

Written Submission to Standing Committee on Heritage, Infrastructure and Cultural Policy

Regarding Bill 23 “More Homes Built Faster Act”

November 17, 2022

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About Watersheds Canada

Watersheds Canada is a registered Canadian charity (863555223RR0001) committed to providing programs and resources to communities across the country that work to engage and help waterfront property owners enhance and protect the health of lakes and rivers through the promotion of sustainable development practices.

Summary

Watersheds Canada strongly urges the Standing Committee to support and reinforce our recommendation to the Ontario Legislature – rescind Bill 23. Community planning decisions should be left to those who are affected by the decision and understand the local culture. In addition to the proposed changes affecting the health and protection of Ontario’s wetlands, our biggest concerns are the impacts on **rural waterfront communities** resulting from the proposed changes to the **Planning Act** (R.S.O. 1990, c. P.13). Due to the wide and potentially harmful changes, Watersheds Canada asks that Bill 23 be scrapped.

Recommendation #1: Preserve Site Plan Control as it is. Most rural municipalities rely on **Site Plan Control** (s.41 of the Planning Act) as their primary regulatory tool to review single detached dwellings, the main form of development affecting the health and sustainable use of Ontario’s freshwater. Even if this change was rescinded, excluding **exterior design** from this review process would prevent local decision-makers from requiring the retention or restoration of a vegetated shoreline buffer, a common sustainable development best practice for protecting both land and water. Lastly, taxpayers deserve to be part of the decision-making process, therefore third-party appeal rights must remain available to individuals.

Recommendation #2: Retain third-party appeal rights on land use decisions. Bill 23 was designed with urban planning in mind; however, it would have significant negative impacts on the way

rural municipalities maintain the cultural and natural heritage of their communities. Local land use decisions must remain in the hands of those affected by the outcome, the local community.

November 17, 2022

Ms. Laurie Scott, MPP
Chair, Standing Committee on Heritage, Infrastructure and Cultural Heritage
Whitney Block, Room 1405, 99 Wellesley Street W.
Toronto, ON
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RE: Watersheds Canada's Written Submission on Bill 23 (*More Homes Built Faster Act, 2022*)

The proposed “More Homes Built Faster Act” (Bill 23) fails to consider its social, economic, and environmental impacts on **rural waterfront communities** throughout Ontario. Through efforts to increase the supply of affordable housing, Watersheds Canada is concerned that the Ontario Government is proposing to further centralize community planning and limit public consultation through changes to the **Planning Act**, a concern already expressed by the Association of Municipalities of Ontario and others.

Watersheds Canada has consulted tens of thousands of concerned waterfront property owners, developers, and municipal staff across Canada. The common theme from stakeholders is that we all want the same thing: a **healthy environment to support a healthy economy**. The protection, maintenance, and restoration of vegetated shoreland buffers, which is often regulated through municipal development review processes like Site Plan Control, not only increase one's property value but supports healthy fishing and tourism industries.

In addition to cutting regulatory measures that serve to protect and restore the natural environment in the face of climate change, Bill 23 also seeks to limit the decentralized approach to land use planning in Ontario. **Community land use decisions should remain in the hands of those directly affected by the outcome, the local community.**

We are writing to you today to strongly urge you to **rescind Bill 23**.

The Bill will **significantly weaken municipalities' use of Site Plan Control** (Section 41 of the Planning Act) in regulating waterfront development.

- Limiting the application of site plan control to **residential buildings containing 10 or more units** removes a municipality's ability to review and apply conditions to single, detached dwellings, the main form of development affecting the health and sustainable use of Ontario's shorelines.
- These proposed changes were written with urban development in mind, yet they have significant **implications for rural communities**. Blanket changes based on urban planning should not be applied to wetlands and freshwater areas.

This Bill fails to support a municipality's ability to restore or maintain vegetated shoreland buffers to **protect Ontario's freshwater**.

- Even if the above points were addressed, the proposed **exclusion of exterior design** from the Site Plan Control review process removes a municipality's authority to impose landscaping/vegetation requirements as a condition for approval for the purposes of mitigating environmental impacts of development (e.g., impacts of surface runoff on water quality).
- The Provincial Policy Statement briefly mentions the importance of protecting and restoring Ontario's shorelines to protect water quality (s2.2.1), however, **municipalities are given very little guidance** and tools to ensure their protection in the face of proposed development. Site Plan Control is the main tool used by municipalities to regulate residential waterfront development and protect the adjacent water body. Thus, it would be detrimental to the protection of freshwater resources to exclude exterior design requirements from Site Plan Control.

The Bill **removes an individual's right to appeal** land use decisions in their community, limiting this right to the applicant and public entities.

- Taxpayers deserve to be part of the decision-making process, therefore, third-party appeal rights to land use decisions **must remain available to individuals**.
- Watersheds Canada supporters want to defend sustainable development in their community from rushed private interests that could ultimately neglect local environmental needs and social well being. Individuals have the **right to express their concerns** and offer their perspectives on how their health, livelihood, and enjoyment may be impacted by local development.

Unless the above issues are addressed in Bill 23, I urge you, as democratically elected representatives, to represent the interests of your constituents and call for Bill 23 to be rescinded. If not successfully challenged, Bill 23 will only further limit the ability of municipalities and taxpayers to decide how their communities are shaped and take steps towards sustainable community planning. Every community is unique. Therefore, land use decisions cannot be made by the province. **Land use decisions must remain in the hands of municipalities.**

Recommendation #1: Preserve Site Plan Control as it is. With fewer resources and increased development pressures following the wave of work from home mandates, rural communities have few measures in place to maintain their natural and cultural heritage other than Site Plan Control. We urge you to maintain the use of Site Plan Control on all residential developments within the waterfront area and to keep exterior design as a part of the review process so that local decision-makers can continue their work to ensure climate resilient shorelines across the province.

Recommendation #2: Retain third-party appeal rights on land use decisions. Voters have the right to use their voice to express concerns about land use decisions. Consultations are the integral process by which representative government seeks to understand societal impacts of their decisions. Although meaningful public consultation is a lengthy process, the system should not be designed to bypass or exclude key stakeholders, including in local land disputes.