



February 28, 2019

BY E-MAIL ONLY (charles.o'hara@ontario.ca)

Mr. Charles O'Hara
Ontario Growth Secretariat
Business Management Division
Ministry of Municipal Affairs and Housing
777 Bay St., 17th Floor
Toronto, ON M5G 2E5

Dear Mr. O'Hara:

Re: ERO #013-4504 - Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017

ERO #013-4505 - Proposed Modifications to O. Reg. 311/06 (Transitional Matters – Growth Plans) made under the Places to Grow Act, 2005 to implement the Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017

ERO #013-4506 - Proposed Framework for Provincially Significant Employment Zones

ERO #013-4507 - Proposed Modifications to O. Reg. 525/97 (Exemption from Approval – Official Plan Amendments) made under the Planning Act to implement the Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017

Thank you for the opportunity to comment on the Ministry of Municipal Affairs and Housing proposed amendments to the Growth Plan for the Greater Golden Horseshoe, 2017 and associated regulations. Toronto and Region Conservation Authority (TRCA) has an ongoing interest in this process given our experience and roles as:

- A regulator under Section 28 of the *Conservation Authorities Act*;
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act*;
- A body with delegated authority in plan review to represent the provincial interest for natural hazards;
- A resource management agency operating on a local watershed basis;
- One of the largest landowners in the Toronto region; and
- A source protection authority under the *Clean Water Act*.

TRCA provides technical support to its municipal partners in implementing the natural heritage, natural hazard and water resource policies of the Growth Plan, the Provincial Policy Statement and other provincial plans. In working with approval authorities, private and public proponents, TRCA helps to facilitate sustainable development and infrastructure and ensures that it is adequately set back and protected from natural hazards and environmentally sensitive areas. We also collaborate with our provincial and municipal partners to seek opportunities for remediation and restoration to reduce risk and increase resiliency where comprehensive redevelopment/community revitalization is proposed that includes areas of historical residential development within the flood hazard. In this way, increased growth

is facilitated while risk is reduced and provincial and municipal policies for public safety and environmental protection are upheld.

TRCA understands that the proposed changes to the Growth Plan for the Greater Golden Horseshoe (the Plan) are meant to address implementation challenges that were identified by the municipal and development sectors and other stakeholders. The changes are intended to provide greater flexibility and address barriers to building homes, creating jobs, attracting investments, and putting in place the right infrastructure while protecting the environment. The advisory and regulatory responsibilities of conservation authorities in the growth planning process are not about slowing or preventing development and all its attendant economic benefits. Conservation Authorities are most successful at facilitating growth when the conservation authority and the development industry take a comprehensive, creative and collaborative approach early in the process.

There are currently a number of examples where TRCA is working with municipal partners on various growth planning exercises. For example, we are involved in:

- Peel Region and York Region Municipal Comprehensive Reviews (MCR),
- Durham Region on the Carruthers Creek Watershed Plan and their MCR,
- "Dundas Connects" Master Planning process in Mississauga
- Vaughan Metropolitan Centre and Black Creek revitalization
- Downtown Brampton revitalization
- Lower Don lands redevelopment and Don River Mouth revitalization
- All major secondary plan/settlement area processes in our jurisdiction (e.g., Caledon, Markham, Vaughan)

Also, in the City of Toronto, significant new housing and employment is being provided in a number of redevelopment and infill scenarios with TRCA's direct participation. This work by TRCA and stakeholders has resulted in considerable improvements to water quality and quantity and the natural heritage system, while reducing risk due to natural hazards.

With TRCA's expertise and direct involvement in several growth planning processes, we offer the following comments as the amendments to the Plan and the regulations are finalized.

Revised Density and Intensification Targets

We recommend that some of the proposed amendments be reconsidered in light of the Plan objectives. For example, the current Plan states, "This Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification-first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area." Many stakeholders support this emphasis given that intensification helps to limit land consumption, supports transit, and curbs automobile use. Lower density communities result in less efficient use of land, infrastructure and public services, and entail higher commute times and automobile use, negatively affecting the health of people and likely increasing the need for settlement area boundary expansions.

