

**COMMITTEE OF THE WHOLE (WORKING SESSION) SEPTEMBER 28, 2004**

**PROVINCIAL LAND USE PLANNING POLICY REFORM  
DRAFT PROVINCIAL POLICY STATEMENT  
CITY OF VAUGHAN COMMENTS**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT this report BE RECEIVED, and input from the Committee be considered by Staff in a report with recommendations for consideration by Council at its October 12, 2004 Meeting.

**Purpose**

The purpose of this report is to provide a summary with respect to the Provincial Discussion Papers regarding Planning Reform in Ontario and to discuss potential recommendations.

**Background**

At the beginning of June, 2004 the Ontario Minister of Municipal Affairs and Housing released three Consultation Discussion Papers respecting Planning Reform in Ontario. In so doing the Minister requested comments from municipalities and the general public.

These Planning Reform Discussion Papers are:

- Discussion Paper #1 - "Planning Act Reform and Implementation Tools"
- Discussion Paper #2 - "Provincial Policy Statement: Draft Policies"
- Discussion Paper #3 - "Ontario Municipal Board Reform"

It should be noted that previous to the release of these three Planning Reform Discussion Papers the Minister of Municipal Affairs and Housing enacted the Greenbelt Protection Act to freeze development within the "Greenbelt Study Area", including a significant area within the Greater Toronto Area. Council was informed of and considered this legislation in previous staff reports on January 19 and September 13, 2004. A formal Provincial Plan to establish the Greenbelt is scheduled for completion by December 2004.

Subsequent to the release of the Planning Reform Discussion Papers, in July 2004, the Minister of Public Infrastructure Renewal released a further planning-related document, "Places to Grow, Better Choices, Brighter Future – A Growth Plan for the Greater Golden Horseshoe". Staff will be bringing forward a report with respect to this document at the October 13 Working Session of the Committee of the Whole.

**Analysis**

In the hierarchy of planning policy guiding development in Ontario, the Provincial Policy Statement (PPS) is the senior level. Both Regional and local municipal plans are guided by the PPS; Regional plans directly, and local plans also through conformity with Regional plans.

i) Same Broad Areas of Provincial Interests with More Detailed Policies

The new Draft Provincial Policy Statement addresses the same broad policy areas as the current PPS. These are:

- Managing Urban Growth
- Housing
- Infrastructure
- Environmental protection
- Protecting Agricultural lands
- Protecting lands for minerals, petroleum and aggregates

The Draft PPS, however, does contain a number of areas with more detailed and specific policy language than the current PPS. As a result, the current draft generally provides stronger, and in many cases clearer, policy direction to upper and lower tier municipalities in their delivery of provincial land use policy interests through their official plans.

ii) From "have regard to" to "be consistent with"

Currently, municipal official plans are required to "have regard to" provincial policy. A proposed change to the Planning Act is to replace the phrase "have regard to" with "be consistent with". The intent of this shift in language is to provide a clearer test in implementing Provincial policies through municipal official plans, and to somewhat reduce flexibility in municipal decision-making. At the same time, the new language has the advantage of removing some of the current ambiguity of Provincial policy.

Under the more detailed language in the Draft Policy Statement, and under the test of being "consistent with" these policies, it is unclear what the precise impact on Vaughan's policies would be, if any. Under such a proposed policy and legislative context, it is important that the policies themselves be clearly written, and supported by appropriate guidelines, training, and technical materials to address additional and ongoing issues that may arise from implementation of a new PPS.

**Conclusion:**

That detailed guidelines, training and technical materials are available from the Province on an ongoing basis to assist with issues arising from this change in legislation and policies, so that it is clear as to what is meant by "be consistent with".

iii) Growth Management – "Intensification First"

One shift in the overall approach to growth management in the draft PPS could be described as a shift towards "intensification first" policies. The draft PPS includes specific policy language to require the intensification of existing urban settlement areas prior to the justification of urban boundary expansions. For example "brownfields" are to be identified and planned for redevelopment, and infrastructure is to support priority growth areas.

The draft PPS directs upper tier municipalities to set intensification targets for local municipalities. This is currently being done through the York Regional Official Plan and Vaughan's OPA 600 that respectively set and use an intensification target of 20% (i.e. 20% of forecasted population increase to existing built-up areas).

Staff believe including such a target policy in the Draft PPS and the York Region Official Plan as an effective growth management tool should be supported as it equally directs local municipalities to best use existing infrastructure and services and, at a minimum, maintain population levels in often older, aging communities. The Draft PPS also provides that the target will be developed in consultation with lower-tier governments.

When viewed in the light of being "consistent with" Provincial policy, there are many questions about how such a target will be implemented in the consideration of urban boundary alterations. Staff believes that the detailed implementation of this policy needs to be clarified.

Regardless of a Provincial policy of 'intensification first', or resulting Regional intensification targets, the ability to actually achieve growth in existing built-up areas will be most successful if the services that make intensification work for individual households are provided. In the case of Vaughan, individuals are most likely to make the choice to live in an existing built-up area where convenient public transit service connections serve these communities. Other policies in the Draft PPS support this view (Infrastructure and Transportation systems), but funding mechanisms and investment in quality transit service are critical to actually achieving these policies.

**Conclusion:**

That Provincial funding and/or funding mechanisms be provided to municipalities to support the infrastructure/transit services necessary for these growth management policies.

**iv) Transit-Supportive Land Use – Minimum Density for Transit Corridors**

The Draft PPS puts greater emphasis and detail on land use planning that provides for transit-supportive densities and a mix of land uses. The policies support new development in transit-supportable areas. The Draft PPS also includes a policy for upper tier municipalities to set minimum density targets for transit corridors. Staff can generally support these policies since they match land use density with the provision of infrastructure investment, but is concerned, however, about the potential application of a minimum density to local municipal official plans. A minimum density at one location of the transit corridor may not be appropriate at another location, and local municipalities should have the opportunity to flexibly apply/distribute the minimum target density over the entire transit corridor.

**Conclusion:**

To ensure that local municipalities can distribute density appropriately across the entire transit corridor in accordance with local conditions the Draft PPS should insert the word "overall" in front of "minimum densities for transit corridors".

**v) Housing – Pre-zoning and Affordable Targets**

The Draft PPS makes a subtle shift in requiring housing through intensification to be provided through a minimum 3-year supply of 'suitably zoned' and available lands. The determination of what constitutes 'suitable' or 'available' may prove to be a challenge. Again, while the policy is generally appropriate, clarity on this in the form of a Provincial guideline to this policy would be helpful. In addition, while the 3-year minimum supply has been a standard in the context of current provincial policy, it may be appropriate under the overall growth management goals of this Draft PPS to increase this supply to 5 years. This would match with the 5-year review cycle for Official Plans and encourage municipalities to review their zoning by-laws in lock step with municipal Official Plans/Amendments.

The definition of affordable housing in the Draft PPS is different from the current provincial policy statement. However, without data being made available that identifies, for example, the regional market area, average purchase or rental prices, and, income distributions, it is difficult to assess at this time if the resulting policies are realistic and achievable. The housing affordability policies and definitions are generally too detailed and should instead be provided through guideline documents.

The Draft PPS requires each municipality to set their own minimum affordable housing target. All that municipalities can and should do is plan for a supply of land that accommodates range and mix of housing types. In order to check whether each municipality is providing the range and mix of housing opportunities, and accommodating the market to provide affordability, the minimum target should be undertaken at the same time as making housing projections. The determination of the minimum target for affordable housing should therefore also be coordinated by the upper-tier level of government, in consultation with the lower-tier governments.

**Conclusion:**

The Province should provide the detailed definition of "affordable housing" in a guideline, and have upper-tiers set minimum targets at same time as making housing projections.

Increase the required minimum supply of land with servicing capacity from 3 years to 5 years.

vi) Integration of Transportation with Land Use

The draft PPS places greater emphasis on the need to integrate land use with transportation. This is consistent with the City's approach to planning.

The draft PPS speaks to not permitting development that would constrain the construction of "identified corridors". While this is an essential policy, it is equally important that corridors be identified in a timely manner and well in advance of development. This is critical so that development not be unduly delayed by indecision on future corridor protection requirements.

**Conclusion:**

That staff prepare a report for the October 13, 2004 Working Session of Committee of the Whole respecting the "Places to Grow" document describing issues associated with the extension of Highway 427 and other transportation issues.

vii) Environment

The Environmental Policy section of the proposed PPS expands the types of natural heritage features to be protected, and with the proposed "shall be consistent with" requirement, offers a potentially higher level of protection for significant natural heritage features from development and site alteration. The policies, which relate to natural heritage features, however, are generally insufficient for protecting the types of natural heritage features found in Vaughan, which may not meet Provincial criteria for significance (such as tableland woodlands and locally significant wetlands). The definition of significance should therefore be expanded to include a provision for the determination of significance on a local level, in consultation with the Region and the Province. This would allow for the protection of tableland woodlots, which may not meet the current definition of "significant" in the Draft PPS.

