



December 8<sup>th</sup>, 2022

Submitted via email: [PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca)

**Re: South Nation Conservation 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) and “Proposed Changes to Ontario Regulation 299/19: Additional Residential Units” (ERO #019-6197)**

Ministry of Municipal Affairs and Housing Staff:

Thank you for the opportunity to provide comment on the “Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 – the proposed More Homes Built Faster Act, 2022) and the “Proposed Changes to Ontario Regulation 299/19: Additional Residential Units”.

South Nation Conservation (SNC) – one of Ontario’s 36 conservation authorities (CAs) – is a committed partner of its member municipalities, the development sector, and the province; sharing the goal of increase housing supply in Ontario. We have been supporting sustainable growth in our jurisdiction for more than 75 years.

SNC provides the following comments on Schedule 9 of the proposed *More Homes Built Faster Act* and the proposed changes to O. Reg. 229/19.

### Addressing the Missing Middle

Bill 23 proposes changes to strengthen the existing additional residential framework that would allow “as-of-right” up to 3 units per lot in settlement areas with full municipal water and sewage services. It is understood that because of these proposed legislative changes, consequential amendments are proposed for O. Reg. 299/19: Additional Residential Units to remove provisions that are no longer needed and to make housekeeping edits to align with the proposed legislative changes.

SNC is supportive of the proposal to increase the overall supply and diversity of housing types in Ontario while maintaining strong protections for public health, safety, and the environment. Having appropriate land use planning safeguards in place is essential for the overall health of Ontario and Ontarians. This includes having access to safe drinking water, directing development outside of hazard areas, and having access to high quality greenspace, including conservation areas.





SNC is concerned however with the proposal to only limit “as-of-right” zoning in instances where the homes are legal non-conforming uses, such as existing houses on hazard lands. Official Plans and Zoning By-Laws may not be based on the most up-to-date hazard mapping; adding additional units without input from CAs may put additional people at risk. CAs have identified thousands of homes across the province that are in flood vulnerable areas. Many of these homes are zoned for residential uses and rely on other mechanisms to restrict additional residential units. A reliance on legal non-conforming uses to limit “as-of-right” zoning may put a significant number of new residential units in flood and erosion prone areas increasing the risk to life and property and making effective emergency response (i.e., “safe access”) more difficult and costly.

Protecting People and Property: Ontario’s Flooding Strategy, identifies the principles of effective flood management. Keeping people and property out of high-risk areas is specifically noted as the most effective and sustainable way of reducing risk. This principle is further emphasized as an action in the strategy to promote sound land use planning decisions whereby the province “seeks to enhance Ontario’s land use planning framework to ensure municipalities make decisions consistent with provincial policies and that development, redevelopment and intensification continues to be directed away from areas where flooding and erosion present unacceptable risks to people, property and the environment.”

To align with Ontario’s flooding strategy, it is recommended that an amendment be made to the “as-of-right” zoning to specify “except in areas subject to natural hazards”. CAs work proactively with their municipal partners to identify appropriate development locations outside of natural hazard areas, including flooding and erosion hazards, with additional consideration to vulnerable source protection areas.

Finally, stormwater infrastructure is designed for a particular impervious lot coverage. In some older subdivisions the current imperious coverage already exceeds what the stormwater infrastructure was originally designed for. The province should partner with municipalities and CAs to ensure that further densification does not lead to additional runoff and localized flooding from heavy rainfall events.

### **Site Plan – Exemption for Development up to 10 units**

Bill 23 proposes to exempt all aspects of site plan control for residential development up to 10 units. It is noted that without site plan control municipalities may have limited ability to receive input on or regulate site detailed design items such as setbacks and location of buildings as they relate to hazardous lands and natural features. It is also noted that site plan control can be an important opportunity for municipalities to ensure that stormwater is properly managed with the potential to increase pluvial flooding.



Without site plan control there may be no other *Planning Act* circulation to the conservation authority – losing an earlier opportunity for the CA to identify any challenges with the proposed development. Should the government move forward with this change, it is recommended that the exemption be applicable where none of the proposed units are within an area subject to natural hazards. In addition, it is recommended that guidance be developed to encourage early pre-consultation with the municipality and the CA to identify and resolve any issues with the proposed development, including issues associated with natural hazards or the protection of sources of drinking water.

### **Conservation Authorities**

SNC strongly objected to changes made to the CA rights to appeal land use planning decisions made under Bill 229 in 2020. Bill 23 proposes to enact the amendments made through Bill 229 that would limit a CA's ability to appeal as a public body only to matters related to natural hazard policies in the provincial policy statements.

Natural hazard and natural heritage systems often have overlap and both are dynamic in nature. It is noted that the new appeals regime, proposed to be in effect January 1, 2023, limits a CA's ability to appeal *Planning Act* applications where natural hazard management and natural heritage or water resource system protection are inextricably linked. This weakens available science-based evidence to support the maintenance of healthy watersheds to best protect public health and safety. This may limit early issues resolution for development proposals and create uncertainty for development, resulting in increased timelines at the technical review stage.

SNC is supportive of the proposed amendments that would result in process improvements to enable CAs to sever and dispose of land. These amendments will allow CAs to continue to acquire land for the purposes of flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands. CAs are in the process of developing land acquisition and disposition policies as well as Conservation Areas Strategies that will undergo stakeholder and public consultation and guide future management of CA lands.

### **Conclusion**

Thank you for the opportunity to provide comments on the "Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 – the proposed More Homes Built Faster Act, 2022) and the "Proposed Changes to Ontario Regulation 299/19: Additional Residential Units".

SNC remains committed to working with its member municipalities, the development



SOUTH NATION  
CONSERVATION  
DE LA NATION SUD



sector, and the province to increase housing supply in Ontario. SNC urges the province to reconvene the multi-stakeholder Conservation Authorities Working Group to collaboratively find solutions to outstanding development review issues.

Should you have any questions about these comments, please do not hesitate to contact me.

Sincerely,

Carl Bickerdike  
Chief Administrative Officer  
[cbickerdike@nation.on.ca](mailto:cbickerdike@nation.on.ca)