However, the current Plan amendment proposes lower minimum designated greenfield area density targets – from 80 residents and jobs per hectare down to a minimum of 60, 50 and 40 residents and jobs per hectare depending on the degree of urbanization of each municipality – and lower intensification targets, from 60 percent down to 50 percent or lower for some municipalities. The amendments represent a significant reduction from the current targets, and in some cases are lower than the targets set out in the 2006 Growth Plan.

The current Plan already permits municipalities that are not able to meet the Plan's minimums to apply for alternative targets. Overall, the proposed Growth Plan amendments for lowered intensification and density

targets, if approved as proposed, could undermine the "intensification-first approach" of the Plan. Lesser density could encourage lower-density greenfield development and more frequent settlement area boundary expansions which further alters drainage patterns, and puts pressure on allowing development and servicing into natural features and buffers. Increasing the number of single family dwellings and reducing the number of townhomes, stacked townhomes and condominium units in low to mid-rise buildings, may limit more sustainable housing options (more energy and water efficient forms of housing), which would otherwise be pursued to meet the minimum density targets.

Alternatively, we suggest a greater policy focus and more amendments on removing barriers to intensifying underutilized, previously developed properties within the existing urban boundary. A focus on policies to enable greyfield and brownfield redevelopment would allow properties within urban growth centres and intensification corridors to be more efficiently used for additional housing or employment, maximize the use of existing services, and potentially improve water quality and quantity standards where infrastructure requires refurbishment and upgrades to meet current standards. The Plan could also speak to more efficient use of land by co-locating compatible public service facilities where feasible (e.g., stormwater management in and around parks), in striving for compact development and complete communities.

Recommendation 1: Given that the stated intent of the Growth Plan is to make use of existing urban land supply and to focus less on continuously expanding the urban area, TRCA recommends that:

- a) **the standard for upper and single-tier municipalities in the inner ring be maintained for minimum intensification targets and minimum density targets in designated greenfield areas, and**
- b) **additional policies be established to help facilitate removal of barriers to the redevelopment of existing, underutilized properties within the urban boundary, to achieve density and intensification targets. Such redevelopments should be encouraged to undertake comprehensive planning up front for growth areas to help fast-track site plan applications that follow, and to co-locate public services such as stormwater management, low impact development facilities, recreation and open space. Policies should be included to ensure an equitable approach to working with landowners and other stakeholders, early in the development process, to achieve more sustainable communities and include infrastructure upgrades to facilitate more sustainable infill development.**

Land Needs Assessment Methodology (Transition Regulation)

Further to the above relating to land needs, TRCA understands one of the changes proposed as part of the regulations to implement the amendments, is as follows:

- Delete the provisions that had been added to the regulation on May 4, 2018 to support implementation of a standard method to calculate the amount of land needed for development to the horizon of the Growth Plan, known as a land needs assessment.

Although the reasoning behind the amendment is not explained as part of the materials available on the ERO posting page, TRCA understands that the Province is proposing to amend the transition regulation so that designated greenfield areas' (DGAs) density requirements would apply to hamlets and rural settlements in the Greenbelt and minor urban centres in the inner ring, for the purposes of land needs assessment (instead of being treated as rural development, as is the case currently). This proposed change seems to suggest that these areas are to be considered developable lands like any other DGA, which could result in more development than has previously been considered or planned for in these areas. In addition, these areas may require additional up front studies to facilitate any new major development. Counting these areas as DGAs could also result in less additional land being determined to be required through the land needs assessment.

TRCA submitted comments through the previous consultation on the existing land needs assessment

guidance document due to our interests in ensuring "net outs" of natural system lands. TRCA is already undertaking work to support its municipal partners based on the current methodology. It is not clear whether in-process/finished land needs assessments would need to be re-done to accommodate this proposed change to the transition regulation.

