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Section III – Items for the Information of the Board

TO: Chair and Members of the Board of Directors
Friday, June 24, 2022 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: **SUMMARY OF TRCA POLICY CONSULTATION SUBMISSIONS ON RECENT PROVINCIAL POLICY INITIATIVES**
Summary of TRCA policy consultation submissions

KEY ISSUE

Summary of Toronto and Region Conservation Authority (TRCA) policy consultation submissions on provincial legislative, regulatory and policy initiatives relevant to TRCA interests from October 2021 to May 2022, for the information of TRCA Board of Directors.

RECOMMENDATION:

WHEREAS to date in 2022, the Province of Ontario posted several legislative, regulatory and policy initiatives on the Environmental Registry of Ontario (ERO) relevant to Toronto and Region Conservation Authority's (TRCA) interests;

WHEREAS TRCA staff submitted letter responses to the provincial government on their initiatives;

THEREFORE, LET IT BE RESOLVED THAT the TRCA staff report on a summary of TRCA policy submissions from October 2021 through May 2022, be received;

AND FURTHER THAT the Clerk and Manager, Policy, so advise municipal partners and Conservation Ontario.

BACKGROUND

From time to time, the Province of Ontario releases for consultation, legislative, policy, and regulatory proposals of interest to TRCA, the majority of which are posted on the Environmental Registry of Ontario (ERO). The Planning Policy and Regulation Business Unit within the TRCA Policy Planning Division is primarily responsible for leading internal reviews of government proposals on a range of matters relevant to TRCA interests.

Government initiatives and consultations continued at a steady pace in the last quarter of 2021 towards the end of the second quarter of 2022. TRCA staff maintained business continuity in coordinating virtual internal circulations and drafting digital submissions that integrate the expertise and inter-disciplinary perspectives of TRCA's teams. Comments and recommendations are informed by the successes and challenges staff experience in their day-to-day work with municipalities, proponents and other stakeholders, with emphasis on shared provincial, municipal and TRCA objectives.

Examples of ERO postings responded to include those amending: the *Planning Act*, the *Environmental Assessment Act*, the Greenbelt Plan Area (to add new Urban River Valleys), the Ontario Building Code (to exempt sheds of a certain size from requiring building permits), and for proposed technical guidance on subwatershed planning and low impact development stormwater management. In addition, TRCA responded to the *Conservation Authorities Act*

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(CA Act) ERO posting #019-4610 by the Ministry of Environment, Conservation and Parks (MECP) on the Phase 2 Regulatory and Policy Proposals under the CA Act, as reported to the Board of Directors in February 2022.

All TRCA provincial policy submissions are vetted through senior staff, approved, and signed by the Chief Executive Officer or designate prior to submission to ensure alignment with corporate strategic priorities and objectives.

RATIONALE

The outcomes of senior government initiatives can have implications on TRCA's day-to-day work in multiple roles as a resource management agency, a regulator, a public commenting body with delegated authority to represent the provincial interest for natural hazards, a service provider to municipalities and other public agencies, and landowner, in a region experiencing significant growth and associated land use and environmental challenges. Therefore, it is important for TRCA to provide input on government proposals to encourage alignment with and support for TRCA and municipal partner objectives and interests.

The policy work undertaken to respond to consultations is also important for strengthening relationships and coordination between TRCA and partners. For example, provincial proposals are commonly based on the themes of streamlining reviews and approvals and finding efficiencies to stimulate and expedite business activities such as major plans and projects. This has become an even stronger focus given the ongoing economic recovery from the COVID-19 Pandemic. At the same time, the importance of protected greenspace for both physical and mental health has become evident. It is vital for TRCA to highlight its expertise, experience and shared objectives and issues, to demonstrate TRCA's valuable role in achieving efficiencies and effectiveness that support environmentally responsible and sustainable community building. Accordingly, federal, provincial, and municipal staff sometimes reach out to TRCA for information and advice, in recognition of TRCA's expertise in watershed and ecosystem science, and depth of on-the-ground experience in development and infrastructure planning and detailed design.

