

Community Heritage Ontario Comments on draft Provincial Planning Statement, 2023

Review of Proposed Policies Adapted from ‘A Place to Grow’ and the Provincial Policy Statement 2020 to form a new provincial planning policy instrument

Posted by Province – April 6, 2023

Comment Period Closes – June 5, 2023

Background

- a new Provincial Planning Statement, 2023 is proposed to replace the existing Provincial Policy Statement, 2020 and the ‘A Place to Grow: Growth Plan for the Greater Golden Horseshow’
- the proposal is to create an integrated province-wide land use planning policy document that is more housing-supportive in order to implement the Housing Supply Action Plan and meet the target to construct 1.5 million new homes by 2031
- under the Planning Act, all planning decisions shall be consistent with policy statements such the PPS.
- according to the Province, the proposal aims to remove barriers and continue to protect the environment through a streamlined province-wide land use planning policy framework
- new policies that affect or may affect cultural heritage resources include establishing minimum density targets for major transit station areas (which could affect certain heritage conservation districts); more flexibility to create rural land residential lots/ more housing on farms; updates to cultural heritage polices to align with the Ontario Heritage Act (OHA) amendments through Bill 108 and Bill 23, with a focus on conserving “protected’ heritage properties

CHO Board of Directors

The draft Provincial Planning Statement, 2023 was reviewed by the CHO Board on May 7, 2023 and the adopted CHO comments to be forwarded to the Province are identified in the chart below.

Comments

Proposed Policies	Discussion	CHO Comment
<p><b>Chapter 1</b> <b>Page 4</b> <u>New Vision section (partial)</u> Land use will be managed to accommodate appropriate development to meet the full range of current and future needs. Efficient land use and development patterns will contribute to achieving equitable outcomes for all Ontarians by design. Downtowns, main streets and rural areas will be vital and viable. Cultural heritage and archaeology in Ontario will provide people with a sense of place. Prioritizing compact and transit-supportive design, where locally appropriate, and optimizing investments in infrastructure and public service facilities will support convenient access to housing, quality employment, services and recreation for all Ontarians.</p> <p><u>What was removed-</u> Strong, liveable and healthy communities promote and enhance human health and social wellbeing, are economically and environmentally sound, and are resilient to climate change. The Province’s natural heritage resources, water resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources provide important environmental,</p>	<p>- the New Vision section has a very basic comment on cultural heritage and archaeology</p> <p>- removed from the new policy includes reference to the benefits of cultural heritage and that wise use and management is a key provincial interest</p>	<p><b>CHO recommends that the Vision section further indicate the importance of conserving cultural heritage in conjunction with new development</b></p>

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<p>economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest.</p>		
<p><b>Chapter 2</b>  <b>2.2 Housing</b>  1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:  d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations</p> <p>this was removed and f) 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</p>	<p>- the policy emphasizes intensification in proximity to transit (corridors and station) and removed reference to establishing development guidance or standards which could address local heritage context especially in areas such as heritage conservation districts that have been identified as areas where the protection of the local heritage context is important</p>	<p><b>CHO recommends that Policy 2.2 also identify the need to take into consideration the goals and objectives of a heritage conservation district, including the conservation of a cultural heritage landscape/heritage context, if residential intensification is proposed.</b></p>
<p><b>Chapter 2</b>  <b>2.4.2 Major Transit Station Areas</b>  1. Large and fast-growing municipalities shall delineate the boundaries of major transit station areas on higher order transit corridors through a new official plan or official plan amendment adopted under section 26 of the Planning Act. The delineation shall define an area within a 500 to 800 metre radius of a transit station and that maximizes the number of potential transit users that are within walking distance of the station.  2. Within major transit station areas on higher order transit corridors, large and fast-growing municipalities shall plan for a minimum density target of:  a) 200 residents and jobs combined per hectare for those that are served by subways;  b) 160 residents and jobs combined per hectare for those that are served by light rail or bus rapid transit; or  c) 150 residents and jobs combined per hectare for those that are served by commuter or regional inter-city rail.  3. For a any particular major transit station area, large and fast-growing municipalities may request the Minister to approve an official plan or official plan amendment with a target that is lower than the applicable target established in policy 2.4.2.2, where it has been demonstrated that this target cannot be achieved because:  a) development is prohibited by provincial policy or severely restricted on a</p>	<p>- the policy emphasizes intensification in proximity to major transit station areas and requires density targets</p> <p>- Section 3 does allow reduced targets at the Minister's discretion but does not specifically address local heritage context especially in areas such as heritage conservation districts that have been identified as areas where the protection of the local heritage context is important</p>	<p><b>CHO recommends that policy section 2.4.2.3 include further criteria as to why the target may be lower. This would identify that development is constrained due to the goals and objectives of a heritage conservation district, including the desire to conserve a cultural heritage landscape/heritage context.</b></p>