Recommendation 2: Please confirm whether a revised land needs assessment methodology will be released which nets out natural system lands, the requirements and implications for in-process or completed land needs assessments and/or new or additional study requirements that will be required for hamlets and rural areas that have not been subject to previous studies.

Allowing Key Planning Processes Outside a Municipal Comprehensive Review

The current Plan mandates municipalities to implement some key planning processes through a Municipal Comprehensive Review (MCR). MCRs are defined in the Plan as, "a new official plan, or an official plan amendment, initiated by an upper- or single-tier municipality under section 26 of the Planning Act that comprehensively applies the policies and schedules of this Plan." The definition of an MCR is not proposed to change under the amendments. As well, policy 2.2.1.3 e) remains unchanged, which requires upper and single-tier municipalities to, "undertake integrated planning to manage forecasted growth to the horizon of this Plan, implemented through a municipal comprehensive review." However, a number of significant municipal planning processes for managing growth are proposed to be allowed to proceed in advance of an MCR, including:

- Settlement area boundary expansions;
- Employment land conversions;
- Major Transit Station Areas (MTSAs) boundary and density target determinations; and,
- Agricultural and Natural Heritage Systems Mapping refinement.

Settlement Area Boundary Expansions

Policy 2.2.8.2 of the current Plan states that a settlement area boundary expansion may only occur through an MCR. The proposed amendments to the Plan introduce policies 2.2.8.5 and 2.2.8.6, which state that notwithstanding policy 2.2.8.2, a settlement area boundary expansion may occur in advance of an MCR, provided the land to be added to the settlement area is no larger than 40 hectares. The Plan amendments are silent on whether this is a one-time exemption but in discussions with Provincial officials this seems to be the intent. TRCA is concerned, that if left unspecified, repeated expansions of up to 40 hectares each time could occur, thereby leading to greater land consumption on an ad-hoc basis. Also, we note a number of our partner municipalities have raised concerns with this approach and have recommended additional policy details confirming a one-time only use.

These potentially multiple exemptions contrast with the Plan's greater overall intent to move from low density development to a more compact built form. Moreover, the amended Plan lists "unmanaged growth" as a challenge due to its potential to "degrade the region's air quality; water resources; natural heritage resources, such as rivers, lakes, woodlands, and wetlands, and cultural heritage resources." TRCA submits that approving single or multiple "one-off" settlement area expansions outside of an MCR could be perceived by stakeholders as "facilitating unmanaged growth". TRCA recommends retaining the requirement for an assessment of the comprehensive range of social, environmental and economic interests that an MCR process is designed to address.

Recommendation 3: Given that the amended Plan's maintained intent speaks to the issue of unmanaged growth and its adverse effects, TRCA recommends that the Province remove the permission to expand settlement boundaries outside of an MCR. Should the exemption remain, the Plan should specify a one-time exemption rule for a settlement area expansion in advance of the MCR process.

It is important to note that there are criteria introduced through the amended Plan for settlement area boundary expansions outside the MCR. The proposed policy 2.2.8.5 states that expansions in advance of an MCR have to follow criteria set out in the current Plan policy 2.2.8.3 including that the expansion would be informed by:

- Water management plans
- Avoidance or mitigation for the water resources system
- Avoidance of the Natural Heritage and Agricultural Systems
- Sections 2 and 3 of the Provincial Policy Statement
- Other Provincial Plans.

However, the preamble in 2.2.8.3 states that the criteria apply to expansions done through an MCR as in 2.2.8.2. Therefore, as written, the policies are unclear and should be revised to clarify that a settlement area expansion needs to meet these criteria whether it is undertaken inside or outside of an MCR process.

Recommendation 4: TRCA recommends that the Province clarify that the criteria for urban boundary expansions apply to expansions undertaken both inside and outside the MCR process, if the direction to allow an expansion outside of the process is maintained.