Summary of Responses

Due to the volume and limited timeline of consultations established through the ERO process, (generally 30 to 45 days), only TRCA submissions with direct implications are individually reported to the Board of Directors or Executive Committee, e.g., regulatory proposals under the *Conservation Authorities Act*. In some instances, the comment period for ERO postings is concurrent with legislative approval processes so that comments are submitted after a Bill receives Royal Assent (e.g., Bill 109). Despite this, it is important for TRCA to document its interests and any concerns for the public record and for the reference of provincial staff who may be working on subsequent related initiatives.

For the Board's information, in Table 1 below is a list of provincial policy consultations for which TRCA completed and submitted responses from October 2021 to May 2022, with links to the ERO proposals. Recognizing that Board Members may have an interest in TRCA's submissions that are not brought to the Board, the corresponding TRCA letter responses to the ERO proposals are contained as attachments to this report.

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Table 1 - TRCA Submissions to the Environmental Registry of Ontario (ERO) Oct 2021-May 2022

ERO Posting	Proposal Summary	Submission Date
Proposed Additional Delegation of Planning Decisions (ERO #019-4419) Link: https://ero.ontario.ca/notice/019-4419	MMHA proposed changes to the <i>Planning Act</i> to expand matters that the council of a local municipality may delegate to help streamline planning decisions (e.g., minor amendments to zoning by-laws)	November 19, 2021 Refer to Attachment 1
Permit under the <i>Endangered Species Act</i> for the Ontario Line (ERO #019-4601) Link: https://ero.ontario.ca/notice/019-4601	MECP issued an amendment to an existing socio-economic benefit permit under the <i>Endangered Species Act, 2007</i> (ESA) to Metrolinx to broaden the area of impact for the Ontario Line subway in the City of Toronto.	December 23, 2021 Refer to Attachment 2
Moving to a Project List approach under the <i>Environmental Assessment Act</i> (ERO #019-4219) Link: https://ero.ontario.ca/notice/019-4219	MECP proposed regulations and related actions to move toward a project-list approach for projects that will require a comprehensive environmental assessment under the <i>Environmental Assessment Act</i> .	January 25, 2022 Refer to Attachment 3
Permit under the <i>Endangered Species Act</i> for the Yonge North Subway Extension (ERO 019-4075) Link: https://ero.ontario.ca/index.php/notice/019-4075	MECP sought public input on a proposal for a permit from Metrolinx under the ESA in relation to the Yonge North Subway Extension, which may adversely impact species at risk. The proposal considered avoidance options, reasonable alternatives, and proposed actions to minimize adverse effects to the species.	February 4, 2022 Refer to Attachment 4
Regulatory and policy proposals (Phase 2) under the <i>Conservation Authorities Act</i> (ERO #019-4610) Link: https://ero.ontario.ca/notice/019-4610	Regulatory and policy changes under the <i>Conservation Authorities Act</i> were finalized to improve CA governance, oversight, transparency, and accountability. Changes intend to provide the	February 11, 2022 Refer to Attachment 5 Report to Board of

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	flexibility needed to effectively develop budgets to deliver programs and services and were developed with the Conservation Authorities Working Group.	Directors, February 2022
Subwatershed Planning Guide (ERO #019-4978) Link: https://ero.ontario.ca/notice/019-4978	MECP sought input on proposed subwatershed planning guidance, as its current watershed planning guide was released in 1993.	March 11, 2022 Refer to Attachment 6
Proposed Interim Changes to the 2012 Building Code to exempt sheds from Building Code requirements (ORR #22MMAH002) Link: https://cutt.ly/cGFoB6r	The Ministry of Municipal Affairs and Housing (MMAH) proposed changes to the Ontario Building Code to exempt sheds up to 15m ² from requiring a municipal building permit.	March 13, 2022 Refer to Attachment 7
Low Impact Development Stormwater Management Guidance Manual (ERO #019-4971) Link: https://ero.ontario.ca/notice/019-4971	MECP sought feedback on a draft Low Impact Development Stormwater Management Guidance Manual to help municipalities, property owners, planners, developers, and others to manage rain where it falls, reduce flooding risks, and increase resiliency to climate change.	March 28, 2022 Refer to Attachment 8
Municipal Wastewater and Stormwater Management in Ontario Discussion Paper (ERO # 019-4967) Link: https://ero.ontario.ca/notice/019-4967	MECP sought input on potential opportunities and approaches to improve municipal wastewater and stormwater management and water conservation.	March 28, 2022, Refer to Attachment 9
Requesting additional scientific information, traditional ecological knowledge and community knowledge to be considered in preparing recovery strategies for four species at risk (ERO #019-5053) Link: https://ero.ontario.ca/notice/019-5053	MECP sought input and additional scientific information, including traditional ecological knowledge and community knowledge, from the public and Indigenous communities on draft recovery strategies for four species at risk in Ontario. The information received is to be considered	April 19, 2022 Refer to Attachment 10

