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Re: Site Plan for Residential Developments of 10 or Fewer Units – Two Proposed New Minister’s Regulations (ERO 019-6822)

On behalf of the City of Toronto, I am pleased to submit staff comments regarding ERO 019-6822 on the Environmental Registry of Ontario. We understand the Province is seeking feedback on new regulations that if passed would permit the use of Site Plan Control for parcels of land where:

- Any part of which is located within 120 metres of a shoreline; and
- Any part of which is located within 300 metres of a railway.

Toronto’s existing Site Plan Control By-law ([Municipal Code 415](#)) scopes the use of site plan to more significant developments and already exempts various minor projects. The City of Toronto is well equipped to determine where Site Plan Control should be used and when exceptions should occur. The City supports the Province’s direction with these new proposed regulations, but also urges the Province to extend the use of Site Plan Control for parcels of land that are within or adjacent to the City’s natural heritage system and rail yards.

Natural Heritage Systems and Site Plan

Site Plan Control should be extended to parcels of land that are within or adjacent to a municipal natural heritage system.

The *Planning Act* identifies “the protection of ecological systems, including natural areas, features and functions” as a matter of provincial interest ([Planning Act](#), 2a). This is reinforced in the Provincial Policy Statement, 2020 which requires municipalities to identify natural heritage systems in their Official Plans and restricts development and site alteration in key natural areas.

Providing for the use of Site Plan Control for residential structures fewer than 10 units for lands that are within or adjacent to the natural heritage system will allow the applicant and City to identify, evaluate and mitigate impact in or adjacent to the natural heritage system and identify opportunities for restoration where possible. Site Plan Control is a key tool to help implement the Official Plan and guide new development. The Province’s Natural Heritage Reference Manual notes that Site Plan Control is a “tool to implement mitigation measures for development within natural heritage areas or areas adjacent to them” ([MNR, 2010](#)). In this case, Site Plan Control will ensure the City can evaluate the natural heritage

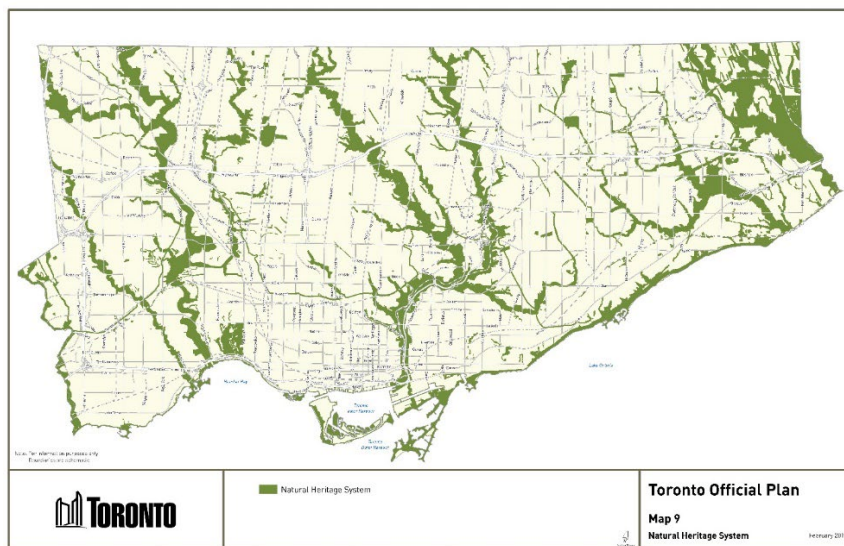
impacts and apply the Toronto Green Standard to new development within or adjacent to the natural heritage system.

Protection of natural heritage systems is linked to mitigating risks of natural hazards, including flooding and erosion. A healthy and robust natural heritage system includes key ecological features and natural functions that reduce storm runoff, minimize erosion, and reduce the impact of flood events. The Toronto Region Conservation Authority (TRCA) reviews and permits for development impacts as they may relate to natural hazards, where their regulation applies. Evaluation of impacts through Site Plan Control ensures the interdependent relationship between natural heritage and natural hazards are examined.

Toronto’s natural heritage system (Figure 1: Map 9 of the Official Plan) links together: significant landforms and physical features (e.g., all mapped Environmentally Significant Areas); watercourses and hydrologic features; the riparian zone; valley slopes and flood plains; natural habitat; significant aquatic features; and other significant features. This is aligned with the Provincial Policy Statement, 2020 capturing provincially significant natural features, Areas of Natural and Scientific Interest (ANSIs), the Provincial Greenbelt, habitat of Species at Risk in Ontario, along with migratory hotspots for birds and wildlife. The Official Plan outlines the value of this system of natural features and their functions:

“Our remaining natural heritage features and functions require special attention. They are an evolving mosaic of natural habitats that supports the variety of nature in the City and provide important ecosystem functions ... We must be careful to assess the impacts of new development in areas near the natural heritage system. The size of this adjacent impact zone will vary across the City, depending on the local characteristics of the natural heritage system and adjacent areas.” ([Official Plan](#): 3.4)

Figure 1: Toronto Official Plan, Map 9: Natural Heritage System



Rail and Site Plan

Site Plan Control should be extended to parcels of land that are within 1,000 metres of a rail yard.

The impact of operations at a rail yard can extend beyond the 300 metres buffer proposed for railways. The Federation of Canadian Municipalities guidelines suggest that the area of noise influence around a rail yard is 1,000 metres, given the need for round the clock operations.

Allowing the City to require Site Plan Control within 300 metres of a railway is a necessary tool to allow the City to evaluate potential negative impacts on development adjacent to rail corridors and to require appropriate mitigation where appropriate. Through the Site Plan Control review process, the City can require, as part of a complete application, a rail safety or noise impact study that would be subject to a third-party peer review. Recommendations from these studies will ensure that life safety and quality of life impacts are considered by a municipality. The use of the 300 metres buffer for the application of Site Plan Control is consistent with O. Reg. 543/06 and 544/06.

Recommendations

The City urges the Province to revise the proposed regulation to allow municipalities to permit the use of Site Plan Control for parcels of land where:

- Any part of which is located within or adjacent to a municipal natural heritage system, identified in accordance with the PPS; and
- Any part of which is located with 1,000 metres of a rail yard.

The City supports the Province's inclusion of the two proposed regulations noted in ERO 019-6822 (120 metres of a shoreline and 300 metres of a railway line) in addition to the recommendations noted above in order to permit municipalities to use site plan control for residential developments of 10 or fewer units on a single lot in specific circumstances.

City Planning staff welcome the opportunity to work with provincial staff to effectively implement the provincial policy-led planning system, drawing on each of our strengths to protect essential ecological features and create sustainable, healthy complete communities.

Thank you for the opportunity to provide these comments.



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cc: Paul Johnson, City Manager,
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