Employment Land Conversions

The proposed amendments to the Plan would allow a municipality to convert lands designated in their official plan as employment to a designation that permits non-employment uses in advance of an MCR (2.2.5.10) (except for those employment lands that fall within a Provincially Significant Employment Zone). The amendments stipulate that conversion can only take place where the municipality demonstrates: a need, no adverse effects on the viability of an employment area or achievement of minimum intensification targets, there are existing or planned services in place, and a significant amount of jobs are maintained on the lands (2.2.5.10 b)). We also note examples in our jurisdiction where comprehensive environmental studies, if completed, were required to be updated to take into account the potential for impacts from a change in use from employment to residential (e.g., stormwater management imperviousness factors). Also, the term "significant" is not defined, and without a comprehensive understanding of employment land capacity, the policy risks an over-conversion of employment lands. For example, the municipality might discover in the next MCR that there are insufficient employment lands due to conversions occurring before the MCR, and will require a settlement area boundary expansion to accommodate forecasted employment. As noted in earlier sections, repeated settlement area expansions would subject sensitive habitats or natural hazard zones, which have not yet been assessed, to development pressures.

Recommendation 5: The Province should define "significant amount of jobs" and introduce restrictions on land use conversions outside an MCR, such as additional criteria on location and requirements for comprehensive environmental studies (e.g., Master Environmental Servicing Plans), "capping" the size of areas to be converted and placing a one-time exemption limit on these conversions.

Provincially Significant Employment Zones

As mentioned above, the proposed policy 2.2.5.10 to convert employment lands to other uses is not applicable to the 29 Provincially Significant Employment Zones identified through the proposed amendments. Of these 29 zones, 12 fall within TRCA's jurisdiction. TRCA recognizes the importance of maintaining employment lands and the Province's objective to protect them. A number of the 12 zones fall within the natural heritage system which includes hazardous lands for flooding and erosion. Moreover, employment lands are typically comprised of a high percentage of impervious surface of total site area (e.g., parking lots, truck circulation areas, etc.), posing potential impacts for water quantity, quality, erosion and water balance (for natural features and groundwater). TRCA has found that additional up front work to achieve comprehensive stormwater management at a block plan level would help facilitate faster approvals when site plans are received. The policies around employment zones should ensure that natural features

and areas are avoided and that stormwater management is addressed earlier in the development process to effectively mitigate for these impacts and facilitate more timely approvals. The policies could promote low impact development, among other best management practices, in accordance with section 1.6.6.7 of the Provincial Policy Statement.

Recommendation 6: The Growth Plan policies protecting provincially significant employment zones should have more defined mapping and criteria added for lands subject to natural hazards and/or within the natural heritage system that must be set aside from development. The employment policies should also encourage preparation of comprehensive stormwater management plans, earlier in the process, to ensure protection of these features and functions without creating new hazards or aggravating existing hazards and to facilitate more timely reviews and approvals when site plans are submitted.

Delineation of Major Transit Station Areas

Major Transit Stations Areas (MTSAs) are areas including and around any existing or planned higher order transit station or stop within a settlement area or a major bus depot in urban cores. The amendments to the Plan will result in municipalities being allowed to delineate MTSAs and determine their density targets in advance of an MCR. The amendment also revises the current maximum radius of an MTSA from 500 metres around a station to 800 metres. TRCA supports the intent of the radial increase in order to encourage higher order transit usage. It should be cautioned, however, that numerous higher order transit stops in TRCA's jurisdiction fall within areas subject to flooding, and similar to employment lands, typically consist of a high proportion of impervious surfaces. As such, achieving density targets within MTSAs must account for natural hazards, natural heritage, and stormwater management, whether identified outside or inside of an MCR process. Amendments to the Growth Plan should specify policy requirements for natural hazards, stormwater management and natural heritage more clearly, should delineation of MTSAs be permitted outside an MCR as is proposed.

