

Attachment 2

Provincial Policy Statement Review – Proposed Policies [\(ERO#019-0279\)](#)

Conservation Ontario

Specific Comments

Sections	Conservation Ontario Comments
Part I: Preamble	<ul style="list-style-type: none"> - Conservation Ontario is concerned that the shift of the policies from the Implementation section into the preamble may reduce the weight and value of these policies. It is recommended that the Province provide guidance regarding how this shift to the preamble will be interpreted by users of the PPS. - 5th paragraph: A reference is made to “Official Plans shall provide clear, reasonable and attainable policies...”. It is unclear what constitutes reasonable and attainable or what this means in a policy context.
Part IV: Vision for Ontario’s Land Use Planning System	<ul style="list-style-type: none"> - It is recommended that the direction to planning authorities to “permit and facilitate a range of housing options” should be qualified such that these new housing options would be directed outside of areas subject to natural hazards. - CO recommends that the sentence proposed to be added to this paragraph be revised to also include a reference to mitigation. Suggested wording is noted below. “They also permit better adaptation and mitigation to the impacts of a changing climate, which will vary from region to region.”
1.0 Building Strong Healthy Communities	
1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns	<ul style="list-style-type: none"> - Conservation Ontario is supportive of the direction to prepare for the regional and local impacts of a changing climate. - While it is recognized that the PPS should be read in its entirety, given the public safety component of directing intensification and redevelopment outside of areas subject to natural hazards, it is recommended that the cross references to S. 3 remain in policy 1.1.3.3. - It is recommended that a review of natural hazards be considered and included in the policy requirements for settlement boundary expansions/adjustments in policy 1.1.3.8 and 1.1.3.9.
1.2 Coordination	<ul style="list-style-type: none"> - Conservation Ontario appreciates the clear direction from policy 1.2.2 which directs planning authorities to engage with Indigenous communities and coordinate on land use planning matters. It is

	recommended that Provincial guidelines be developed to provide support and guidance in this regard.
1.6.6. Sewage, Water and Stormwater	<ul style="list-style-type: none"> - the term “feasible” used in regard to municipal and communal services (see 1.6.6.1, 1.6.6.3 & 1.6.6.4) requires clarification. The Province should clearly outline the criteria for feasibility while ensuring that drinking water sources are protected - 1.6.6.4 (2nd paragraph): This policy uses the term “should” which implies that this is discretionary. This policy has an impact on public health and safety and therefore should be required. - Conservation Ontario commends the Province for recognizing the important role that stormwater management plays in managing urban flooding resulting from climate change. However, 1.6.6.7d) should be revised. Stormwater management should not increase risks to public health and safety. Use of the word “mitigate” implies that risks should merely be lessened. In addition, to maintain consistency within the policy statement, “human health and safety” should be replaced with “public health and safety” (see below) <p>d) not increase risks to public health and safety, property and the environment</p>
2.0 Wise Use and Management of Resources	
2.1 Natural Heritage	<ul style="list-style-type: none"> - See comments in letter.
2.2 Water	<ul style="list-style-type: none"> - Conservation Ontario is very supportive of the requirement that Planning Authorities use the watershed level to evaluate and prepare for the impacts of a changing climate to water resource systems and note that CAs are a natural partner in this exercise due to their watershed expertise. An update to the current (1993) Watershed Planning Trilogy (as noted in our covering letter) would assist. - 2.2.1d) mentions “the identification of water resource systems consisting of...surface water features including shoreline area...” This section should also emphasize the identification of headwater drainage features. It has been suggested that 90% of a river’s flow may be derived from catchment headwaters (Kirby, 1978), indicating that hydrological dynamics are a key component to surface water contributions. In addition to the contribution of surface water, they also act as detention areas during high flow events. - It is noted that 2.2.1 f) 1. and 2 would benefit from a clarification regarding its relationship to the <i>Clean Water Act</i>, particularly about the relationship between the <i>Clean Water Act</i> and municipal sources of drinking water. This could be achieved through further refinement of the definition of <i>designated vulnerable area</i> (see comments in S. 6).

