



May 30, 2019

Planning Act Review
Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, ON M5G 2E5

Re: Conservation Ontario's Comments on "Bill 108 – (Schedule 12) – the proposed More Homes, More Choice Act: Amendments to the Planning Act" (ERO# 019-0016)

Thank you for the opportunity to provide comments on Schedule 12 of "Bill 108 – the proposed More Homes, More Choice Act". Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). These comments are not intended to limit consideration of comments shared individually by CAs through the Bill 108 consultation process.

Conservation authorities are involved in the land use planning in the following ways: as a regulator under Section 28 of the *Conservation Authorities Act*; as a public body under the *Planning Act* and *Environmental Assessment Act*; as source protection authorities under the *Clean Water Act* supporting policy implementation; as resource management agencies operating on a local watershed basis; as a body with delegated authority in plan review to represent the provincial interest for natural hazards; and as the province's second largest landowners who may become involved in the planning and development process, either as an adjacent landowner or a proponent. In these roles, CAs endeavour to provide the best guidance to their municipal partners regarding how to balance multiple provincial and watershed priorities in a timely and cost-effective manner.

Conservation Ontario offers the following comments on some of the main aspects of the proposal below.

Streamlining Development Approvals Processes and Facilitate Faster Decisions

Schedule 12 of Bill 108 proposes to amend the *Planning Act* to streamline development approvals processes and facilitate faster decisions by reducing decision timelines for municipalities for official plans and amendments, zoning by-laws and amendments and for plans of subdivision. It is noted that there does not appear to be a corresponding amendment to assist municipalities to achieve these faster decision timelines. To achieve shorter decision timelines, a multifaceted approach is needed to address some of the current challenges within the planning and development approval system. While it is recognized within the "More homes, more choice: Ontario's housing supply action plan" document that additional steps will need to be taken to address housing supply and speed up approvals, a further review of internal process, coupled with targeted Provincial investment and guidance would likely do more to expedite decision-making and to achieve the intended results.

Conservation Ontario recently hosted a multi-stakeholder Process Flow Review Workshop, which focused on the plan of subdivision process. During this workshop, many best practices were identified, including:

- **Greater “investment” in the pre-consultation process**

In general, more effort expended upfront in the planning process leads to more certainty, opportunities for innovation, and timely planning approvals. Some best practices include:

- Integrated pre-consultation with the Planning Approval Authority
- Having a complete record of comments and requirements from all approval agencies produced shortly thereafter
- Allowing other approval agencies, including CAs, to prescreen technical studies prior to a municipality deeming an application complete
- For complex projects, the participants should identify major project milestones with projected timelines, as well as commit to ongoing discussions throughout the process
- Consideration for the use of design charrettes

- **Improving quality of submissions**

Many planning applications require technical studies to demonstrate how the proposed development can proceed in accordance with the regulations, policies, and regulatory requirements of the review agencies. Multiple or poor quality submissions increase the amount of staff time needed to review, prepare comments and attend meetings to sort out problems associated with applications. Good quality submissions, where agency requirements have been met, result in shorter review times, more timely approvals, and cost reductions in the short and long term for all stakeholders. Some best practices include:

- Updating technical checklists within a municipality’s Official Plan
- The establishment of clear submission guidelines
- Having professional attest that an application is complete as part of the technical submission covering letter
- Participation of the applicant and the technical experts in pre-consultation and subsequent meetings

- **Providing better access to decision support tools**

Clear Provincial, municipal and conservation authority policies and guidelines helps to avoid ambiguity, conflict and unnecessary delay or duplication in the process. CAs, municipalities, the Province and landowners would all benefit from having access to better data and mapping. The provision of high quality data and mapping is critical for agencies to undertake efficient reviews and support timely municipal decision-making. Some best practices include:

- Updating Provincial technical guidelines, which provide guidance for the administration and implementation of Provincial policies, plans or regulations
- Provision of online screening maps to identify natural hazards, such as floodplains
- Providing public access to agency plan review policies, procedures and guidelines

Conservation Ontario is concerned that unless proposed changes to timelines are made in conjunction with efforts to streamline the planning process, that it is unlikely that the proposed legislated change

will achieve its intended effect. Reducing the timeframes without providing adequate support to the Planning Approval Authorities and technical review agencies will more likely result in more applications being appealed to the Local Planning Appeal Tribunal (LPAT) for non-decision. There is already a significant backlog of cases at the LPAT; adding additional cases will significantly delay development approvals.

Support a Range and Mix of Housing Options and Boost Housing Supply

Bill 108 includes a proposal to require municipalities to authorize an additional residential unit in both the primary dwelling and an ancillary building or structure. For a single family dwelling, this would result in an additional two residential units on each property. Conservation Ontario recommends an amendment to this portion of the Bill to exclude areas subject to natural hazards (as described in S. 3.1 of the Provincial Policy Statement) from allowing additional residential units. These areas pose a risk to life and property and allowing additional residential units in these areas would put more people and property at risk. The proposed legislation should be amended to specify that additional residential units are supported only in areas that are not subject to natural hazards and that have safe access. The Province is urged to make this change within the Bill to protect people and property from natural hazards. This is particularly pertinent as some areas within the Province are currently moving towards disaster recovery and post-flooding redevelopment.

Make Charges for Community Benefits More Predictable

The Province is proposing to make charges for community benefits more predictable by establishing a new authority that would enable municipalities to collect funds for community benefit purposes. In developing the regulations that support this change the Province should consider the multiple benefits that parkland provides, including green infrastructure which helps to manage natural hazards on the landscape and contributes to the protection of our water resource systems.

Return to de novo Hearings at the Local Planning Appeal Tribunal

The Province is proposing to allow the LPAT to make decisions based on a return to de novo hearings in all cases. As noted above, the proposed decrease in decision-making timeframes will likely result in an increase in the number of appeals of planning applications to the LPAT. This can have the effect of producing an adversarial process and may serve as a disincentive to fully participate in the pre-consultation process. Therefore, returning to de novo hearings has the potential to extend approval timeframes.

It is important to ensure that the updated Local Planning Appeal Tribunal process continues to place a high emphasis on: good planning, consistency with provincial direction, and meeting community/municipal planning vision as identified in Upper and Lower tier Official Plans. The LPAT should retain its focus on testing for consistency with provincial policy statements, particularly as it relates to natural hazards.

Conservation authorities are solution-oriented agencies, who represent the provincial interest in protecting public health and safety and work closely with their municipal partners to ensure development proposals uphold these interests. CAs continue to be committed to streamlining planning processes and to providing the best guidance to their municipal partners in a timely and cost-effective manner. Conservation authorities are prepared to assist the Province with identifying those streamlining opportunities as well.

Thank you for the opportunity to review this proposal, should you have any questions about this letter, please feel free to contact me at extension 226.

Sincerely,

A handwritten signature in black ink that reads "Leslie Rich". The signature is written in a cursive, flowing style.

Leslie Rich, RPP
Policy and Planning Liaison

c.c. all CA CAOs/GMs

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