Otherwise, the language of the natural heritage section should be tightened to exclude terms such as "should be maintained" and "development generally directed away from" which create ambiguity within the policy statement.

Staff supports the section of the proposed PPS dealing with water. This section addresses using watersheds as a basis for planning, maintaining watershed integrity, and protecting surface and ground water features. The City's official plan currently addresses these policy areas, and the City works closely with the Toronto and Region Conservation Authority in their watershed planning initiatives. There should also be a connection/reference in this section to the ongoing work at the Provincial level for the requirements for source water protection.

**Conclusions:**

Clarify in the PPS that the protection of local natural heritage features may be governed by local municipal policies.

Tighten/clarify language such as "should be maintained" and "generally directed away from".

Refer to Source Water Protection initiatives.

viii) Natural Hazards – Revised 'Special Policy Area' Definition

The Natural Hazard section of the PPS has been expanded and provides a new definition for "Special Policy Areas" (SPA). A new policy has been added to the Natural Hazard Section requiring that any site-specific policies applying to a Special Policy Area must first be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority giving its consent for such changes or modifications.

The SPA definition has been amended to specify that SPAs are intended to provide for the viability of existing uses in flood prone communities, rather than the previous definition, which reflects the viability of flood prone communities. The Province's position on Special Policy Areas should be clarified with more specific policies relating to uses, and intensification within the Special Policy Areas. For example, the proposed changes would have significant impact on planning within the Woodbridge Special Policy Area. Adherence to the proposed PPS Natural Hazard requirements could require the approval of existing uses only, and require Ministerial approval of changes, such as those approved in OPA 597 (Islington Avenue Study), prior to Council approval.

**Conclusions:**

Allow Regional approval of changes to Special Policy Areas in keeping with approved Regional policies.

Clarify Provincial position on development and redevelopment within Special Policy Areas.

ix) Mineral Aggregates – Demonstration of 'Need' Removed

The policies addressing Mineral Aggregate Resources, have been expanded from the current PPS including a provision that the demonstration of need for mineral aggregate resources will not be required, including any type of supply/demand analysis. This provision is of municipal concern, as without a demonstration of need, or a supply/demand analysis, applications for mineral aggregate extraction of low quality aggregate cannot be reasonably assessed against other uses in the rural or agricultural areas and/or in close proximity to existing urban communities.

**Conclusions:**

Continue to require demonstration of need for mineral aggregate resources.

x) Agriculture – Increased Protection

The draft PPS provides for increased protection of prime agricultural lands, and reduced conversion and lot creation of agricultural lands. These policies are consistent with the City's policies.

xi) Discussion Paper #1 - "Planning Act Reform and Implementation Tools"

In addition to the PPS (Discussion Paper #2), Discussion Paper #1 presents a number of potential Provincial initiatives to deal with Planning Act reforms. The potential reforms that are currently in draft legislation (Bill 26) include:

- increasing the timeframe for decision-making (e.g. OPAs from 90 to 180 days);
- no OMB appeals for Official Plan amendments to expand urban boundaries;
- allowing the Province authority to declare a Provincial interest and confirm, vary or rescind an OMB decision.

Other suggested ideas in Discussion Paper #1 for potential changes to the Act or regulations under the Act include:

- a more thorough identification of what constitutes a "complete application" for example by adding such things as the required studies necessary to evaluate applications;
- the use of conditional zoning to promote brownfield redevelopment, infilling, intensification;
- the use of bonusing to support the objective of compact urban form and provide for community amenities;
- the formal acknowledgement in the Planning Act of using the transfer of development rights to provide achieve density increases in appropriate locations;
- the content of official plans be specified and broadened to be more strategic in nature;
- stronger requirement to require official plans to be reviewed and kept up-to-date;
- requirements to co-ordinate or review official plans with the provision of new infrastructure;
- a regulation to harmonize the EA and Planning Act processes;
- the transition rules to implementing Bill 26 and whether/how to apply new rules/policies on all applications that have not had a final approval. One option would be for example, to have Bill 26 exempt applications on which a decision was made before Royal Assent.
- the requirement to use performance monitoring in local official plans and/or at a Provincial level to measure the effectiveness of the PPS policies

Other potential implementation tools are identified in the discussion paper including:

- permitting upper tier municipalities to the use of Community Improvement Plans to offer financial incentives to facilitate private sector initiatives such as transit corridors;
- allowing additional municipalities to develop and use development permit systems currently being tested through pilot projects;
- revising provincial standards (e.g. separation distance standards) to reflect and support urban conditions;
- providing additional best practice guides and materials (e.g. Transit-Supportive Land Use Planning Guidelines)

**Conclusions:**

Support the extension of timeframes for decision-making prior to an appeal.

Support not permitting appeals to the OMB for urban boundary expansions or for applications to establish new urban settlement areas, which are not supported by Council.

Support a more thorough identification of what constitutes a "complete application", and provide municipalities with the ability to further identify "complete" application requirements.

xii) Discussion Paper #3 - "Ontario Municipal Board Reform"

Discussion Paper #3 outlines a number of potential reforms to the Ontario Municipal Board Reform. The paper asks a number of questions about the role of the OMB including:

- whether there should be an OMB appeal process at all for land use planning decisions or whether the courts or a more court-like procedure would be appropriate;
- narrowing the scope of matters which can be appealed, for example no appeals on urban boundary expansions opposed by municipal councils (draft Bill 26);
- qualifications, compensation levels, term of appointment, training, and open recruiting process for OMB members;
- a variety of administrative improvements including improved case management, alternative dispute resolution, and addition of a Public Adviser role to assist citizen groups.

**Conclusions:**

Generally support the role of the OMB and improvements to increase efficiency and timely decision-making.

**Relationship to Vaughan Vision 2007**

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

**Conclusion**

The Draft PPS is largely consistent with current Vaughan planning policy framework. Staff will continue to monitor and report on any changes to the draft policies and Discussion Papers #1 and #3, and will be providing future reports on the other Provincial planning initiatives including the "Places to Grow, Better Choices, Brighter Future – A Growth Plan for the Greater Golden Horseshoe" and the Greenbelt Protection Act.

The directions from this Working Session should be addressed in a final report to the October 12, 2004 Council meeting, and forwarded to the Minister Of Municipal Affairs and Housing and Region of York for their consideration.

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**Attachments:**

1. Draft Provincial Policy Statement

Respectfully submitted,

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Commissioner of Planning

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# Provincial Policy Statement: Draft Policies

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## PART I: PREAMBLE

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. It supports the provincial goal of an Ontario which provides a high quality of life for its citizens, now and in the future, through strong, liveable communities, a clean and healthy environment, and a strong economy.

The Provincial Policy Statement provides for appropriate growth and development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. By setting out policy direction in each of these areas, the Policy Statement supports improved land use planning and management, and contributes to a more effective and efficient land use planning process.

Land use planning is only one of the tools for protecting provincial interests. A wide range of legislation, regulation, policies and programs may also affect land use planning matters, and assist in protecting these interests.

## PART II: LEGISLATIVE AUTHORITY

The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act and came into effect on <DATE>. It replaces the Policy Statement which came into effect on May 22, 1996, as amended.

In respect of the exercise of any authority that affects a land use planning matter, section 3 of the Planning Act requires that decisions affecting land use planning matters shall be consistent with<sup>1</sup> policy statements issued under the Act.

This provision is intended to ensure that the Provincial Policy Statement is applied by all decision makers when making decisions on land use planning matters affecting provincial interests. It ensures that provincial interests remain an essential part of decision-making for land use planning, and that provincial policies are implemented.

## PART III: HOW TO READ THE PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement promotes a policy-led planning system, which recognizes that there are complex inter-relationships among environmental, economic and social factors in land use planning.

In order to best address these inter-relationships, the Provincial Policy Statement is intended to be read in its entirety. The Policy Statement is intended to be cumulative and integrated, rather than considering each policy individually, so that all policies which apply to a site, issue or feature are read as if they were specifically referenced in each individual policy which applies. This supports a comprehensive approach to planning, and facilitates the consideration of linkages among policy areas, while achieving the overall intent of the Policy Statement.

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<sup>1</sup>The "shall be consistent with" implementation standard has been included as a placeholder to reflect the standard that would apply if the proposed Strong Communities (Planning Amendment) Act, 2004 (Bill 26) is passed. The current standard, set out in subsection 3(5) of the *Planning Act*, provides that planning authorities "shall have regard to" the PPS when exercising any authority that affects a planning matter.

The Vision for Ontario's Land Use Planning System is intended to provide a context to facilitate implementation of the Policy Statement. Additional direction on matters of implementation is provided in the Implementation and Interpretation section, and may also be provided through provincial plans approved by the Lieutenant Governor in Council.

Italicized terms in the Policy Statement are defined in the Definitions section. For other terms, the normal meaning of the word applies. In certain cases, terms are italicized only in specific policies; for these terms, the defined meaning applies where they are italicized and the normal meaning applies where they are not italicized. Also, in certain cases, specific elements of defined terms are highlighted in policy and/or specific policies are referenced in other policies for ease of use. In these instances, respectively, the full definition set out in the Definitions section takes precedence in applying the policies of this Policy Statement, and specific policy references in individual policies do not take away from the need to read the Policy Statement as a whole.

