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December 9, 2022

Ministry of Municipal Affairs and Housing  
Government of Ontario  
By email to: [PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca)

**Re: St. Clair Region Conservation Authority Comments on “Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022)” (ERO #019-6163)**

To Whom it may concern:

The St. Clair Region Conservation Authority (SCRCA) appreciates the opportunity to provide comments on the recent Environmental Registry of Ontario posting #019-6163, Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022). As one of Ontario’s 36 Conservation Authorities (CAs), the SCRCA supports the separate submission by Conservation Ontario and would like to further provide these comments regarding the proposed legislative changes.

The SCRCA acknowledges the need for new and affordable housing and continues to do its part to support our municipalities in this area. At the same time, the SCRCA is mandated to ensure that such housing development occurs in a manner safe from natural hazards. The SCRCA is also a landowner that pays municipal property taxes and therefore has an interest in how our municipalities are funded. While the SCRCA supports the stated purpose of these proposed legislative amendments, it does have concerns regarding these proposed changes. The SCRCA is concerned that these proposed changes will:

- 1) Allow for residential densification, without adequate review, in existing neighbourhoods that either have insufficient servicing or potentially in areas subject to natural hazards.
- 2) Allow for small scale development, without adequate review and planning for localized flooding stormwater.

3) Restrict the ability of CAs to protect their own properties and related interests by removing the right to appeal land use planning decisions.

4) Increase the costs incurred by member municipalities related to development, which will in turn increase the amount of property taxes we are required to pay.

The comments generally follow the order laid out in the ERO posting.

### **Addressing the Missing Middle**

With regards to the proposed changes summarized under the category of “Addressing the Missing Middle”, the SCRCA would like to express its concerns around allowing “as-of-right” development of up to 3 units per lot in settlement areas with full municipal water and sewage services. It is prudent to point out that “full municipal water and sewage services” does not necessarily mean adequate municipal water and sewage services. The current proposal has no regard to whether the lot and region has sufficient servicing.

For additional dwelling units in new structures, additional care must be taken to ensure appropriate lot level drainage exists. Regional stormwater infrastructure in subdivisions is designed for a particular impervious lot coverage. In some older subdivisions the current impervious coverage already exceeds what the stormwater infrastructure was originally designed for. Further densification could lead to additional runoff and lead to localized flooding from heavy rainfall events. Existing subdivisions have also been designed for particular sewage and water supply expectations. Additional densification could overtax the existing sewage treatment capacity. Especially in areas of combined sewers, this could lead to overflows and discharges to the natural environment. Undersized sewers could also lead to an increase frequency of basement flooding due to sewer backup, which would be of even greater concern in areas with combined sewer systems. Additional densification in areas with inadequate water supply could also lead to low water pressure or water shortages in existing subdivisions, leading to lack of water at fire hydrants and compromising firefighting.

The SCRCA is encouraged that the proposed amendments considered the potential that this provision could allow for densification of housing in hazard areas and attempted to prevent this by adding wording limiting “as-of-right” zoning in instances where the homes are legal non-conforming uses, such as existing houses on hazard lands. However, this condition is inadequate on its own to prevent densification in existing hazard areas. The SCRCA experience is that few, if any, municipalities have declared existing housing in hazard areas as legal non-confirming uses. The proposed restriction will not work at preventing densification in hazard areas. In addition, municipal Official Plans and Zoning By-Laws may not be based on the most up-to-date hazard mapping and allowing additional dwelling units without a planning review may put additional people at risk.

Bypassing of Planning approvals for such additional dwelling units removes a check to ensure that additional housing is not created in hazardous areas, especially when considering other Bill 23 proposals suggesting the possibility of exemptions from CA permits under yet to be defined circumstances. The SCRCA feels it is best to remove this concept of “as-of-right” zoning. The list of required exemptions (not in a hazard area, has adequate stormwater drainage, has adequate sewage services, and has adequate water supply) seems to be too long to make it a workable concept. If the province pushes forward with this idea, the concept of using legal non-conforming as test for hazard areas must be reconsidered and

other legislation (for example Building Code) needs to be strengthened, to ensure such densification does not occur in hazard areas or areas where there is insufficient infrastructure. The consequences include additional risks for the people of Ontario and significant additional costs to the existing municipal tax base for unexpected infrastructure upgrades.