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<p>significant portion of the lands within the delineated area; or  b) there are a limited number of residents and jobs associated with the built form, but a major trip generator or feeder service will sustain high ridership at the station or stop.</p>		
<p><b>Chapter 2</b>  <b>2.5 Rural Areas in Municipalities</b>  1. Healthy, integrated and viable rural areas should be supported by:  a) building upon rural character, and leveraging rural amenities and assets;  b) promoting regeneration, including the redevelopment of brownfield sites;  c) accommodating an appropriate range and mix of housing in rural settlement areas;  d) using rural infrastructure and public service facilities efficiently;  e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;  f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;  g) conserving biodiversity and considering the ecological benefits provided by nature; and  h)) providing opportunities for economic activities in prime agricultural areas, in accordance with policy</p>	<p>See section (f)</p>	<p><b>CHO considers this policy positive in that the PPS acknowledges the importance of historical and cultural assets in rural municipalities</b></p>
<p><b>Chapter 2</b>  <b>2.6 Rural Lands in Municipalities</b>  1. On rural lands located in municipalities, permitted uses are:  a) the management or use of resources;  b) resource-based recreational uses (including recreational dwellings not intended as permanent residences);  c) residential development, including lot creation, and multi-lot residential development, where site conditions are suitable for the provision of appropriate sewage and water services; this is new/expanded</p>	<p>- would allow enhanced lot creation on rural lands  - could help conserve cultural heritage resources currently on larger parcels</p>	<p><b>CHO recommends support for the policy as it could assist in conserving cultural heritage resources that are currently on large land parcels and may be more attractive to a prospective owner if the built heritage resource can be retained on a smaller parcel and allow other new residential opportunities.</b></p>

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<p><b>Chapter 4</b></p> <p><b>4.3 Agriculture</b></p> <p><b>4.3.3 Lot Creation and Lot Adjustments</b></p> <p>1. Residential lot creation in prime agricultural areas is only permitted in accordance with provincial guidance for:</p> <p>a) new residential lots created from a lot or parcel of land that existed on January 1, 2023, provided that:</p> <ul style="list-style-type: none"><li>1. agriculture is the principal use of the existing lot or parcel of land;</li><li>2. the total number of lots created from a lot or parcel of land as it existed on January 1, 2023 does not exceed three;</li><li>3. any residential use is compatible with, and would not hinder, surrounding agricultural operations; and</li><li>4. any new lot:<ul style="list-style-type: none"><li>i. is located outside of a specialty crop area;</li><li>ii. complies with the minimum distance separation formulae;</li><li>iii. will be limited to the minimum size needed to accommodate the use and while still ensuring appropriate sewage and water services;</li><li>iv. has existing access on a public road, with appropriate frontage for ingress and egress; and</li><li>v. is adjacent to existing non-agricultural land uses or consists primarily of lower-priority agricultural lands.</li></ul></li></ul> <p>b) a residence surplus to a an agricultural operation as a result of <u>farm consolidation</u>, provided that:</p> <ul style="list-style-type: none"><li>1. the new lot will be limited to a minimum size needed to accommodate the use while still ensuring appropriate sewage and water services; and</li><li>2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;.</li></ul> <p>2. Official plans and zoning by-laws shall not contain provisions that are more restrictive than</p>	<p>- would allow enhanced lot creation on agricultural lands</p> <p>- could help conserve cultural heritage resources currently on larger parcels</p>	<p><b>CHO recommends support for the policy as it could assist in conserving cultural heritage resources that are currently on large parcels and may be more attractive to a prospective owner if the built heritage resource can be retained on a smaller parcel and allow other new residential opportunities.</b></p>

