

July 31, 2023

Hon. Steve Clark
Minister of Municipal Affairs and Housing
17th Floor
777 Bay St.
Toronto, ON M7A 2J3

Re: Ministry of Municipal Affairs and Housing
Proposed Provincial Planning Statement, April 2023
Environmental Registry of Ontario Posting #109-6813

Dear Minister,

Caivan commends MMAH and the Honourable Minister Steve Clark for taking a strong and progressive approach to modernizing planning instruments in the Province with a view to addressing the acute housing crisis in Ontario. The proposed Provincial Planning Statement includes updates that we believe will advance housing supply, improving the quality of life for current and future Ontarians.

Our focus has been placed mostly on natural hazards policies; specifically the need for strong language around the need for modernization of floodplain policy to correspond with contemporary engineering approaches in balancing the pressures of urban development in and around rivers and streams. The latest PPS is an opportunity to provide municipalities, landowners and Conservation Authorities with an up-to-date policy directive that can benefit from the latest in science surrounding climate changes, hydrodynamic assessment and advances in software based modelling techniques and tools that are being utilized around the world in floodplain management.

Hazard lands are not all created equally and it remains imperative that policy maintain flexibility in order for science and sound engineering approaches to determine where and how site alteration can occur to and within hazard lands. This is more pressing a priority than ever as urban land needs to be harnessed to the fullest extent possible in addressing the need for transit oriented and efficiently serviced housing development across the province. This science first approach has already been adopted in the provincial approach to Brownfields and fire hazards, for instance where engineering approaches are utilized to manage and mitigate risk.

Below is the suggested addition/modifications to sections 5 and 7 of the Natural Hazard policies Caivan and our team of experts recommends to modernize the PPS approach to a science first methodology:

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5. Despite policy 5.2.3, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard* along river, stream and small inland lake systems:
- a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
 - b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor |

additions or passive non-structural uses which do not affect flood flows.

- c) where an examination of the flood plain carried out in accordance with current established modeling 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 may result.

7. Where the two-zone concept for flood plains is applied a 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.

Additionally, our team has reviewed terms and definitions and offer the following suggested modifications to minimize ambiguity in the interpretation of the PPS by practitioners:

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; or
- a)b) Site alteration and/or grade changes, unless specified;
- b)c) works subject to the *Drainage Act*.

Flood fringe: for river, stream and small inland lake systems, technically established and identified for development consideration, meeting certain requirements. means the outer portion of the flood plain between the floodway and the flooding hazard limit. 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 and/or property damage can be mitigated.

Flood plain: for river, stream and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards. The regulated hazard limits shall define the floodplain extents.

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.~~

~~**Two zone concept:** means an approach to flood plain management where the flood plain is differentiated in two parts: the floodway and the flood fringe.~~

Finally, I want to draw attention to the attached ERO posting advanced by JF Sabourin and Associates from November of 2022. JFSA is a world-renowned expert in floodplain engineering and has worked for Conservation Authorities and Municipalities across Ontario and Quebec in improving flood plain mapping and has been a strong advocate for the modernization of techniques in managing flood hazards.

We appreciate your consideration of our comments and all the effort made in our collective pursuit of more homes, faster.

Sincerely,



Susan Murphy
President, Land Development
Ottawa Division

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