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	in finalizing the recovery strategies for select species at risk.	
Proposed Amendment to the Greenbelt Area boundary regulation and Greenbelt Plan (ERO #019-4483 and #019-4485) and Ideas for adding more Urban River Valleys (ERO #019-4803) Link: https://ero.ontario.ca/notice/019-4483 https://ero.ontario.ca/notice/019-4485 https://ero.ontario.ca/notice/019-4803	MMAH sought feedback on proposed changes to the Greenbelt Plan (including the schedules) that would add new 13 new Urban River Valley areas to the Greenbelt. In addition, the Ministry sought feedback on ideas for future expansions to the Greenbelt through the addition and expansion of Urban River Valleys.	April 23, 2022 Refer to Attachment 11 (response for these EROs were submitted in one letter)
Proposed Planning Act Changes (the proposed More Homes for Everyone Act, 2022) (ERO #019-5284) and Community Infrastructure and Housing Accelerator – Proposed Guideline (ERO #019-5285) Link: https://ero.ontario.ca/notice/019-5284 https://ero.ontario.ca/notice/019-5285	MMAH sought feedback on Schedule 5 of Bill 109 (More Homes for Everyone Act) that enacts changes to the <i>Planning Act</i> . In addition, the government sought feedback on a proposed Community Infrastructure and Housing Accelerator Guideline. The proposed guideline would set out matters such as where and how to apply the proposed tool.	April 29, 2022 Refer to Attachment 12 (response for these EROs were submitted in one letter)
Opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing (ERO #019-5286) and Seeking Feedback on Housing Needs in Rural and Northern Municipalities (ERO #019-5287) Link: https://ero.ontario.ca/notice/019-5286 https://ero.ontario.ca/notice/019-5287	MMAH sought input on how to diversify housing choices in existing neighbourhoods. This consultation focused on finding ways to support gentle density and increase Ontario's missing middle housing, including encouraging multigenerational housing solutions. The Ministry also sought feedback on ideas to address the unique housing needs for rural and northern Ontario municipalities.	April 29, 2022 Refer to Attachment 13 (response for these EROs were submitted in one letter)

Also provided for the information of the Board are the following summaries of select provincial legislative and policy initiatives and submissions from Table 1, closely related to TRCA interests.

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Subwatershed Planning Guide (ERO #019-4978)

This MECP posting requested advice for implementing land use planning policies related to watershed and subwatershed planning in coordination with planning for water, wastewater and stormwater servicing. The last provincial guidance for watershed planning was published in 1993 and the proposed Guide aimed to provide a modern framework and a more consistent, coordinated, and efficient approach for subwatershed planning across Ontario. As a member of the multi-stakeholder Conservation Authorities Working Group, TRCA had the opportunity to provide input into the Ministry's collaborative efforts to produce the draft Guide.