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policy 4.3.3.1 (a) except to address public health or safety concerns.		
<p><b>Chapter 4</b></p> <p><b>4.6 Cultural Heritage and Archaeology</b></p> <p><b><u>4.6</u> <del>2.6</del> Cultural Heritage and Archaeology</b></p> <p><u>1.</u> <del>2.6.1 Significant</del><u>Protected heritage property, which may contain</u> built heritage resources and <del>significant</del><u>or</u> cultural heritage landscapes, shall be conserved.</p> <p><u>2.</u> <del>2.6.2 Development</del><u>Planning authorities shall not permit development</u> and site alteration <del>shall not be permitted</del> on lands containing archaeological resources or areas of archaeological potential unless <del>significant</del><u>the</u> archaeological resources have been conserved.</p> <p><u>3.</u> <del>2.6.3</del> Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property <del>except where the proposed development and site alteration has been evaluated and it has been demonstrated that</del><u>unless</u> the heritage attributes of the protected heritage property will be conserved.</p> <p><u>4.</u> <del>2.6.4</del> Planning authorities <del>should consider</del><u>are encouraged to develop</u> and <del>promote</del><u>impleme</u></p> <p class="margin-left: 40px;"><u>a)</u> archaeological management plans <del>and cultural plans in</del><u>for</u> conserving <del>cultural heritage and archaeological resources;</del><u>and</u></p> <p class="margin-left: 40px;"><u>b)</u> <u>proactive strategies for identifying properties for evaluation under the Ontario Heritage Act.</u></p> <p><u>5.</u> <del>2.6.5</del> Planning authorities shall engage <u>early</u> with Indigenous communities and</p>	<p>-4.6.1 – former reference to ‘significant’ is removed (and the definition eliminated) and replaced with ‘<b>protected heritage property</b>’(a defined term that means the resource must already have some formal protection on it)</p> <p>- the current policy directs that built heritage resources (BHR) and cultural heritage landscapes (CHL) that are evaluated as “significant” are to be conserved and could be properties that were not formally protected. The former definition of ‘significant’ noted “While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.”</p> <p>4.6.2 reference to conserving <b>significant</b> archaeological resources is removed and it appears that all archaeological resources would have to be conserved (a defined term) .</p> <p>4.6.3 – the existing policy provides greater clarity in identifying that <u>evaluation</u> and <u>demonstration</u> are</p>	<p>CHO recommends that If policy 4.6.1 which only deals with <u>protected properties</u> is to remain, then a new policy should be introduced that addresses <u>Unprotected built heritage resources and cultural heritage landscapes</u> (as they are now defined as being resources identified by a community)</p> <p><u>Suggested new policy</u>  <b>“Unprotected <i>built heritage resources and cultural heritage landscapes</i> shall be evaluated to determine if they should be a <i>protected heritage property</i> and conserved.”</b></p> <p>CHO has no comment on policy 4.6.2</p> <p>CHO recommends that policy 4.6.3 retaining the existing policy text (PPS, 2020) for clarity as to how this policy would</p>

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<p><del>consider</del><u>ensure</u> their interests <u>are considered</u> when identifying, protecting and managing <del>cultural heritage and archaeological resources</del>. <u>built heritage resources and cultural heritage landscapes</u>.</p>	<p>required.</p> <p>4.6.4 – this policy is voluntary and only encourages municipalities to undertake this work. Also “proactive strategies” in 4(b) could be a heritage register which the Province has put limitations on.</p> <p>4.6.5 – now must <u>ensure</u> indigenous interests are considered. It is also unclear as to the extent of engagement in conserving BHR and CHLs</p>	<p>be implemented as it currently refers to the need for evaluation and demonstrating that heritage attributes will be conserved.</p> <p><b>CHO recommends that in policy 4.6.4, “encourage” be replaced with “should” and that further guidance and clarity be provided on 4(b) to inform how this policy would be implemented.</b></p> <p><b>CHO recommends that further guidance and clarification be provided specifically on the extent to which a municipal planning authority shall engage with indigenous communities regarding <i>built heritage resources</i> (BHR) and <i>cultural heritage landscapes</i> (CHL) as the policy refers to identifying, protecting and <u>managing</u> these resources (ie. a heritage conservation district is a CHL, but is <u>engagement</u> required for every alteration/permit in a district). Suggest removing the term “managing” and the policy should indicate that indigenous communities should identify what is considered important to them.</b></p>
<p><b>Chapter 7 – Definitions</b> <b>Adjacent</b> lands: means <u>c)</u> <del>d)</del> for the purposes of policy <del>24</del>.6.3, those lands contiguous to a <i>protected heritage property</i> <del>or as otherwise defined in the municipal official plan</del>.</p>	<p>- scoped to only allow contiguous (being in actual contact, touching along a boundary or at a point) - many municipalities have defined this in their OP to capture lands within a reasonable proximity of the protected</p>	<p><b>CHO recommends suggesting that reference to ‘contiguous’ be replaced by ‘within 60m of’ to ensure a more accountable review of the impact of development on a protected heritage resource.</b></p>