TRCA supports transit-oriented development (TOD). However, we feel that TOD should not come at the expense of forgoing other provincial interests that are also in the public's interest, such as public safety from managing natural hazards and achieving more resilient communities by protecting natural heritage systems. This upfront policy requirement in the amended Growth Plan is especially important given that MTSAs are restricted from Local Planning Appeal Tribunal appeals.

Recommendation 7: TRCA recommends that if the determination of MTSAs and their density targets are excused from the MCR process, that the determination be subject to meeting criteria for addressing natural hazard management, natural heritage, and water resources protection.

Agricultural and Natural Heritage Systems Mapping Implementation

It is proposed that two other processes can now occur outside an MCR. They are initial refinement of provincial mapping of the Natural Heritage System for the Growth Plan, and initial refinement of provincial mapping of the Agricultural Land Base.

TRCA supports the ability for municipalities to refine provincial mapping of the Natural Heritage System (NHS) and Agricultural Land Base at the time of initial implementation of these systems in their official plans, rather than only through an MCR. This amendment appears to be a positive move to address stakeholder requests. Provincial mapping was done at a high level and, within TRCA's jurisdiction, and does not capture many areas that municipalities have included in their own NHSs and in TRCA's NHS. The amended policy would protect an existing NHS in an official plan under Growth Plan policies until the municipality refines their mapping (based on local-level knowledge of the landscape) and implements the provincial mapping.

The removal of the words "for greater precision" in policy 4.2.2.5 also represents a positive change, as it eliminates some of the confusion regarding the extent of "refinements" TRCA had remarked on previously

during the consultation for the NHS and Agricultural System mapping in 2017. Nonetheless, the NHS and the Agricultural System cross municipal boundaries warranting a coordinated approach across municipal and conservation authority jurisdictions.

Recommendation 8: While allowing upper-tier municipalities to undertake initial implementation separately for each lower-tier municipality provides flexibility and could result in a more thorough initial implementation (as lower-tiers would not be rushed to complete it on the upper-tiers' schedule), TRCA suggests the Plan direct upper-tier municipalities to coordinate among their lower-tier municipalities and conservation authority partners to ensure that areas crossing jurisdictional boundaries are considered in an integrated way during refinement and implementation of the NHS mapping.

Removal of Watershed Planning for Infrastructure Planning

The amendments propose that the explicit requirement for watershed planning to support planning for new and expanded infrastructure be removed from policy 3.2.1.2. In TRCA's previous comments on the Growth Plan during the Coordinated Plan Review, it was stated that TRCA strongly supports "policies for integrated planning for infrastructure that require: vulnerability risk assessments; developing stormwater master plans informed by watershed planning, including examining the cumulative environmental impacts; incorporating low impact development and green infrastructure; and considering the impacts of climate change." TRCA is concerned that by reducing the list of plans and studies to "relevant studies", these crucial components of infrastructure planning may be overlooked. Overlooking these studies early in the process (official plan stage) may result in delays in the review of applications at the subdivision and site plan stages.

Watershed planning can bring a solid foundation of science to inform many key community planning issues relevant to infrastructure planning, such as:

- Identifying and enhancing natural heritage systems;
- Providing guidance to manage stormwater using green infrastructure and low impact development techniques;
- Managing the risk to property and infrastructure from natural hazards; and
- Assessing the impact of potential future climate change, among others.

Recommendation 9: As TRCA recommended to the Province in 2015, the Growth Plan should require consideration of the threshold capacity of the watershed, including targets established in watershed/subwatershed plans, when directing growth to ensure that additional servicing capacity can be accommodated without compromising ecosystem function and the water resources system. Therefore, the Province should maintain the requirement for watershed planning in 3.2.1.2 to inform infrastructure planning.