TRCA supported the province's intent to update the Guide given the importance of integrated watershed management and the desire for a consistent approach to subwatershed planning across Ontario. In addition to detailed commentary specific to sections of the Guide, TRCA provided comments organized under the following themes and recommendations calling for substantial improvements:

- Provide a clear definition for watershed and subwatershed planning based on provincial plans and the PPS followed by a description of key distinction between the two terms;
- Apply stronger language emphasizing an integrated and systems-based approach throughout the Guide;
- Explain how climate change considerations can be meaningfully incorporated in subwatershed planning;
- Highlight the importance of various forms of green infrastructure to mitigating impacts and direct its inclusion in subwatershed planning, especially in urban and urbanizing watersheds;
- Include specific direction on funding and implementation, and if possible, indicate if there will be provincial support to implement the recommendations of subwatershed plans and provide examples of infrastructure and land use planning management recommendations.

Low Impact Development Stormwater Management Guidance Manual (ERO #019-4971)

Alongside the draft Subwatershed Planning Guide, the MECP also requested input on a Low Impact Development (LID) Stormwater Management (SWM) Guidance Manual. The purpose of the proposed manual was to inform and guide innovative, green SWM practices known as LID. The Manual did not contain mandatory requirements but rather provided information for municipalities, property owners, consultants and others on the benefits of LID and how to plan, design and implement these SWM measures.

TRCA recognized the Manual's intent to help facilitate a shift towards more sustainable land use planning and design that places greater emphasis on LID as a valuable green infrastructure measure to manage stormwater within a treatment train approach (i.e., to treat stormwater where it falls, is conveyed, and stored, prior to being discharged). TRCA also supported the Manual's strong positioning on volume control requirements and promoting better uptake of source controls. In addition to detailed commentary specific to sections of the Manual, TRCA provided comments organized under the following themes and recommendations:

- Improving implementation through the plan review process – We highlighted the need for municipalities and CAs to better understand how to incorporate the information in the proposed Manual through the plan review process, such that development applications that proceed through municipal and/or CA planning and permit stages are consistent with provincial expectations;

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- Feature-based water balance – We commented that the Manual overlooked emerging science and best practices with respect to ecosystem services associated with the protection of the hydrologic function of natural features. We outlined that TRCA and Credit Valley Conservation have developed Stormwater Management Criteria that includes criteria for the protection of hydrological functions of natural features and that it could be used as a reference. We opined that a strong provincial position in the Manual for maintaining hydrological and ecological function through SWM would help raise the bar for water resource and natural feature protection in Ontario.
- Focusing on climate change – We appreciated the inclusion of a section specifically on Climate Change but recommended condensing this section to focus on how climate change will directly affect the design of SWM facilities. Also recommended was to establish climate change parameters to adjust rainfall volumes and intensities in the design of the SWM/LID best management practices.
- Setting direct targets for greater certainty – We recommended the use of more direct language in outlining the design criteria necessary to obtain a provincial permit and what must be undertaken to achieve a proper SWM strategy. We also suggested clear direction to municipalities and CAs regarding requirements to achieve a practical design.

Proposed Planning Act Changes - the proposed *More Homes for Everyone Act, 2022* (ERO #019-5284) & Community Infrastructure and Housing Accelerator – Proposed Guidelines (ERO #019-5285)

The Ministry of Municipal Affairs and Housing (MMAH) requested comments on a series of EROs related to Bill 109 (*More Homes for Everyone Act, 2022*). Bill 109 aimed to encourage construction of more homes faster by expediting planning approvals to help meet Ontario's long-term commitment to address the housing crisis. The proposed changes built upon the recommendations contained in the Ontario Housing Affordability Task Force report released in February 2022.

In our comments, TRCA recognized the importance of streamlining planning approvals to support the growth and development needs in the province, especially in the Greater Golden Horseshoe. We stressed, however, that this should not come at the expense of the fundamental principles of the Growth Plan for "protecting what is valuable" or ensuring the appropriate technical and planning processes take place to ensure consistency between s.47 (Minister's Zoning Orders) of the *Planning Act* and s.28 of the CA Act. The submission asserted that the ecosystem services offered by the natural heritage system and sound natural hazard management are needed for a healthy and resilient growing region.