There is no implied priority in the order in which the policies appear.

## **PART IV: VISION FOR ONTARIO'S LAND USE PLANNING SYSTEM**

The long-term prosperity and social well-being of Ontarians depend on maintaining strong communities, a clean and healthy environment, and a strong economy.

The wise management of growth - which may involve directing or promoting growth - is a key provincial interest. Wisely managed growth achieves efficient development patterns which focus growth in settlement areas, and direct growth away from significant or sensitive resources. Efficient development patterns optimize the use of land, resources, and public investments in transportation, servicing and other infrastructure; minimize the negative impact of growth; and support the financial well-being of the Province and municipalities over the long term. They result in strong, liveable and healthy communities that enhance social well-being, are economically and environmentally sound, and meet the full range of needs of current and future residents.

Our resources - the Province's natural heritage, water, agricultural land base, mineral resources, and cultural and archaeological heritage - provide environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. Wise use and management protects essential ecological processes and public health and safety, minimizes environmental and social impacts, and provides for resource sustainability to meet long-term needs and support ongoing prosperity.

Equally, protecting the long term health and safety of the population is a key provincial interest. The preventative approach - which directs development away from areas of natural hazards, and from areas of human-made hazards where these cannot be mitigated - protects public health and safety, supports provincial and municipal financial well-being over the long term, and minimizes cost, risk and social disruption.

Doing things right conserves land and resources, avoids the need for costly remedial measures to correct problems, and supports economic and environmental principles.

Achieving long-term prosperity and social well-being requires a comprehensive, integrated, and long-term perspective for growth and resource management which facilitates strategic and cross-jurisdictional planning, the consideration of linkages among provincial interests, and efficient and

effective decision-making regarding development. It also requires a clear recognition that strong communities, a clean and healthy environment, and a strong economy are inextricably linked.

Long-term prosperity, environmental health, and social well-being should take precedence over short-term considerations.

## **PART V: POLICIES**

### **1.0 BUILDING STRONG COMMUNITIES**

Ontario's long-term prosperity, environmental health and social well-being depend on managing change and promoting efficient land use and development patterns that support strong, liveable, and healthy communities; protect the environment and public health and safety; stimulate economic growth; and sustain provincial and municipal financial well-being over the long term.

To achieve this goal, development will be directed in accordance with the policies of Part V.

Accordingly:

#### **1.1 EFFICIENT SETTLEMENT PATTERNS**

##### **1.1.1 SETTLEMENT AREAS**

1.1.1.1 *Settlement areas* will be the focus of growth.

*Settlement areas* are cities, towns, villages and hamlets in incorporated municipalities.

1.1.1.2 Opportunities to sustain and enhance the vitality and regeneration of built up areas within *settlement areas* through *intensification* and *redevelopment* should be utilized before extending development into *designated growth areas*.

1.1.1.3 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area, and have a compact form, mix of uses, and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.

##### **Alteration to Boundaries of Settlement Areas**

1.1.1.4 The alteration of all or any part of a boundary of a *settlement area* or the creation of a new *settlement area* will be permitted only at the time of a *comprehensive review* and only where it has been demonstrated that:

- a) existing designated areas in the municipality do not have a sufficient supply of land – available through *intensification* and *redevelopment* and, if justified and feasible, *designated growth areas* - to accommodate the growth projected for the municipality over the planning horizon identified in policy 1.2. Land requirements will be determined in accordance with policy 1.2;

- b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development, and protect public health and safety over the long-term; and
- c) in *prime agricultural areas*:
  1. the lands do not comprise *specialty crop areas*;
  2. there are no reasonable alternatives, which avoid *prime agricultural areas*; and
  3. there are no reasonable alternatives with lower priority agricultural lands in *prime agricultural areas*.

The policies of Part V will be applied in the determination of the most appropriate direction for alterations to the boundaries of *settlement areas* or the location of new *settlement areas*.

## 1.1.2 RURAL AREAS

- 1.1.2.1 *Rural areas* will be the focus of activities and land uses related to the management or use of natural resources, resource-based recreational activities, limited residential development, and other rural land uses.

*Rural areas* are those lands within incorporated municipalities which are located outside *settlement areas* and *prime agricultural areas*.

- 1.1.2.2 In managing change, planning authorities will undertake comprehensive, integrated and long-term planning so that development protects provincial interests, is compatible with the landscape qualities of the *rural area*, and can be sustained by rural service levels.
- 1.1.2.3 Scattered development, including strip development, will be discouraged.
- 1.1.2.4 In those parts of the *rural area* which are adjacent or in proximity to *settlement areas*, development and land use patterns that would hinder the efficient expansion of these *settlement areas* will not be permitted.
- 1.1.2.5 Significant concentrations of new development in the *rural area* which are to be located outside *settlement areas* will only be permitted in accordance with the criteria identified in policy 1.1.1.4(a) and (b).
- 1.1.2.6 New land uses, including the creation of lots, and new or expanding livestock facilities will comply with the *minimum distance separation formulae*.

## 1.1.3 AREAS WITHOUT MUNICIPAL ORGANIZATION

- 1.1.3.1 Notwithstanding policy 1.1.2, the focus of development activity in territory without municipal organization will be activities and land uses related to the management or use of natural resources and resource-based recreational activities.

Territory without municipal organization comprises lands within *rural areas* where there is no municipal structure.

- 1.1.3.2 The establishment of new permanent townsites will not be permitted.

- 1.1.3.3 Conversions from seasonal to permanent dwellings will be discouraged.
- 1.1.3.4 In areas adjacent to and surrounding municipalities, only development that is related to the management or use of natural resources and resource-based recreational activity will be permitted unless:
- a) the area forms part of a planning area; and
  - b) it has been determined, as part of a *comprehensive review*, that the impacts of growth will not place an undue strain on the *public service facilities* and *infrastructure* provided by adjacent municipalities, regions and/or the Province.
- 1.1.3.5 In areas that are not adjacent to or surrounding municipalities, only development that is related to the management or use of natural resources and resource-based recreational activity will be permitted unless:
- a) it has been determined, as part of a *comprehensive review*, that the impacts of growth will not place an undue strain on the *public service facilities* and *infrastructure* provided by planning authorities, and/or the Province, designated agencies or other public service delivery bodies.

## 1.2 EFFICIENT DEVELOPMENT AND LAND USE PATTERNS FOR EMPLOYMENT, RESIDENTIAL AND OTHER USES

- 1.2.1 Efficient, development and land use patterns which sustain the financial well-being of the Province and municipalities over the long-term will be promoted.
- 1.2.2 All planning authorities will make provision to accommodate an appropriate range and mix of industrial, commercial, institutional, employment, recreational, residential and open space uses to meet long-term needs.

- 1.2.3 Land requirements and land use patterns will be based on:

- a) The provision of sufficient land - through *intensification* and *redevelopment* and, if necessary and justified, *designated growth areas* - to promote employment opportunities and for an appropriate range and mix of housing to accommodate growth projected for a time horizon of up to 20 years.

However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan approved by the Lieutenant Governor in Council, that time frame may be used for upper, single and lower-tier municipalities within the area.

- b) Densities and a mix of land uses which:

- 1. Efficiently use land, resources, *infrastructure* and *public service facilities*;
- 2. Avoid the need for unjustified and/or uneconomical expansion of *infrastructure*;
- 3. Are appropriate to *infrastructure* which is planned or available, including *sewage and water systems* and transportation;
- 4. Contribute to improving air quality, mitigating the impacts of climate change, and promoting energy efficiency by:

- i) facilitating viable choices of public transit and other alternative transportation modes in areas where they exist or are to be developed;
  - ii) focusing major employment and travel intensive land uses on sites which are well served by public transit, or designing these sites to permit the establishment of public transit in the future;
  - iii) providing for an efficient, cost-effective, reliable *multi-modal transportation system* that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address expected population growth;
  - iv) improving the mix between employment and housing uses so as to shorten commute journeys, decrease transportation congestion and reduce the overall need to travel; and
  - v) maintaining or expanding vegetated areas within *settlement areas*, wherever possible.
- c) The provision of a range of uses, and opportunities for *intensification* and *redevelopment*, in areas which have sufficient existing or planned *infrastructure* to accommodate them;
- d) Development standards which are cost effective and which will minimize land consumption and servicing costs; and
- e) Take into account the applicable policies of Part V.

1.2.4 Major facilities (such as airports, transportation/transit corridors, rail yards, harbours, sewage treatment facilities, waste management systems, oil and gas pipelines, industries and resource extraction activities) and *sensitive land uses* will be appropriately designed, buffered and/or separated from each other to prevent *adverse effects* from odour, noise and other contaminants, and minimize risk to public health and safety.

1.2.5 Development and land use patterns which may cause environmental or public health and safety concerns will be avoided.