As a property tax paying entity, the SCRCAs are concerned regarding revisions to a municipality to charge adequate development charges to recover costs for infrastructure and services needed for growth. The downloading of these costs to municipal ratepayers like the SCRCAs, will have serious impacts on the organization's ability to deliver services in a cost-efficient manner.

### **Third Party Appeals**

With regards to the proposed changes summarized under the category of "Third Party Appeals", the LSCRCAs have concerns regarding provisions that restrict its ability to appeal land use planning decisions that could affect Authority owned properties. Many Conservation Authority owned lands have sensitive ecological features and/or Species at Risk present. Other properties may be widely used by the public for recreational activities. The SCRCAs have concerns that nearby development proposals could negatively impact its lands, and the use of those lands by the general public. Such limiting of third-party appeals limits a CA's ability to protect their property and their associated public benefits. The SCRCAs recommend that the list of parties that can appeal a decision be expanded to include nearby property owners potentially impacted by the development.

### **Site Plan – Exemption for Development up to 10 units, Architectural Details and Landscape Design**

With regards to the proposed changes summarized under the category of "Site Plan – Exemption for Development up to 10 units, Architectural Details and Landscape Design", the SCRCAs have concerns that adequate review can be undertaken at a municipal level to prevent flooding. Site plan control is often used to ensure that stormwater is effectively managed and stormwater controls for developments under 10 units can still be an important consideration. It is not clear how municipalities can ensure that stormwater will be properly managed without site plan control and associated development agreements. Landscape design, and in some cases even architectural design, could have an impact on proper site drainage, stormwater management, and even floodproofing of structures in 2-zone areas. While the proposed changes do include wording such as "except to the extent that the appearance impact matters of health, safety, accessibility or the protection of adjoining lands", if a site plan control process is not entered into, it seems unlikely that such potential impacts would be recognised. It would appear that such exemptions would increase the risk of localised flooding for new developments. Other consequences include delayed development and increased costs when permits (Building Code and CA permits) are finally required just before build and additional previously unknown requirements become apparent. The SCRCAs recommend either removing this proposal and continuing to allow site plan control (with the possibility of further scoping of site plan requirements) or strengthening other legislation to ensure development proposals properly deal with site drainage and stormwater.

### **Conservation Authorities**

Generally speaking, the SCRCAs are in support of proposed amendments that allow for CAs to more efficiently sever and dispose of land that does not meet their requirements for retention.

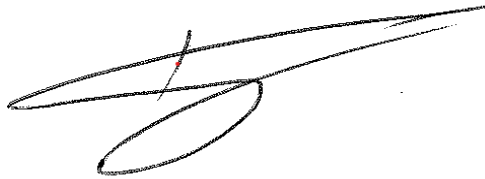
## **Other Subsections**

The other subsections listed in the ERO posting (High Density Around Transit, Streamlining Municipal Planning Responsibilities, Public Meetings – Plans of Subdivisions, Streamline Approval Process for Land Lease Communities, Facilitating Aggregate Applications) do not affect the SCRCA or raise no concerns.

## **Conclusion**

The SCRCA appreciates the opportunity to comment on the recent Environmental Registry of Ontario posting #019-6163, Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022). As described above, the SCRCA is concerned that these proposals may result in unintended consequences including: inadequate development review allowing new housing to occur without adequate servicing and/or that is at risk from natural hazards; and increasing the costs incurred by municipalities related to development, which will in turn increase the amount of property taxes landowners are required to pay. The SCRCA encourages the province to pause implementation of Bill 23 and to re-engage with municipalities and Conservation Authorities Working Group so that appropriate guidance can be developed to ensure such unintended consequences do not negatively impact the residents of Ontario.

Yours,

A handwritten signature in black ink, appearing to be 'Kenneth Phillips', written over a horizontal line.

Kenneth Phillips  
General Manager/Secretary-Treasurer  
St. Clair Region Conservation Authority