2.3 Agriculture	<ul style="list-style-type: none"> - It is recommended that the criteria for lot creation in prime agricultural areas found within 2.3.4.1 be expanded to allow for lots created for conservation purposes
2.5 Mineral Aggregate Resources	<ul style="list-style-type: none"> - See comments in letter.
3.0 Protecting Public Health and Safety	<ul style="list-style-type: none"> - See comments in letter. - The current preamble is designed to address new development whereas many of the risks associated with the management of natural hazards are a result of historic development. Conservation Ontario suggests the edits to the preamble (in bold) to address existing development. <p>Development, redevelopment and intensification shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.</p> <ul style="list-style-type: none"> - The term “unacceptable risk to public health or safety” requires further direction in an update to the Provincial Technical Guides. As a result of the Court of Appeal decision in Gilmor V. Nottawasaga Valley Conservation Authority many municipalities and CAs have been hesitant to issue approvals for development in areas where safe access has not been established. In southwestern Ontario, this renders large portions of the watersheds undevelopable. The Province is urged to update the Technical Guides with greater clarity around safe access requirements. - Given that the Province is proposing to strengthen the wording with regard to a changing climate (see 3.1.3) it is recommended that consideration of climate change be mentioned in the preamble to this section as well.
3.1 Natural Hazards	<ul style="list-style-type: none"> - 3.1.2 As previously described, the term “rendered inaccessible” should be addressed in updated technical guidance. It is recommended that this section explicitly include, “plus an allowance for <i>wave uprush</i> and <i>other water-related hazards</i>” in b for clarity purposes. It is acknowledged that it is currently included in the definition of “flooding hazard”. - 3.1.3 Conservation Ontario is supportive of the proposed amendment as it strengthens the requirement. Provincial guidance on how to prepare is required. - 3.1.4 a Conservation authority staff have experienced difficulty in getting the Province to engage in discussions regarding new or updates to existing SPAs, making it difficult to address existing development located in the hazard. At the same time there is increasing pressure to increase density in downtown cores, especially with regard to major transit station areas. The SPA guidelines were created 10 year ago and require update based on lessons learned and ideally to reflect updated natural hazard

	<p>technical guides.</p> <ul style="list-style-type: none"> - 3.1.4 b It is recommended that the term “minor additions” either be deleted or that clarification about what constitutes a minor addition be provided. Minor additions do not seem to fit with the rest of this paragraph as the presumption is that it is referring to habitable uses, whereas the rest are uses that must by their nature locate within a floodway. Should the Province decide to provide a definition of minor additions, it is recommended that there be a cap on the increase in the size of the addition. - 3.1.5 It is recommended that this section also speak to redevelopment and intensification (see bolded text) as these are particularly sensitive land uses. <p><i>Development, redevelopment and intensification shall not be permitted to locate in <i>hazardous lands and hazardous sites</i></i></p> <ul style="list-style-type: none"> - 3.1.6 It is recommended that the Province provide guidance on how to address spills in the Technical guides, particularly with the widespread use of 2-D modelling. Spills have the capacity to represent a significant hazard in some areas. - 3.1.7 This subsection is overly complex with its cross-references to other sections. It is recommended that this section should be simplified to provide clarity. - 3.1.8 When updating the MOU between the Province and Conservation Ontario on plan review (or through regulation), it should be clarified that CAs have not been delegated responsibility for representing the Provincial interest for this part of S. 3.1 of the PPS.
3.2 Human-Made Hazards	<ul style="list-style-type: none"> - It is recommended that the proposed 3.2.3 be amended, as follows (in bold): “Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment in accordance with provincial guidelines” to be consistent with other policies found within the PPS.
4.0 Implementation and Interpretation	<ul style="list-style-type: none"> - See comments in letter.
6.0 Definitions	<ul style="list-style-type: none"> - <i>Impacts of a changing climate</i> – the word “opportunities” is included in this definition but there is no use of this term in the actual document. This term does not fit with how “impacts of a changing climate” is used in the PPS policies and including it in the definition creates confusion. - Require definition for <i>minor additions</i> which includes a cap on the increase in the size of the addition. - Require definition for <i>market-based</i> and <i>market-demand</i>. This definition should focus on the communities that we want to see in the future (access to transit, outside of hazardous areas, appropriate density, etc) rather than be based on past market experience - <i>Flooding Hazard</i> - Conservation Ontario Council has previously endorsed a request to the Province to undertake a review of the current flood event standards and update them based on the best available science, including observed flooding and provisions to consider climate change. As an interim

approach, it is recommended that the definition of *flooding hazard* be amended as follows:

means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a. along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, the *flooding hazard* limit is based on the *one hundred year flood level* plus an allowance for *wave uprush* and *other water-related hazards*;
- b. along *river, stream and small inland lake systems*, the *flooding hazard* limit is the greater of:
 - 1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
 - 2. the *one hundred year flood*; and
 - 3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;

~~except where the use of the *one hundred year flood* or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard)“.~~

- *Erosion hazard* Conservation Ontario supports the review of the erosion hazard standards based on the best available science and including a factor of safety for climate change, particularly along the Great Lakes shorelines. The definition of the *erosion hazard* should be amended to reflect that review (e.g. not be based on historic erosion rates that may not adequately predict future erosion).
- *Designated vulnerable area* should be elaborated upon to indicate the relationship to the Clean Water Act.