### 1.3 COORDINATION WITHIN AND BETWEEN MUNICIPALITIES

1.3.1 A coordinated, integrated and comprehensive approach should be achieved when dealing with land use planning matters which cross municipal boundaries including:

- a) Managing and/or promoting growth and development;
- b) Managing natural heritage, water, agricultural, mineral and cultural and archaeological heritage resources;
- c) *Infrastructure, public service facilities and waste management systems*;
- d) Ecosystem, shoreline, and watershed related issues;
- e) Shoreline, riverine, and natural and man-made hazards; and
- f) Population, housing and employment projections, based on *regional market areas*.

1.3.2 A comprehensive, integrated and long-term approach to planning will be achieved within municipal boundaries when dealing with the matters identified in policy 1.3.1.

1.3.3 Where planning is conducted by the upper-tier level, upper-tier governments, in consultation with lower-tier governments, will:

- a) identify priority growth areas and coordinate and allocate population, housing and employment projections for lower-tier municipalities accordingly;
- b) identify targets for *intensification* and *redevelopment* within all or any of the lower-tier municipalities, including minimum targets that should be met before alteration to the boundaries of *settlement areas* is permitted in accordance with policy 1.1.1.4;
- c) identify minimum densities for transit corridors, and other significant corridors and areas, including minimum densities that should be met before alteration to the boundaries of *settlement areas* is permitted in accordance with policy 1.1.1.4; and
- d) identify and provide policy direction for the lower-tier municipalities within their jurisdiction for matters which cross municipal boundaries.

Where there is no upper-tier level, adjacent planning jurisdictions should ensure that this coordination occurs as part of the planning process.

Where single-tier planning takes place, the planning authority will ensure that the elements identified in subsections (a)-(d) are undertaken as part of the planning process.

## 1.4 HOUSING

1.4.1 All planning authorities will maintain at all times:

- a) the ability to accommodate residential growth for a minimum of 10 years through lands which are *designated and available* for residential development; and
- b) where new development is to occur, land with servicing capacity sufficient to provide at least a 3 year supply of residential units in draft approved and registered plans, or in cases of *residential intensification* and *redevelopment*, lands suitably zoned and available.

1.4.2 In meeting the land and unit supply requirements in policy 1.4.1, *residential intensification* and *redevelopment* will be considered first. Land in *designated growth areas* will be utilized only where *residential intensification* and *redevelopment* are not sufficient to meet the requirements.

1.4.3 Where planning is conducted by the upper-tier level, the maintenance of land and unit supply at the lower-tier level identified in policy 1.4.1 will be based on and reflect the upper-tier allocation of population and units.

1.4.4 All planning authorities will provide for a full range of housing types and densities to meet projected demographic, market and *special needs* requirements, including *dedicated facilities*, of current and future residents of the *regional market* area by:

- a) identifying minimum targets for the provision of housing which is *affordable* to *low and moderate income households*;



- b) permitting and facilitating:
  - i) all forms of housing required to meet the social, health and well-being requirements, including *special needs*, of current and future residents;
  - ii) all forms of *residential intensification* and *redevelopment* in parts of built-up areas that have sufficient existing or planned *infrastructure* to create a potential supply of new housing units;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are, or will be, available to support current and future needs; and
- d) establishing development standards for *residential intensification*, *redevelopment* and new residential development, which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

## 1.5 INFRASTRUCTURE

- 1.5.1 All planning authorities will make provision such that *public service facilities* and *infrastructure* will be provided in a coordinated, efficient and cost-effective manner to accommodate projected growth.

Planning for infrastructure will be integrated with planning for growth so that the development of new *infrastructure* and *public service facilities* is directed to support priority growth areas.

- 1.5.2 Existing *infrastructure* and *public service facilities* within *settlement areas* will be utilized to accommodate growth, wherever feasible, before developing new *infrastructure* and *public service facilities*.

- 1.5.3 *Public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services.

### 1.5.4 SEWAGE AND WATER SYSTEMS

- 1.5.4.1 All planning authorities will provide for a comprehensive, integrated and long-term approach to planning for *municipal sewage and water services*, *private communal sewage and water services* and, where permitted by this policy, *private non-communal sewage and water services* so that:

- a) expected population growth can be accommodated and directed in a manner that promotes the efficient use of existing:
  - 1. *municipal water and sewage services*; and
  - 2. where such services are not available, *private communal water and sewage services*;
- b) subject to the hierarchy of services described in policies 1.5.4.2, 1.5.4.3 and 1.5.4.4, lot creation will be permitted only if there is a confirmation of sufficient *reserve capacity* for *municipal sewage and water services* or *private communal sewage and water services*, including treatment capacity for hauled sewage from *private communal* and *private non-communal sewage services*;

- c) services are being provided in a manner that:
  - i) is commensurate with the water resources upon which such services rely;
  - ii) protects human health and the natural environment; and
  - iii) ensures that *sewage and water systems* are financially viable to comply with all regulatory requirements that apply to the provision of such services;
- d) water conservation and water use efficiency is promoted; and
- e) servicing and land use considerations are integrated at all stages of the planning process.

1.5.4.2 Planning for *sewage and water systems* will be undertaken so that *municipal sewage and water services* are the preferred form of servicing for *settlement areas*. *Intensification and redevelopment* within *settlement areas* on existing sewage and water services will be promoted.

In areas serviced by *municipal sewage and water services*, development will be permitted only if sufficient *reserve water and sewage system capacity* is available.

1.5.4.3 Where *municipal sewage and water services* are not provided, and municipalities choose to utilize *private communal sewage and water services* and, where this policy permits, *private non-communal sewage and water services*, they must establish policies to ensure that the services to be provided satisfy the principles set out in policy 1.5.4.1.

*Private communal sewage and water services* and *private non-communal sewage and water services* may be permitted subject to the following:

- a) *private communal sewage and water services* will only be used as a means of servicing a new development of six or more lots or private residences in areas where *municipal sewage and water services* cannot be provided and where site conditions are suitable for the long-term provision of such services;
- b) *private non-communal sewage and water services* will only be used for a new development of five or less lots or private residences and where site conditions are suitable for the long-term provision of such services; but
- c) notwithstanding policy 1.5.4.3(b), in *rural areas*, and solely for the servicing of the permitted uses identified in policy 1.1.2.1, *private non-communal sewage and water services* may be used to service more than five lots or private residences where site conditions are suitable for the long-term provision of such services.

1.5.4.4 *Partial services* will not be permitted, except:

- a) where they are necessary to address failed *private non-communal sewage and water services* in existing development; and
- b) within *settlement areas*, to allow for infilling and rounding out of existing development on *partial services* so long as:
  - i) the development is within the *reserve water and sewage system capacity*; and
  - ii) site conditions are suitable for the long-term provision of such services.

## **1.5.5 TRANSPORTATION SYSTEMS**

1.5.5.1 All planning authorities will provide for a comprehensive, integrated and long-term approach to planning for transportation so that:

- a) *transportation systems* are provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address expected growth;
- b) efficient use is made of existing and planned *infrastructure*;
- c) connectivity within and between transportation systems and modes is maintained or improved, including connections which cross jurisdictional boundaries;
- d) a land use pattern, density and mix of uses is promoted which reduces growth in the length and number of motorized journeys, and creates viable choices of public transit and other alternative transportation modes; and
- e) transportation and land use considerations are integrated at all stages of the planning process.

## **1.5.6 TRANSPORTATION AND INFRASTRUCTURE CORRIDORS**

1.5.6.1 Corridors and rights-of-way for significant transportation and *infrastructure* facilities will be planned for and protected to serve current and projected needs.

1.5.6.2 In *identified corridors*, *development* that could preclude use of the corridor for the purpose(s) for which it was identified will not be permitted.

1.5.6.3 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's continuous linear characteristics should be encouraged, wherever feasible.

## **1.5.7 AIRPORTS**

1.5.7.1 *Airports* will be protected from incompatible land uses and development by:

- a) Prohibiting new residential *development* and other sensitive land-uses in areas near *airports* above 30 NEF/NEP, as set out on maps (as revised from time to time) reviewed by Transport Canada;
- b) Considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
- c) Discouraging land uses which may cause a potential aviation safety hazard.

## 1.5.8 WASTE MANAGEMENT

- 1.5.8.1 *Waste management systems* will be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives.

*Waste management systems* will be located and designed in accordance with provincial legislation and standards.

## 1.6 LONG-TERM PROSPERITY AND SOCIAL WELL-BEING

- 1.6.1 In accordance with the policies of Part V, long-term prosperity and social well-being will be supported by:

- a) optimizing the long-term availability and use of land, resources, *infrastructure* and *public service facilities*;
- b) maintaining the vitality and viability of downtowns and mainstreets;
- c) providing opportunities for a diversified economic base, including maintaining a range and choice of available employment lands;
- d) providing opportunities for the generation and use of *alternative energy systems*, where feasible;
- e) providing for a full range of publicly-accessible built and natural settings for *recreation*, including facilities, parklands, open space areas, trails and water-based resources;
- f) providing opportunities for sustainable tourism development;
- g) planning public streets and spaces, and facilities used by the public, to meet the needs of pedestrians, facilitate pedestrian and non-motorized movement, and to be safe and lively;
- h) improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers, including housing and transportation barriers, which restrict their full participation in society;
- i) mitigating adverse effects on *natural heritage systems* so that biodiversity and natural functions are maintained; and
- j) providing for the sustainability of provincial parks and conservation reserves.