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	heritage resource as certain development that may not touch the boundary can impact heritage attributes	
<b>Archaeological resources:</b> includes artifacts, archaeological sites, <del>and</del> marine archaeological sites, as defined under the <i>Ontario Heritage Act</i> . The identification and evaluation of such resources are based upon archaeological <del>fieldwork undertaken in accordance with</del> <u>assessments carried out by archaeologists licensed under the <i>Ontario Heritage Act</i>.</u>	- provides clarification	<b>CHO has no concern</b>
<b>Areas of archaeological potential:</b> means areas with the likelihood to contain archaeological resources. <del>Criteria to identify archaeological potential, as</del> <u>evaluated using the processes and criteria that</u> are established <del>by</del> <u>under</u> the <del>Province.</del> <del>The <i>Ontario Heritage Act</i> requires archaeological potential to be confirmed by a licensed archaeologist.</del>	- provides clarification	<b>CHO has no concern</b>

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<p><b>Built heritage resource:</b> means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. <del><i>Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.</i></del></p>	- removes reference to registers at every level	CHO recommends that the current reference to 'designated property' and 'heritage registers' in the PPS, 2020 continue to be included in the definition.
<p><b>Conserved:</b> means the identification, protection, management and use of <i>built heritage resources, cultural heritage landscapes</i> and <i>archaeological resources</i> in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches <del>can</del><u>should</u> be included in these plans and assessments.</p>	- provides better direction	CHO has no concern
<p><b>Cultural heritage landscape:</b> means a defined geographical area that may</p>	- removes reference to how these features are typically identified	CHO recommends the existing reference in the PPS, 2020 to how these features are

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<p>have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.-</p> <p><del>Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by law, or other land use planning mechanisms.</del></p>	<p>(such as designation, listed in registers, land use planning mechanism)</p>	<p><b>typically identified (designation, registers, planning instruments) continue to be included in the definition.</b></p>
<p><b>Heritage attributes:</b> means <del>the principal features or elements,</del> <u>as defined under the Ontario Heritage Act, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures</u> that contribute to <del>a protected heritage property's</del> <u>their</u> cultural heritage value or interest, <del>and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).</del></p>	<p>- consistent with OHA definition</p>	<p><b>CHO has no concern</b></p>

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<p><b>Protected heritage property:</b> means</p> <ul style="list-style-type: none"><li>• property designated under <del>Parts</del><u>Part</u> IV, <del>V</del> or VI <u>of the Ontario Heritage Act</u>;</li><li>• <u>property included in an area designated as a heritage conservation district under Part V of the Ontario Heritage Act</u>;</li><li>• property subject to a heritage conservation easement <u>or covenant</u> under <del>Parts</del><u>Part</u> II or IV of the <i>Ontario Heritage Act</i>;</li><li>• property identified by <del>the Province</del> <u>and a provincial ministry or a prescribed public bodies</u><del>body</del> as <del>provincial</del> <u>a property having cultural heritage property</u><del>value or interest</del> under <u>Part III.1 of the</u> <del>Standards and Guidelines for Conservation of Provincial</del><u>Ontario Heritage Act and the heritage standards and guidelines</u>;</li><li>• <u>property with known archaeological resources in accordance with Part VI of the Ontario Heritage Properties Act</u>;</li><li>• property protected under federal <u>heritage</u> legislation, <del>;</del> and</li><li>• UNESCO World Heritage Sites.</li></ul>	<p>- appears to provide clarity as to what is a protected cultural heritage resource (some form of formal protection and not just a listing on a register)</p>	<p><b>CHO has no concern with the definition but is concerned regarding how the term is to be used in proposed policy 4.6.1</b></p>
<p><b>Significant:</b> means <del>THIS definition (e) HAS BEEN ELIMINATED</del> e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province</p>	<p>- Appears to be trying to remove any reference to OHA listed properties or types of listing by others.</p>	<p><b>CHO has no comment on the definition (see CHO comment on proposed policy 4.6.1 and suggested new policy dealing with “unprotected resources”)</b></p>

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under the authority of the Ontario Heritage Act.		

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