



Rideau Lakes

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November 18, 2022

The Honourable Steve Clark
The Minister of Municipal Affairs and Housing
College Park 17th Floor, 777 Bay St
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RE: Bill 23

Dear Steve,

In your admirable drive to create housing in Ontario, Bill 23 will have grave unintentional consequences in Rideau Lakes.

Rideau Lakes uses Site Plan Control on all waterfront development as the key tool to implement the 'soft', but environmentally critical elements of responsible development. This includes retaining and enhancing naturalized shorelines and stormwater management. If the changes as proposed are approved, we are left to cobble together indirect and imprecise tools such as site alteration by-laws under the *Municipal Act* to try to achieve protection of existing vegetative buffers. This will frustrate homeowners, builders, and Council. The path forward and tools to achieve outcomes will become unclear and cumbersome. Alternatively, we will have to abandon the broader objectives. The vegetative buffers and the ecological services and value they provide will likely suffer.

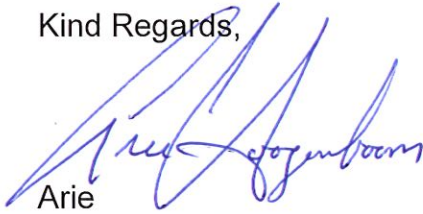
Secondly, as a small but progressive rural municipality, we rely on the professional ecological and environmental expertise and advice of the Conservation Authorities. They are more often than not a positive partner in providing informal and formal advice and peer review services in this domain. If we cannot reasonably draw on this expertise, we expect the rigor and balance we are known for in our waterfront development decision-making will be somewhat compromised, especially on important and high-profile applications. Alternatives will be to require applicants to wait for and pay for third-party consultant reviews – which will come at a greater cost in time and dollars.

My Council and I support your objective to get more homes built. We, however, believe that the unintended consequences of the proposed changes for rural municipalities,

such as Rideau Lakes, need to be given broader consideration and the Bill duly refined before it is passed. Beyond the key issues noted above, we have attached a detailed commentary on the Bill, outlining the totality of our concerns and recommendations for improvements.

We thank you for the opportunity to review and provide comments, and look forward to further discussions.

Kind Regards,



Arie

Arie Hoogenboom, Mayor, Township of Rideau Lakes

Cc:

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RE: Bill 23 – Proposed Planning Act, Conservation Authorities Act, and Ontario Land Tribunal Act

The Council of the Corporation of the Township of Rideau Lakes has reviewed Bill 23 in detail and understands the provincial need to address housing affordability and the lack of homes across Ontario. It is further understood that reducing barriers to development of housing, and streamlining processes is important to achieving an increase in affordability and housing. The Township is committed to helping achieve these goals through smart, sustainable growth that will not have detrimental impacts down the road.

We are concerned that some changes proposed in the *More Homes Built Faster Act* will not have the effect of addressing housing affordability and, instead, will create a detrimental impact on Rural Waterfront Ontario, as well as increase the costs and delays for developers. Below is a summary of our specific concerns broken down by the relevant proposed changes to each Act, with a recommendation following each:

Planning Act

- Removal of third-party appeal rights
 - Has the ability to suppress valid land use planning concerns from neighbours and Conservation Authorities.
 - **Recommendation: revise amendment to require third-party appellants to submit a professional supportive opinion (such as from a land use planner, biologist, engineer or other relevant professional) of their stance with the submittal package to the Ontario Land Tribunal. This will aid in reducing frivolous appeals.**
- Revision of the definition of development under Site Plan Control to exempt developments less than 10 units and removal of ability to regulate exterior and landscape design
 - Many waterfront municipalities utilize site plan control for waterfront properties. These properties are not typically seen as 'affordable' developments, nor do they contribute to a variety of housing options. Site plan control is a tool that allows municipalities to implement good waterfront management practices that help to ensure limited impacts of development on our waterbodies. The Township of Rideau Lakes recently implemented a Shoreline Buffer Planting Program that has made great strides toward protecting the important ribbon of life commonly found within 30m of waterbodies. We find that most residents are very receptive of this program, which is implemented via Site Plan Control through landscaping requirements. Removal of Site Plan Control for under 10 units, as well as removing the ability to regulate landscaping has the detrimental effect of reducing protection of our waterfront.
 - **Recommendation: revise amendment to restrict to urban settlement areas and to allow for regulation of exterior and**

landscape design

- Removal of public meetings for Subdivision Applications
 - Has the ability to suppress public comments and reduces the ability for a developer to provide their detailed proposal to the public.
 - **Recommendation: remove amendment**
- Requirement to spend or allocate 60% of Parkland Fees at the beginning of every year
 - It is not clear what is meant by 'allocate', nor does it allow municipalities to save funding over multiple years to build a reserve for future projects. Many rural municipalities see limited parkland fees annually and this proposal would see smaller municipalities purchasing small items annually, rather than building the reserve for a new park down the road.
 - **Recommendation: remove amendment**

Conservation Authorities Act

- Conservation Authorities no longer allowed to provide planning comments to municipalities beyond natural hazards
 - Rural municipalities are not typically staffed with expertise on natural heritage. This change will likely result in peer review requirements from independent consultants for all applications on waterfront as well as adjacent to other natural heritage features. This cost will delay applications and will be passed on to the developer.
 - **Recommendation: remove amendment, allow municipalities to retain the choice to enter into agreements with conservation authorities for natural heritage and water-related plan review services**
- Removal of Conservation Authority permits for developments subject to planning approval
 - More detailed studies and designs will be required at the planning application stage to ensure no negative impact of development on flooding, erosion, slope stability and water quality. Detailed design work is typically required at the permitting stage when planning approvals have been granted. Planning applications will therefore become slower, as well as more costly and onerous for developers.
 - **Recommendation: remove amendment**
- Narrowing of scope of Conservation Authorities to address only natural hazard issues, which removes pollution and conservation of land considerations
 - Conservation Authorities may not be able to require development setbacks from water, protect naturalized shorelines, or require sediment control during construction.
 - Conservation Authorities would no longer be able to address water quality concerns, excessive weed growth, and algae blooms. Rural municipalities are not resourced to address these concerns on our own. We rely on the work and expertise of the Conservation Authorities.
 - **Recommendation: remove amendment, allow municipalities to retain the choice to enter into agreements with conservation**

authorities for natural heritage and water-related plan review services

- Protection of wetlands diminished
 - Withdrawal of the MNR from administering the Ontario Wetland Evaluation System and maintaining wetland mapping is likely to be downloaded to municipalities. This is not sustainable or practical and has the effect of reducing protections to wetlands.
 - **Recommendation: remove amendment**

Ontario Land Tribunal Act

- Requirement for unsuccessful party to pay the successful party's costs
 - Unless it was an error in process that led to the decision, an approval authority should not be required to pay the appellant's costs to appeal.
 - **Recommendation: remove amendment**