## 2.0 WISE USE AND MANAGEMENT OF RESOURCES

Ontario's long-term prosperity, environmental health, and social well-being depend on protecting natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources for their economic use and/or their environmental and/or societal benefits.

To achieve this goal, development will be directed in accordance with the policies of Part V.

Accordingly:

## 2.1 NATURAL HERITAGE

2.1.1 The diversity and connectivity of natural features in an area, and the long-term *ecological function of natural heritage systems*, should be maintained, restored or improved where possible, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

### 2.1.2 Natural Heritage Features And Areas

2.1.2.1 Development will generally be directed away from *natural heritage features and areas*.

2.1.2.2 *Development and site alteration* will not be permitted in:

- a) *significant habitat of endangered and threatened species;*
- b) *significant wetlands* in Site Regions 5E, 6E and 7E;<sup>2</sup> and
- c) *significant coastal wetlands* within the Great Lakes - St. Lawrence River System.

2.1.2.3 *Development and site alteration* will not be permitted in:

- a) *significant wetlands* in the Canadian Shield north of Site Regions 5E, 6E and 7E;<sup>2</sup>
- b) *significant woodlands* south and east of the Canadian Shield;<sup>3</sup>
- c) *significant valleylands* south and east of the Canadian Shield;<sup>3</sup>
- d) *significant wildlife habitat;* and
- e) *significant areas of natural and scientific interest*

unless it has been demonstrated that there will be no *negative impacts* on the natural features or the *ecological functions* for which the area is identified.

2.1.2.4 *Development and site alteration* will not be permitted in *fish habitat*, except in accordance with provincial and federal requirements.

2.1.2.5 *Development and site alteration* will not be permitted on *adjacent lands* to 2.1.2.2, 2.1.2.3, and 2.1.2.4 unless the *ecological function* of the *adjacent lands* have been evaluated, and it has been demonstrated that there will be no *negative impacts* on the natural features or on the *ecological functions* for which the area is identified.

### 2.1.3 Existing Agricultural Uses

2.1.3.1 Nothing in policy 2.1 is intended to limit the ability of existing agricultural uses to continue.

## 2.2 WATER

2.2.1 All planning authorities will provide for a comprehensive, integrated and long-term approach for the protection, improvement or restoration of the *quality and quantity of water* by:

- a) utilizing the watershed as the ecologically meaningful scale for planning;

<sup>2</sup> Site Regions 5E, 6E and 7E are shown on Figure 1.

<sup>3</sup> Areas south and east of the Canadian Shield are shown on Figure 1.

- b) addressing potential *negative impacts*, including cross-jurisdictional and cross-watershed impacts;
- c) identifying *surface and ground water features, hydrologic functions and natural heritage features and areas* necessary for the ecological and hydrological integrity of the watershed;
- d) identifying restrictions on *development and site alteration*:
  - 1. to protect all municipal drinking water supplies;
  - 2. to protect, improve or restore *sensitive surface and ground water features* and their *hydrologic functions*;
- e) maintaining linkages and related functions among *surface and ground water features, hydrologic functions and natural heritage features and areas*;
- f) promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality; and
- g) ensuring stormwater management practices which minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 *Development and site alteration* will be restricted in or near *sensitive surface and groundwater features* such that these features and their related *hydrological functions* will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface and groundwater features*, and their *hydrologic functions*.

## 2.3 AGRICULTURE

2.3.1 *Prime agricultural areas* will be protected for long term use for agriculture.

*Prime agricultural areas* are areas where *prime agricultural lands* (which include specialty crop areas and/or Canada Land Inventory Classes 1, 2 and 3 soils) predominate. *Specialty crop areas* will be given the highest priority for protection, followed by Classes 1, 2 and 3 soils, in this order of priority.

2.3.2 All planning authorities will designate *specialty crop areas* using evaluation procedures established by the province, as amended from time to time.

### 2.3.3 Permitted Uses

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses; secondary uses; and agriculture-related uses*.

Proposed new *secondary uses and agriculture-related uses* will be compatible with, and will not hinder, surrounding agricultural operations.

2.3.3.2 In *prime agricultural areas*, agricultural uses and *normal farm practices* will be promoted and protected.

New land uses, including the creation of lots, and new or expanding livestock facilities will comply with the *minimum distance separation formulae*.

## **2.3.4 Lot Creation And Lot Adjustments**

2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and will only be permitted for:

- a) *agricultural-uses*, provided that they are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and an appropriate *sewage and water system*;
- c) *infrastructure*, where the facility cannot be accommodated through the use of easements or rights-of-way; and
- d) *legal or technical reasons*.

## **2.3.5 Redesignation Of Prime Agricultural Areas**

2.3.5.1 An area will only be excluded from *prime agricultural areas* for:

- a) an expansion of *settlement areas* in accordance with policy 1.1.1.4;
- b) extraction of mineral resources, in accordance with policies 2.4 and 2.5; and
- c) limited non-residential uses, provided that:
  - 1. the land to be developed does not comprise *specialty crop areas*;
  - 2. there is a demonstrated need within the planning horizon provided for in policy 1.2 for additional land to be designated to accommodate the proposed use;
  - 3. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
  - 4. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands will be mitigated.

## **2.4 MINERALS AND PETROLEUM**

2.4.1 *Minerals and petroleum resources* will be protected for long-term use.

### **2.4.2 Protection Of Long Term Resource Supply**

2.4.2.1 *Mineral mining operations and petroleum resource operations* will be protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

2.4.2.2 In areas adjacent to or in known *mineral deposits* or known *petroleum resources*, and in *significant areas of mineral potential*, *development* and activities which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land uses or development serves a greater long term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

### **2.4.3 Rehabilitation**

- 2.4.3.1 Rehabilitation to accommodate subsequent land uses will be required after extraction and other related activities have ceased. Progressive rehabilitation will be undertaken wherever feasible.

### **2.4.4 Extraction In Prime Agricultural Areas**

- 2.4.4.1 Extraction of *minerals* and *petroleum* resources is permitted in *prime agricultural areas*, provided that the site is rehabilitated.

## **2.5 MINERAL AGGREGATES**

- 2.5.1 *Mineral aggregate resources* will be protected for long term use.

### **2.5.2 Protection Of Long Term Resource Supply**

- 2.5.2.1 As much of the *mineral aggregate resource* as is realistically possible in the context of other land use planning objectives will be made available as close to markets as possible to supply local, regional and provincial needs.

Demonstration of need for *mineral aggregate resources*, including any type of supply/demand analysis, will not be required, notwithstanding the availability, designation, or licensing for extraction, of *mineral aggregate resources* locally or elsewhere.

- 2.5.2.2 Notwithstanding the need for *mineral aggregate resources* identified in 2.5.2.1, extraction will be undertaken in a manner which minimizes social and environmental costs.

- 2.5.2.3 The conservation of *mineral aggregates resources* will be promoted by making provision for the recovery of these resources, wherever feasible.

- 2.5.2.4 *Mineral aggregate operations* will be protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing *mineral aggregate operations* will be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.

- 2.5.2.5 In areas adjacent to or in known *deposits of mineral aggregate resources*, *development* and activities which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land uses or development serves a greater long term public interest; and



- c) issues of public health, public safety and environmental impact are addressed.

### **2.5.3 Rehabilitation**

- 2.5.3.1 Progressive and final rehabilitation will be required to accommodate subsequent land uses, and to promote land use compatibility and the interim nature of extraction. Final rehabilitation will take surrounding land use and approved land use designations into consideration.
- 2.5.3.2 In parts of the Province not designated under the Aggregate Resources Act, rehabilitation standards that are compatible with those under the Act should be adopted for extraction operations on private lands.

### **2.5.4 Extraction In Prime Agricultural Areas**

- 2.5.4.1 In *prime agricultural areas*, on *prime agricultural land*, extraction of *mineral aggregate resources* is permitted as an interim use provided that rehabilitation of the site will be carried out whereby substantially the same areas and same average soil quality for agriculture are restored.

On these *prime agricultural lands*, complete agricultural rehabilitation is not required if:

- a) there is a substantial quantity of *mineral aggregate resources* below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
- b) other alternatives including resources in areas of classes 4 to 7 agricultural lands, resources on lands committed to future urban areas, and resources on prime agricultural lands where rehabilitation is feasible have been considered by the applicant and found unsuitable. Where no other alternatives are found, *prime agricultural land* will be protected in this order of priority: *specialty crop areas*, Canada Land Inventory classes 1, 2 and 3; and
- c) agricultural rehabilitation in remaining areas will be maximized.

