

November 23, 2022

Government of Ontario
Provincial Land Use Plans Branch
13th Floor, 77 Bay Street.
Toronto, Ontario M7A 2J3
c/o growthplanning@ontario.ca

Attention: Ministry of Municipal Affairs and Housing
Response to (ERO 019-6177) Review of A Place to Grow and Provincial Policy Statement

Dear Ministry of Municipal Affairs and Housing,

Please consider these comments in response to “Review of A Place to Grow and the Provincial Policy” posted as ERO 019-6177 proposal for the Ministry of Municipal Affairs and Housing.

J.F. Sabourin and Associates Inc. is a specialized consulting firm that has been providing services in water resources engineering, environmental management and land planning to private and government clients in Ontario, Quebec, and further abroad for almost 30 years. Our team specializes in both the technical engineering activities related to natural hazards and the policy interpretation component, through project specific and broader initiatives. Our expertise has enabled us to be considered experts at provincial tribunals, as well as providing third party reviews, and advising on guidelines and policy relating to these areas. Our staff includes an experienced former Conservation Authority Planner to liaise and coordinate development and other environmental projects through municipal and Conservation Authority review processes. This gives us unique and significant insight into the issues, interpretation, and pragmatic application of the Natural Hazards section of the Provincial Policy Statement.

In general, we support the work of Ontario Conservation Authorities as the provincial representatives and technical experts to advise on matters relating to flooding. To do this work well and with confidence, they require clear direction in provincial level policy, and specific language and guidance to ensure they can consistently and appropriately evaluate proposals that relate to natural hazard / flood plain activities. Our comments on the above-mentioned posting are consistent with this position and our experiences over the past 20 years.

Core Element Environment and Natural Resources:

Natural and human-made hazards

- **ERO 019-6177 Proposal:** Streamlined and clarified policy direction for proposals in hazard areas, while continuing to protect people and property in areas of highest risk . Ensure that policies of the PPS are outcome-oriented, and some policies allow flexibility in their implementation provided that the original intent of the policy is upheld.
- **Recommendation:** Revise terminology, definitions, and direction regarding site alteration in flood plains to accommodate establishment of development lands where the hazard can be safely removed without negative impacts. Details provided below.

- **Why:** Provide municipalities, landowners and CA's with up-to-date and defensible policy support to consider currently sterilized lands for additional housing opportunities. Modern water resource engineering software and models can establish where site alterations in the flood plain are effective and appropriate, and do demonstrate impacts (if any).

Flood plains should not be protected like natural features. Not all flood plains are the same. Flood plains are a hazard that in some cases must be avoided, but in other situations can be overcome to support housing objectives such as intensification and access to existing infrastructure with capacity, while keeping people and property safe.

The correction to legacy thinking of how we manage flood plains must be entrenched in provincial policy. This in no way conflict with importance of considering climate change or keeping people and property safe from flooding. Rather, it recognizes that flood plains are identified through engineered modelling and that the same tool may be used to evaluate alterations to flood plains in specific circumstances.

3.1.4 Natural Hazards

- Recommendation: Revise 3.1.4

Despite policy 3.1.2, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream, and small inland lake systems:

a) ...

b) ...

c) ... where an examination of the flood plain carried out in accordance with current established modelling software and engineering best practices, undertaken by an experienced professional, has demonstrated that site alteration in the flood plain may be undertaken, provided new hazards are not created, existing hazards are not aggravated; and no adverse environmental impacts will result.

3.1.6 Natural Hazards

- Recommendation: Revise: 3.1.6 to remove 2-zone concept reference.

Where the ~~two-zone concept for flood plains is applied~~, flood fringe is identified and designated in municipal planning documents, development and site alteration may be permitted ~~in the flood fringe~~, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources and Forestry.

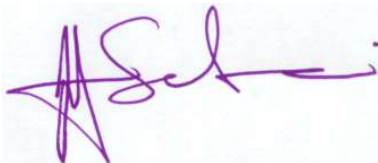
Definitions:

- Recommendation: clarify site alteration is not development in the definition for development.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
 - b) *site alteration and/or grade changes, unless specified*
 - c) works subject to the Drainage Act; or
 - d) for the purposes of policy 2.1.4(a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).
- Recommendation: clarify the potential for this designation and that it is a designation rather than a technical test in the definition of flood fringe.
 - Flood Fringe: for river, stream and small inland lake systems, means the outer portion of the flood plain between the floodway and the flooding hazard limit **which has been identified in local planning documents as available for development meeting certain requirements.** Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway, and **threats to public health and safety or property damage may be mitigated.**
 - Recommendation: Remove references to 1 and 2-zone concepts in the definition of floodway. They are not meaningful or useful, and confusing with flood fringe and Special Policy Areas. Further, they are inconsistent with the MNR technical guide which was written before these policy statements were included, and was never intended to be applied in this context and a land use designation.
 - Floodway: for river, stream and small inland lake systems, means the **contiguous** portion of the flood plain **representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat where development and site alteration would cause a danger** to public health and safety or property damage. ~~Where the one zone concept is applied, the floodway is the entire contiguous flood plain. Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.~~

Thank you for the opportunity to comment. Sincerely yours,



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