private individual on-site servicing. We understand the intent of this is to limit the creation of new partially-serviced communities.

In the case of our lands however, where decades of gradual development on partial servicing has taken place in the previous phases of our family's subdivision, the policy means that we cannot complete our subdivision except on private individual servicing (well and septic). The municipality will not allow privately-serviced subdivisions, so the best we can achieve in terms of lot creation is two new lots by consent, each lot being substantially larger than the surrounding lots, which are all partially-serviced. This severely limits the number of new homes that we are able to create on our land.

We reviewed the draft 2023 Provincial Planning Statement (PPS) in the hope that it would provide more flexibility to allow rounding out of partially-serviced developments more broadly than the 2020 PPS, around partial servicing. We are disappointed that policy direction regarding partial servicing appears to largely be unchanged from the 2020 PPS at this time.

While some wording changes are proposed to the relevant policies, 3.6.5 and 3.6.6, the changes do not provide any more flexibility on the use of partial servicing in appropriate

scenarios, such as the rounding out and completion of areas that had been planned for partially-serviced development for decades.

The draft policies 3.6.5 and 3.6.6 are provided in italics below for reference. Please note that underlining denotes words in italics from the PPS.

5. *Partial services shall only be permitted in the following circumstances:*
- a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or*
  - b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.*

6. *In rural areas, where partial services have been provided to address failed services in accordance with policy 3.6.5 (a), infilling on existing lots of record may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts.*

The policies continue to reference “infilling” and “minor rounding out” which are not terms defined by the PPS. These terms tend to indicate smaller scale development opportunities. Infilling may support development of a few existing lots within an existing built-up area and minor rounding out may support additional development adjacent to existing development. Not defining these terms allows for interpretation of appropriate density or level of development in various scenarios. This is a positive and can allow individual municipalities to define them based on local circumstances.

However, the policies continue to limit the partial services in rural areas to situations where there has been a failure of private services, while allowing minor infilling and rounding out of existing development in urban areas. Since the PPS does not currently contemplate allowing partial services outside of settlement areas except where they are necessary to address failed individual private services, it effectively prohibits partial servicing in situations where the partial services were provided for other reasons, even where partial services have already been extended.

The result is that infrastructure investments that have previously been made with a view to completion through future development, will now go unused unless a settlement boundary expansion were to occur.

As currently written, the policies have the effect of prohibiting development of underutilized land in partially serviced areas just because those areas are partially serviced for reasons other than resolving failed individual private services. This is contrary to other PPS goals of efficient use of existing municipal services.

We ask that the province reconsider this and that Sections 3.6.5 and 3.6.6 be replaced by the following policy:

5. Partial services shall only be permitted in the following circumstances:

a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or

b) to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

6. In rural areas, infilling on existing lots of record may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

In a time of a housing shortage crisis and the province's desire to support new residential development, our proposed amendment to the policy will provide greater flexibility for municipalities to allow partial servicing in situations where it is appropriate and where it will not cause negative impacts. Our proposed changes also maintain the overall discouraging tone towards partial servicing in the PPS, and therefore do not represent a significant shift in provincial direction.

This wording recognizes that partial servicing would continue to be permitted only as an extension of an existing partially serviced area. There are numerous examples, including our own, where a continuation of partial servicing is appropriate to allow the logical extension and minor rounding out of an existing developed area.

In closing, we appreciate the opportunity to comment and make minor suggested edits to this Proposed PPS.