### **2.5.5 Wayside Pits And Quarries, Portable Asphalt Plants, And Concrete Plants**

- 2.5.5.1 *Wayside pits and quarries, portable asphalt plants, and portable concrete plants* used on public authority contracts will be permitted, without the need for official plan amendment, rezoning, or development permit under the Planning Act in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

## 2.6 CULTURAL HERITAGE AND ARCHAEOLOGY

- 2.6.1 *Significant built heritage resources and cultural heritage landscapes will be conserved.*
- 2.6.2 *Development and site alteration will only be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site will be permitted.*
- 2.6.3 *Development and site alteration may be permitted on adjacent lands to designated heritage properties where it has been demonstrated through evaluation that the heritage attributes of the designated heritage properties will be conserved.*

## 3.0 PROTECTING PUBLIC HEALTH AND SAFETY

Ontario's long-term prosperity, environmental health, and social well-being depend on reducing the potential for public cost or risk to Ontario's residents by directing development away from areas of natural and/or human-made hazards where there is a risk to public health or safety or of property damage.

To achieve this goal, development will be directed in accordance with the policies of Part V.

Accordingly:

### 3.1 NATURAL HAZARDS

- 3.1.1 Development will generally be directed to areas outside of:
- a) *hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding, erosion, and/or dynamic beach hazards;*
  - b) *hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and/or erosion hazards; and*
  - c) *hazardous sites.*
- 3.1.2 *Development and site alteration will not be permitted within:*
- a) *the dynamic beach;*
  - b) *defined portions of the one hundred year flood level along connecting channels (the St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers);*
  - c) *areas that would be rendered inaccessible to people and vehicles during times of flooding, erosion and/or other water related hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development, and the natural hazard; and*
  - d) *a floodway regardless of whether there are high points of land within the area of inundation.*

### 3.1.3

Notwithstanding policy 3.1.2, *development* and *site alteration* may be permitted in the areas identified in Policy 3.1.2:

- a) in those exceptional situations where a *Special Policy Area* has been approved by the Ministers of Municipal Affairs and Housing and Natural Resources. Any change or modification to the site-specific policies applying to the *Special Policy Area* must first be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority giving its consent for such changes or modifications; and
- b) where the *development* is limited to: uses which by their nature must locate within the *floodway*; flood and/or erosion control works; minor additions or passive, non-structural uses which do not affect flood flows.

### 3.1.4

Where the two zone concept for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flood hazard* elevation or another *flood hazard* standard approved by the Minister of Natural Resources.

### 3.1.5

New *development* will not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

- a) an institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;
- b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion; and
- c) associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

### 3.1.6

Except as prohibited in policies 3.1.1 and 3.1.2, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the risk to public safety and other effects - as determined by the demonstration and achievement of all of the following - can be absorbed, managed or mitigated in accordance with the following provincial standards:

- a) the hazards can be safely addressed, and the *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

## 3.2

### HUMAN-MADE HAZARDS

#### 3.2.1

Development on, abutting or adjacent to lands affected by *mine hazards*; *oil, gas and salt hazards*; or former mineral resource operations will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.

#### 3.2.2

Contaminated sites will be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effect*.

## 4.0 IMPLEMENTATION AND INTERPRETATION

1. The Provincial Policy Statement came into effect on <DATE>, and replaces the Provincial Policy Statement which was approved by the Lieutenant Governor in Council, Order in Council No. 764-96, as amended.

The Provincial Policy Statement applies to all applications submitted on or after <DATE>, and to all applications submitted prior to <DATE> in respect of which no decision has yet been made.

For the purposes of this section, a decision shall be deemed to have been made in accordance with the provisions of Regulation <X>.<sup>4</sup>

2. In accordance with Section 3 of the Planning Act, this Policy Statement will be applied by planning authorities and decision-makers in dealing with all planning matters, including providing comments, submissions or advice that affect a planning matter, and decisions on official plans, subdivisions, consents, zoning bylaws, minor variances, and other land use planning matters.
3. In implementing the Provincial Policy Statement, the Minister may take into account other considerations when making decisions to support strong communities, a clean and healthy environment, and the economic vitality of the Province.
4. The Provincial Policy Statement is to be read in its entirety, and all pertinent policies are to be applied to each situation.
5. Within the framework of the provincial policy-led planning system, matters of regional and local importance can build upon this Policy Statement. Nothing in this Policy Statement is intended to prevent planning authorities and decision makers on land use planning matters from going beyond the minimum standards established in specific policies, in developing official plan policies and when making decisions on planning matters, unless doing so would conflict with any other policy of the Policy Statement.

While municipal official plans can build upon the minimum standards of the Provincial Policy Statement, their adoption does not remove the requirement for a decision-maker to apply the Provincial Policy Statement.

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<sup>4</sup> Bill 26 proposes to introduce a new section 70.4 to the *Planning Act* giving the Minister of Municipal Affairs and Housing power to make a regulation respecting transitional provisions relating to applications commenced before the new amendments to the Act come into force. Through this initiative, a decision shall be deemed to have been made, in the case of:

1. an official plan, on the day council adopts all or part of the plan or on the day that the approval authority approves, modifies and approves or refuses to approve all or part of the plan, whichever is earlier;
2. an official plan amendment, on the day council adopts or refuses to adopt all or part of the amendment or on the day that the approval authority approves, modifies and approves or refuses to approve the amendment, whichever is earlier;
3. a zoning by-law, on the day council passes the by-law;
4. a zoning by-law amendment, on the day that council passes or refuses to pass the amending by-law;
5. a holding by-law, on the day that council passes the by-law applying the holding symbol;
6. a minor variance, on the day the committee of adjustment makes its decision;
7. a site plan, on the day the council gives or refuses to give its approval;
8. a draft plan of subdivision, on the day the approval authority makes its decision (draft approval or refusal);
9. a plan of condominium, on the day the approval authority makes its decision to exempt the plan or approve or refuse to approve (draft approval);
10. a consent, on the day the council or the Minister gives or refuses to give a provisional consent;
11. a zoning order, on the day the Minister makes the order, or on the day the Minister amends, refused to amend or revoke an order, or on the day the Minister makes a decision for a minor variance to a zoning order; and
12. an application, matter or proceeding appealed or referred to the Ontario Municipal Board from the council's neglect, refusal or failure to make a decision, on the day the Ontario Municipal Board makes a decision disposing of the application, matter or proceeding in whole or in part.

6. Since the policies in the Provincial Policy Statement focus on end results, the official plan is the most important vehicle for its implementation.

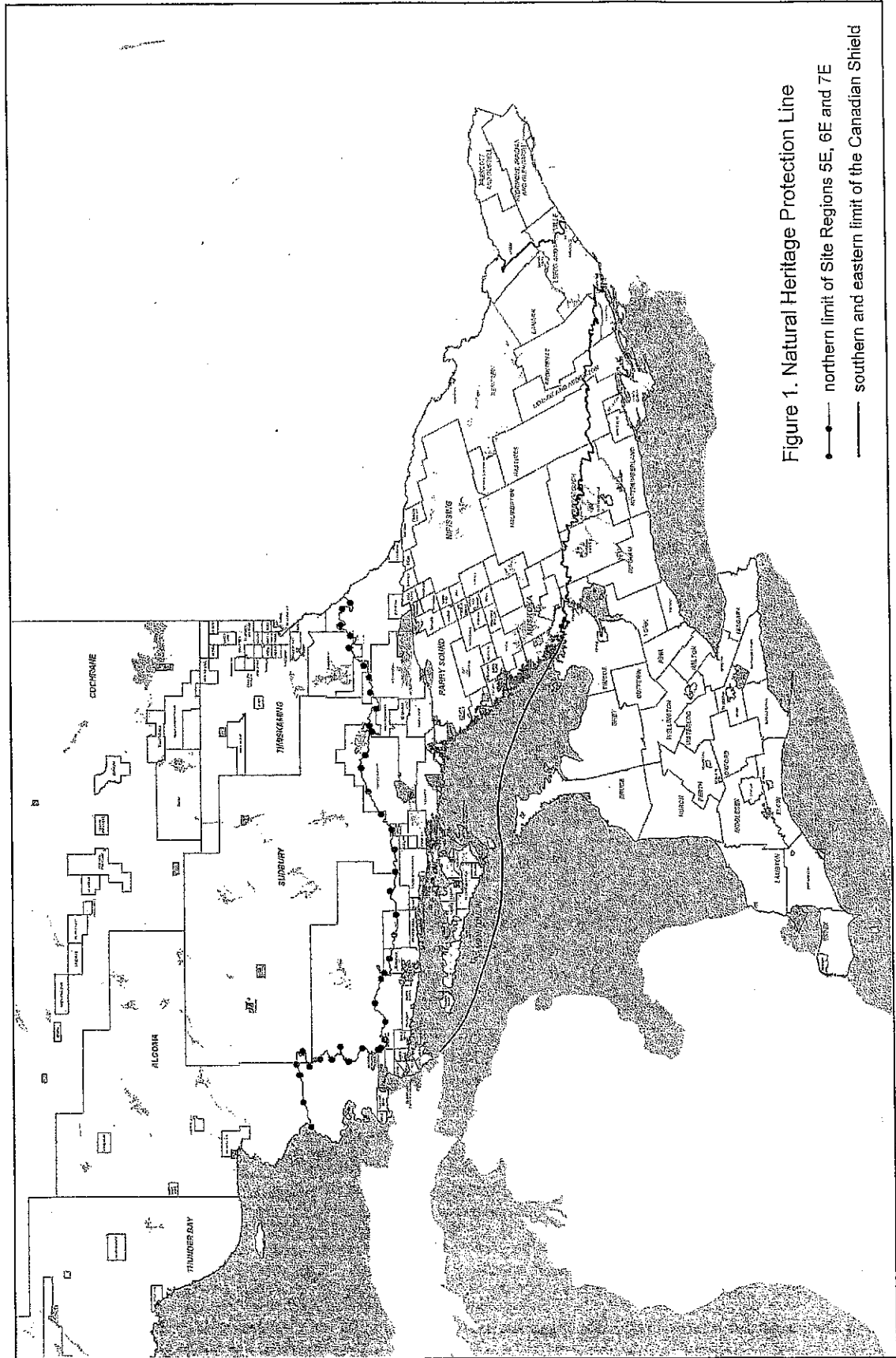
Municipal official plans provide an appropriate mechanism through which: comprehensive, integrated and long-term planning is achieved; provincial interests are identified for protection; and cross-boundary matters are coordinated so that the actions of one planning authority complement the actions of another planning authority and promote mutually beneficial solutions.