TRCA comments also included that a Community Infrastructure and Housing Accelerator (CIHA) zoning order, although outside the Greenbelt, may permit a form and scale of development contrary to provincial and municipal policies and CA regulatory requirements. We suggested that given the Province's commitment to prepare for the impacts of a changing climate, there is a need to ensure that development approved through a CIHA zoning order does not create or exacerbate natural hazards or result in unacceptable risk to life and property. Further, we argued CA technical expertise and municipal input as per the current review process, including site plan control and public notice, are critical and should apply to CIHA zoning orders.

TRCA also expressed concern that Bill 109 proposed amendments for refunding municipal planning fees could encourage premature decisions or refusals. This could increase the number

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of appeals to the already backlogged Ontario Land Tribunal, which would further divert public staff and resources from ongoing review and approvals. It would also increase pressure on CAs to expedite their review of applications (and expedite issuance of related permits under the CA Act, where applicable), including those involving complex scientific studies to mitigate environmental impacts and natural hazard risk. To help remedy these concerns, TRCA offered some potential solutions in our submission for the Province to consider given the iterative nature of the planning approvals process (e.g., pre-consultation and submission requirements, pausing timelines to allow for collaborative resolution of issues, etc.).

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 8 – Gather and share the best sustainability knowledge

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

Staff are engaged in this policy analysis work per the normal course of duty, with funding support provided by TRCA's participating municipalities to account 120-12. No additional funding is proposed to support the policy analysis work associated with the preparation of these comments.

DETAILS OF WORK TO BE DONE

TRCA staff will continue to monitor federal policy consultations, the Environmental Registry of Ontario, the Regulatory Registry of Ontario, and the Province of Ontario News' Website to ensure TRCA is aware of, and where appropriate, participates and comments on legislative, regulatory, policy and technical guidance initiatives affecting TRCA interests.

Staff will keep the Board of Directors and Committees of the Board informed of TRCA submissions at regular intervals, will monitor the outcomes of future decision notices, and report on the implications of major initiatives as appropriate. Staff will also update TRCA policies and procedures as required and facilitate training to reflect legislative and policy changes affecting TRCA.

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Attachments: 13

Attachment 1: TRCA Submission on ERO_019-4419 – Proposed Additional Delegation of Planning Decisions

Attachment 2: TRCA Submission on ERO_019-4601 – Metrolinx: Permit for activities that will result in significant social or economic benefit to Ontario

Attachment 3: TRCA Submission on ERO_019-4219 – Moving to a project list approach under the *Environmental Assessment Act*

Attachment 4: TRCA Submission on ERO_019-4075 - Metrolinx: Permit for activities that will result in significant social or economic benefit to Ontario

Attachment 5: TRCA Submission on ERO_019-4610 – Regulatory and policy proposals (Phase

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- 2) under the *Conservation Authorities Act* posted on January 26, 2022
- Attachment 6: TRCA Submission on ERO_019-4978 – Proposed Subwatershed Planning Guide
- Attachment 7: TRCA Submission on ORR_22MMAH002 - Proposed Interim Changes to the 2012 Building Code to exempt sheds from Building Code requirements
- Attachment 8: TRCA Submission on ERO_019-4971 - Low Impact Development Stormwater Management Guidance Manual
- Attachment 9: TRCA Submission on ERO_019-4967 - Municipal Wastewater and Stormwater Management in Ontario Discussion Paper
- Attachment 10: TRCA Submission on ERO_019-5053 - Requesting additional scientific information, traditional ecological knowledge and community knowledge to be considered in preparing recovery strategies for four species at risk
- Attachment 11: TRCA Submission on ERO_019-4483, ERO_019 4803, ERO_019-4485 – Proposed Amendments to the Greenbelt Plan (ERO #019-4485) and Area Boundary Regulation (EROs #019-4483) and Ideas for Adding More Urban River Valleys
- Attachment 12: TRCA Submission on ERO_019-5284, ERO_019-5285 - Proposed Planning Act Changes (the proposed *More Homes for Everyone Act*, 2022) & Community Infrastructure and Housing Accelerator – Proposed Guideline
- Attachment 13: TRCA Submission on ERO_019-5286, ERO_019-5287 - Opportunities to increase missing middle housing and gentle density, including supports for multigenerational housing & Seeking feedback on housing needs in rural and northern municipalities