

Sent by email to: PPSreview@ontario.ca



Federation of Ontario Cottagers' Associations
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Provincial Policy Statement Review
Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay Street, 14th Floor
Toronto, ON M5G 2E5

RE: Provincial Policy Statement – 5 Year Review, EBR Registry Number 010-9766

Dear Review Team:

On behalf of Ontario's waterfront property owners, FOCA respectfully submits the attached comments and recommendations on the 2010 planning reforms.

Ontario's waterfront property owners are a major economic factor in rural Ontario. Using appropriate planning policies, and providing the tools to deliver them, will help to ensure the long-term contribution of these areas to rural Ontario's prosperity and health. Ontario's waterfront property owners contribute a conservative \$500+ million in property taxes annually, and collectively provide the financial means for a great deal of local infrastructure and administration.

In preparing this brief, FOCA considered the following:

- Our primary concern is the stewardship of Ontario's 250,000 lakes and rivers and their surrounding watersheds achieved through thoughtful and proactive planning.
- The history of events since the last PPS was written in 2005 with respect to progress on the above.
- The primary purpose of planning laws and policies to ensure the sustainability of our province, our communities, and the environment.

FOCA remains concerned that many of the policies of the PPS continue to be partial to those objectives that favour development over protection of natural heritage, water quality and quantity, and the environment. While FOCA generally supports the progress made in the 2005 PPS language, there remains a need to include in the PPS, provisions that will make Ontarians confident that the sustainability of our important waterfront areas is a priority, and is in good hands.

Section 1 of the PPS refers to "Settlement Areas" and "Rural Areas", both of which are defined in the document. The definitions appear to overlook the lands designated as "Waterfront Area" in Official Plans. These designated lands, which surround lakes and rivers in many municipalities, have a unique character and serve an important recreational and economic component of rural Ontario. These areas are neither strictly "settlement areas" nor "rural" and as such aren't adequately dealt with. A lack of clarity and direction results in a wide divergence in

the effectiveness of locally developed waterfront policies in Ontario to require adequate environmental protection policies while providing for low density residential and suitable commercial development opportunities. FOCA believes the Province must develop PPS policies that specifically apply to “Waterfront Areas” and require land use policies that result in the sustainable use of these special areas.

Recommendation: FOCA believes the unique attributes of residential shoreland areas requires an additional category, `shoreland residential`, to protect the attendant economic, environmental and social benefits.

In addition, key provisions of the PPS objectives should be strengthened and linked with other provincial initiatives currently underway. For example, the PPS objectives on protection of water (Section 2.2) need to be linked to the source water protection legislation, to ensure that there is linkage between source protection planning and land use planning.

Section 2.2 Water

In keeping with the PPS intent for planning authorities to protect, improve or restore the quality and quantity of water, we note there are two major means of protecting recreational lake and river integrity which are not specifically identified in the current PPS, nor in the current iteration of the Source Water Protection legislation which pertains strictly to municipal drinking water. The following areas of concern require adequate definition and policy in the new PPS:

1 – Preservation of the **riparian zone (where land and water meet) and associated shoreline vegetation**. A healthy vegetated buffer zone is potentially the most important factor in protecting water quality by preventing erosion and runoff, maintaining adequate dissolved oxygen levels and shading and cooling shallow water, preventing algae and excessive aquatic vegetation growth and associated eutrophication / excessive phosphorus levels.

2 – Properly functioning **septic systems** help to prevent leaching of nutrients into adjacent water bodies. A meaningful commitment to ensuring their proper functioning requires regular maintenance via reinspections, supported by municipal legislation. A number of municipalities are beginning to address this issue in their strategic plans, suggesting that the time is right for the PPS to provide clear support and direction related to the technical and funding aspects of on-site wastewater oversight.

Recommendation: Amend PPS to develop and highlight concepts outlined in #1, and #2 above, for inclusion in the new statement. Include recognition of riparian zone, importance of maintaining a naturally vegetated 10 metre buffer zone and requirement for municipal responsibility to implement regular septic system inspections and maintenance on all properties.

General Comments

Reference is made throughout the 2005 Provincial Policy Statement to “planning authority” and “planning expertise”. Often in rural municipalities there is notable absence of planning expertise coming to bear on planning matters, usually because of limited budgets for hiring professional staff or consultant planners. In these cases, the “authority” may lack the technical background to effectively manage planning matters, particularly if there are issues of environmental protection or multi-layered agency involvement.

Recommendation: Amend the PPS to reflect clear, operational definitions of “authority” to include actual technical expertise/planning credentials in setting expectations for good planning outcomes.

We believe that the PPS is only as good as its implementation, and monitoring of that implementation process is critical to the process. Under Section 4.0, subsection 4.11, policy states: “Municipalities are encouraged to establish performance indicators to monitor the implementation of the policies in their official plans.” FOCA believes there must be protocols and tools for ensuring such monitoring is in place.

Recommendation: Policy (vs. “encouragement”) for monitoring of implementation is required to ensure that provincial policy and associated processes are applied appropriately, regularly and effectively in land use planning matters at the municipal level. As the regulatory authority, MMAH should be empowered and compelled to monitor [performance against the standards in the POPS, and be authorized to enforce or undertake the required action to bring local policies and enforcement into compliance.

A shortcoming of the existing process is that long-term vision is insidiously undermined by an on-going series of incremental “exceptions” that, over time, go unmanaged, unmonitored and are potentially inconsistent with the principles espoused in the PPS.

We appreciate your attention to these comments and thank you for this opportunity to influence some of the issues we believe are key to the future sustainability and success of Ontario’s rural and waterfront communities.

Sincerely,

A handwritten signature in black ink that reads "Terry Rees". The signature is written in a cursive, flowing style.

Terry Rees
Federation of Ontario Cottagers' Associations, Inc.