Municipal official plans will integrate all applicable provincial policies, identify provincial land use planning interests, and apply appropriate land use designations and policies. Municipal official plans will provide clear, reasonable and attainable policies for protecting provincial interests, and for development and site alteration in suitable areas.

In order to best protect provincial interests, planning authorities will keep their official plans up-to-date with the Provincial Policy Statement.

7. A wide range of legislation and regulations may affect lands which are the subject of applications under the Planning Act, and may assist in the implementation of the Provincial Policy Statement. There may be cases where a proposal requiring approval under the Planning Act may also require approval under other legislation or regulation.
8. In addition to land use approvals under the Planning Act, infrastructure may also require approval under other legislation and regulations, including the Environmental Assessment Act, the Canadian Environmental Assessment Act, the Environmental Protection Act, the Ontario Energy Board Act, the Ontario Water Resources Act, and the Safe Drinking Water Act, 2003. An environmental assessment process may be applied to new infrastructure and modifications to existing infrastructure under applicable legislation. The applicable policies would be considered as part of the evaluation conducted under the relevant environmental assessment process.
9. Provincial plans (such as those adopted under the Ontario Planning and Development Act, 1994, the Niagara Escarpment Planning and Development Act, or the Oak Ridges Moraine Conservation Act 2001, which have been approved by the Lieutenant Governor in Council, will take precedence over policies in the Provincial Policy Statement to the extent of any conflict.
10. The Province, in consultation with municipalities, will identify performance indicators for measuring the effectiveness of some or all of the policies, and will monitor their implementation, including reviewing performance indicators concurrent with any review of the Provincial Policy Statement.  
  
Municipalities are encouraged to establish performance indicators to monitor the implementation of the policies in their official plans.
11. The Ministry of Municipal Affairs and Housing, together with other ministries with land use planning interests, may issue new support materials and/or update existing materials to assist planning authorities and decision-makers in implementing the Provincial Policy Statement.

## 5.0: FIGURE 1



## 6.0: DEFINITIONS

Definitions are alphabetized. For ease of reference, those definitions pertaining to policy 1.5.4 ("sewage and water systems") and policy 3.1 ("natural hazards") have been alphabetized under the headings of "sewage and water systems" and "natural hazards" respectively.

**Adjacent lands:** means

- a) for the purposes of policy 2.1, those lands, contiguous to a specific natural heritage feature or area, where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives; and
- b) for the purposes of policy 2.6.3, those lands contiguous to a *designated heritage property* or as otherwise defined in the municipal official plan.

**Adverse effects:** as defined in the Environmental Protection Act, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant and animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for use by humans;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

**Affordable:** means

- a) in the case of ownership housing, the least expensive of:
  - i) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
  - ii) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;
- b) in the case of rental housing, the least expensive of:
  - i) a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
  - ii) a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

**Agricultural uses:** means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, or fur including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures.

**Agriculture-related uses:** means those farm related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

**Airports:** means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

**Alternative energy systems:** mean generation sources which produce electrical power from renewable resources such as solar or wind energy.

**Archaeological resources:** includes artifacts, archaeological sites, and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

**Areas of archaeological potential:** means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objective may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

**Areas of mineral potential:** means areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

**Areas of natural and scientific interest (ANSI):** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, or education.

**Brownfield sites:** means previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

**Built heritage resources:** means one or more *significant* buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic, or military history, and identified as being important to a community. These resources may be identified through designation under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

**Coastal wetland:** means:

- a) any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair; St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b) any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which it is connected.

**Comprehensive review:** means

- a) for the purposes of 1.1.1.4, an official plan review which is initiated by a planning authority and which:
  - 1. is based on a review of population and growth projections;
  - 2. considers alternative directions for growth and determines how best to accommodate this growth while protecting provincial interests;
  - 3. utilizes opportunities to accommodate projected growth through *intensification* and *redevelopment* and, if necessary, *designated growth areas*;
  - 4. confirms that the lands to be developed do not comprise *specialty crop areas* in accordance with policy 2.3.2;
  - 5. is integrated with planning for *infrastructure* and *public service facilities*; and
  - 6. considers cross-jurisdictional issues.



- b) for the purposes of policy 1.1.3, means a review undertaken by a planning authority or comparable body which addresses long-term population projections, infrastructure requirements and related matters.

The determination of land requirements to meet projected needs for subsections (a) and (b) above will be based on and reflect upper-tier projections and allocations where these exist, and provincial plans approved by the Lieutenant Governor in Council.

**Conserved:** means the identification, protection, use and management of cultural heritage and archaeological resources in a responsible manner. This may be addressed through a heritage impact assessment.

**Cultural heritage landscape:** means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites, and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include heritage conservation districts designated under the Ontario Heritage Act, a heritage village, historic parks, gardens, battlefields, heritage mainstreets and neighbourhoods, and cemeteries.

**Dedicated facilities:** mean those facilities whose attributes, including built form, location and affordability, are suited to the accommodation needs of people with *special needs*.

**Deposits of mineral aggregate resources:** means an area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

**Designated and available:** means, designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (eg. secondary plans) are required before development applications can be considered for approval, only lands that have at least begun the more detailed planning process are considered to be designated for the purposes of this definition.

**Designated growth areas:** means areas designated in the official plan for growth, but which have not yet been developed. Designated growth areas include lands which are *designated and available* for residential growth.

**Designated heritage properties:** mean real property designated under Parts IV, V or VI of the Ontario Heritage Act.

**Development:** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act; but does not include activities that create or maintain *infrastructure* authorized under an environmental assessment process; or works subject to the Drainage Act.

**Ecological functions:** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Endangered species:** means a species that is listed or categorized as an 'Endangered Species' on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

**Fish:** means fish, which as defined in the Fisheries Act, R.S.C, 1985, c. F-14, S.2 as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish habitat:** means spawning grounds and nursery, rearing, food supply, and migration areas on which *fish* depend directly or indirectly in order to carry out their life processes.

**Ground water feature:** refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

**Heritage attributes:** means the principal features, characteristics and appearance of *designated heritage properties* that contribute to its cultural heritage significance.

**Hydrologic function:** means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**Identified Corridors:** mean corridors identified as required to serve current and projected needs by the Province or through provincial plans approved by the Lieutenant Governor in Council. The identification of corridors will be based on the following principles: the relief of existing or projected transportation/infrastructure problems; enhanced economic competitiveness; the protection of the environment and resources; safety benefits; accessibility; integration; improved conditions for pedestrians and cyclists and access to public transport.

**Infrastructure:** means physical structures that form the foundation for development. Infrastructure includes: *sewage and water systems*, septage treatment systems, waste management systems, electric power, communications/ telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Intensification:** means the development of a property, site or area at a higher density than currently exists through:

- a) *redevelopment*, including the reuse of *brownfield sites*;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

Intensification will be directed in accordance with the policies of Part V.

**Legal or technical reasons:** means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Low and moderate income households:** means

- i) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the *regional market area*; or
- ii) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the *regional market area*.

**Mine hazards:** means any feature of a mine as defined under the Mining Act, or any related disturbance of the ground that has not been rehabilitated.

**Mineral aggregate resources:** means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

**Mineral aggregate operation:** means:

- a) lands under license or permit, other than for a *wayside pit or quarry*, issued in accordance with the Aggregate Resources Act, or successors thereto;
- b) for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregates* and derived products such as asphalt and concrete, or the production of secondary related products.

**Mineral deposits:** mean areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

**Mineral mining operation:** means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

**Minerals:** means metallic minerals and non-metallic minerals as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

**Minimum distance separation formulae:** means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Multi-modal transportation system:** means a transportation system which may include several forms of transportation such as automobiles, walking, truck, cycling, bus, rapid transit and rail, air, marine and pipelines.