Water Resource System Policies

The proposed Plan policy 4.2.1.2 removes the requirement for water resource system designations and policies to be applied in official plans. By requiring that water resource systems be identified without specifying that they be incorporated in official plans, this amendment creates confusion regarding the implementation of this policy. Municipal official plans and in some cases zoning by-laws should be the mechanism for inclusion of the appropriate designations and policies, otherwise "the long-term protection of key hydrologic features, key hydrologic areas, and their functions" may be undermined. This proposed change of making inclusion of these water resource system designations optional, would also provide less certainty to proponents who would have benefited from advance knowledge of where these features are located. Furthermore, the original wording of 4.2.1.2 is identical to policy 3.2.3.3 in the Greenbelt Plan. Changing it works against efforts to create a coordinated and more harmonized provincial planning framework for the Greater Golden Horseshoe.

Recommendation 10: TRCA recommends that the Province retain the original wording of 4.2.1.2 to require municipalities to include the appropriate designations and policies for water resource systems in their official plans and zoning by-laws.

With regard to watershed planning, TRCA is pleased to see that policy 4.2.1 is being maintained as it concerns municipalities partnering with lower-tier municipalities and conservation authorities to ensure, "that watershed planning is undertaken to support a comprehensive, integrated, and long-term approach to the protection, enhancement, or restoration of the quality and quantity of water within a watershed." As mentioned earlier, municipalities rely on TRCA expertise in their watershed planning exercises to implement the Growth Plan policies through their MCRs. However, the amendment also proposes that the explicit link to "watershed planning or equivalent" in policy 2.2.8.3 be removed. While the policies under 4.2.1 make it clear that watershed planning should inform a variety of key exercises (e.g. allocating growth, large scale development in DGAs) it is important to also link watershed planning to Settlement Area Boundary Expansions, especially for those expansions taking place outside an MCR.

Recommendation 11: TRCA recommends that the province retain "watershed planning or equivalent" in the wording of 2.2.8.3 d) to ensure that municipalities understand the connections between the Settlement Area Boundary Expansion policies and the Water Resource System policies in section 4.2.1.

New and Undefined Terms

Some new terms introduced through the amendment are broad and are not defined, including: "relevant studies", "environmental planning", "significant number of jobs", and "environmentally sustainable communities". By not being specific about these requirements or how these terms should be interpreted – for example, the existing goals of "low carbon" and "net-zero" are specific and measurable, whereas "environmentally sustainable" is not – it may have the effect of delaying, rather than expediting, approvals for growth. If stakeholders and public agencies are unaware of what is relevant, or are inconsistent in their interpretation of what is required, review processes could become mired in even greater uncertainty and complexity. To achieve objectives of facilitating growth the objectives and policies should be as clear as possible using specific defined terms.

Recommendation 12: The Province should define any new terms or measures introduced through the amendments, so that the requirements and objectives of the Plan are clearly set out for approval authorities and proponents.

In Summary

TRCA is looking forward to working closely with the Province and stakeholders to facilitate timely approvals where upfront comprehensive studies have been conducted. We recommend additional changes to provide clarity in order to help streamline municipal review processes. Adding flexibility and streamlining can be positive in order to recognize local contexts, but a number of issues of interest to TRCA's mandate are better identified through a comprehensive planning exercise at the early stages of the planning process. Repeated, large scale, stand-alone approvals that the proposed Plan amendments contemplate could exacerbate natural hazards and create negative impacts to natural heritage and water resources, in areas where comprehensive planning has not occurred. Reduced targets have the potential of significantly increasing the amount of land needed to accommodate forecasted growth, placing pressures on lands and enhancing climate change risks.

Recommendation 13: Overall, TRCA recommends as much clarity as possible in the Plan, at minimum, through additional criteria to safeguard against the environmental risks associated with proposed approvals outside an MCR, if this approach is maintained.

Thank you once again for the opportunity to provide comments on this important initiative. Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416-661-6290 or john.mackenzie@trca.on.ca.

Sincerely,



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Chief Executive Officer

BY E-MAIL

cc:

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