## Natural Hazards:

**Access standard**, which means a method or procedure to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of *flooding, erosion and/or other water related hazards*.

**Defined portions of the one hundred year flood level along connecting channels:** means those areas which are critical to the conveyance of the flows associated with the *one hundred year flood level* along the St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where *development or site alteration* will create *flooding hazards*, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

**Dynamic beach:** means shoreline areas which are highly unstable and/or critical to the natural protection and maintenance of the first main dune feature and/or beach profile, where any *development or site alteration* would create or aggravate *flooding or erosion hazards*, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

**Dynamic beach hazard:** means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large inland lakes*, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit includes the *flooding hazard* limit plus a dynamic beach allowance.

**Erosion hazards:** means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using the 100 year erosion rate (the average annual rate of recession extended over a hundred year time span), an allowance for slope stability, and an erosion allowance.

**Floodproofing standard**, which means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding, *wave uprush* and *other water related hazards* along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, and *flooding* along *river and stream systems*.

**Flooding hazards:** 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 *100 year flood level* plus an allowance for *wave uprush* and *other water related hazards*.
- b) Along *river and stream 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*; or
  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 actually experienced event as the standard for a specific watershed has been approved by the Minister of Natural Resources (where the past history of flooding supports the lowering of the standard).

**Flood fringe (for river and stream systems):** means the outer portion of the *flood plain* between the *floodway* and the *flooding hazard* limit. Depths and velocities of *flooding* are generally less severe in the flood fringe than those experienced in the *floodway*.

**Flood plain (for river and stream systems):** means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards*.

**Floodway (for river and stream systems):** means the portion of the *flood plain* where *development* and *site alteration* would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the floodway is the entire contiguous *flood plain*. Where the two zone concept is applied, the floodway is the contiguous inner portion of the *flood plain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the *flood plain* is called the *flood fringe*.

**Great Lakes - St. Lawrence River System:** means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

**Hazardous lands:** means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the *Great Lakes - St. Lawrence River System*, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding*, *erosion* or *dynamic beach hazard* limits. Along the shorelines of *large inland lakes*, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding*, *erosion* or *dynamic beach hazard* limits. Along *river and stream systems*, this means the land, including that covered by water, to the furthest landward limit of the *flooding* or *erosion hazard* limits.

**Hazardous sites:** means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

**Hazardous substances:** means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

**Large inland lakes:** means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

**One hundred year flood (for river and stream systems):** means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of

100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

**One hundred year flood level:**

means:

- for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year.
- in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year.

for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

**Other water-related hazards:** means water-associated phenomena other than *flooding* and *wave uprush* which act on shorelines. This includes, but is not limited to ice, ice piling and ice jamming.

**Protection works standard,** which means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damages caused by *flooding*, *erosion*, and *other water related hazards*, and to allow access for their maintenance and repair.

**River, stream and small inland lake systems:** means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

**Special policy area:** means an area within a community that has historically existed in the *flood plain* and where site specific policies, approved by the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning *development*. The criteria and procedures for approval are established by the Province.

**Natural heritage features and areas:** means features and areas, such as *significant wetlands*, *fish habitat*, *significant woodlands* south and east of the Canadian *Shield*, *significant valleylands* south and east of the Canadian *Shield*, *significant habitat of endangered and threatened species*, *significant wildlife habitat*, and *significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural heritage system:** means a system made up of *natural heritage features and areas*, linked by natural corridors necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems.

**Negative impacts:** means:

- a) in regard to policy 2.2, degradation to the *quantity or quality of water, sensitive surface and groundwater features* and their related *hydrologic functions*, due to single, multiple or successive *development or site alteration* activities;
- b) in regard to *fish habitat*, the harmful alteration, disruption or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity; and
- c) in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development or site alteration* activities.

**Normal Farm Practices:** means a practice, as defined in the Farming and Food Production Protection Act, that is conducted in a manner consistent with proper and acceptable customs and standards, makes use of innovative technology in a manner consistent with proper advanced farm management practices, and complies with the Nutrient Management Act.

**Oil, gas and salt hazards:** means any feature of a well or work as defined under the Oil, Gas and Salt Resources Act, or any related disturbance of the ground that has not been rehabilitated.

**Petroleum resources:** means oil, gas, and brine resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

**Petroleum resource operations:** means oil, gas and brine wells, and associated facilities, oil field brine disposal wells and associated facilities, and facilities for the underground storage of natural gas and other hydrocarbons.

**Portable asphalt plant:** means a facility:

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Portable concrete plant:** means a building or structure:

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**Prime agricultural areas:** means areas where *prime agricultural land* predominates. Prime agricultural areas may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime agricultural lands:** means land that includes *specialty crop areas* and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

**Public service facilities:** means land, buildings and structures for the provision of *public services*, but does not include *infrastructure*.

**Public services:** means programs and services provided or subsidized by a government or other public body. Examples include social assistance, recreation, police and fire protection, health and educational programs, and cultural services.

**Quality and quantity of water:** is measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

**Recreation:** means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

**Redevelopment:** means the creation of new residential or non-residential units on previously developed land in existing communities, including *brownfield sites*. Redevelopment will be directed in accordance with the policies of Part V.

**Regional market area:** refers to an area, generally broader than a lower-tier municipality, that has a high degree of social and economic interaction. In southern Ontario, the upper or single tier municipality will normally serve as the regional market area. Where a regional market area extends significantly beyond upper or single tier boundaries, it may include a combination of upper, single and/or lower-tier municipalities.

**Reserve water and sewage system capacity:** means design capacity in a centralized water and waste water treatment facility which is not yet committed to existing or approved development.

**Residential intensification:** means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of *brownfield sites*;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development;
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) the conversion or expansion of existing residential buildings to create rooming houses, or additional residential units including accessory apartments.

Residential intensification will be directed in accordance with the policies of Part V.

**Rural areas:** mean lands in the rural area which are located outside *settlement areas* and which are outside *prime agricultural areas*.

**Secondary uses:** means uses secondary to the principal use of the property, including home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

**Sensitive:** in regard to *surface and ground water features*, means areas that provide important functions in the maintenance of *water quality and quantity* and are vulnerable to the loss or reduction of those functions.

**Sensitive land uses:** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from



contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples include: residences, day care centres, and educational and health facilities.

**Settlement area:** means areas within cities, towns, villages and hamlets in incorporated municipalities where development is concentrated (including existing development as well as vacant registered and draft approved lots), and that surrounding land which has been designated for development over the long term planning horizon. In some cases, the settlement area may be no larger than the area where development is concentrated.

#### **Sewage and water systems:**

**Municipal Sewage and Water Services:** means development that is serviced by:

- a) a sewage works within the meaning of section 1 of the Ontario Water Resources Act that is owned or operated by a municipality; and
- b) a municipal drinking-water system within the meaning of section 2 of the Safe Drinking Water Act.

**Partial Services:** means development that is serviced by

- a) municipal sewage services or private communal sewage services and private non-communal water services; or
- b) municipal water services or private communal water services and private non-communal sewage services.

**Private Communal Sewage and Water Services:** means development that is serviced by:

- c) a sewage works within the meaning of section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by a municipality; and
- d) a non-municipal drinking-water system within the meaning of section 2 of the Safe Drinking Water Act, 2002 that serves six or more lots or private residences.

**Private Non-Communal Sewage and Water Services:** means development that is serviced by:

- a) one or more on-site sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the Building Code Act; and
- b) one or more individual or shared wells.

**Significant:** means:

- a) in regard to *wetlands, coastal wetlands, and areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the province, as amended from time to time;
- b) in regard to the habitat of *endangered and threatened species*, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of *endangered or threatened species*, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;

- c) in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
- d) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*;
- e) in regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and
- f) in regard to cultural heritage and archaeology, resources which make an important contribution to the understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified above in sections (c), (d) and (e) are recommended by the Province, but municipal approaches that achieve the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**Site alteration:** means activities, such as fill, grading and excavation, that would change the landform and natural vegetative characteristics of a site.

**Special needs:** means, for the purposes of policy 1.4.4, any housing, in whole or in part, that is used by people with special needs.

**Specialty crop areas:** means areas designated using evaluation procedures established by the province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or
- b) a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

**Surface water feature:** refers to water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics

**Threatened species:** means a species that is listed or categorized as a 'Threatened Species' on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

**Transportation systems:** means a system consisting of corridors and rights-of way for the movement of people and goods, and associated transportation facilities including transit stops and stations, high occupancy vehicle lanes, park'n'ride lots, service centres, rest stops, vehicle inspection stations, intermodal terminals, and harbours and associated facilities.

**Valleylands:** means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

**Waste management system:** means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

**Watershed:** means an area that is drained by a river and its tributaries.

**Wayside pits and quarries:** means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right of way.

**Wetlands:** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Wildlife habitat:** means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

**Woodlands:** means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.