



May 11, 2026

Ministry of Municipal Affairs and Housing
Provincial Planning Branch
13th Floor, 777 Bay Street
Toronto, ON
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Canada

Re: Conservation Ontario's Consolidated Response to Bill 98 (*Building Homes and Improving Transportation Infrastructure Act, 2026*) Legislative and Regulatory Proposals (ERO# 026-0300, 026-0309, 026-0310, 026-0311, 026-0312, 026-0313, 026-0314, and 026-0315).

Conservation Ontario is the voice of Ontario's 36 Conservation Authorities (CAs). We offer the following comments further to CA mandatory programs and services supporting natural hazard management and drinking water source protection, including natural hazard permitting, municipal plan review and commenting, and duties, functions and responsibilities as a source protection authority under the provisions of the *Clean Water Act, 2006*.

These comments are not intended to limit consideration of feedback provided by individual CAs.

Bill 98, *Building Homes and Improving Transportation Infrastructure Act, 2026* introduces proposed changes to the *Planning Act* and *City of Toronto Act* to "support housing, economic, and infrastructure development, and advance key transportation and transit priorities". Proposed changes affect Ontario's municipal planning framework, including proposed streamlining and standardization of official plans, municipal site plan control rules, and other matters.

In addition to the legislative changes proposed through Bill 98, the Province is seeking feedback on complementary regulatory and policy proposals. As outlined in various Environmental Registry postings, proposed changes intend to reduce duplication in planning approvals, standardize and streamline municipal planning documents, and increase consistency in the use of municipal planning tools such as Enhanced Development Standards and secondary plans.

Conservation Ontario and Ontario's CAs remain committed to supporting and collaborating with municipal partners, the Province, and the development industry to provide safe and resilient community and infrastructure development. We offer the following specific comments and recommendations on the individual Environmental Registry proposals associated with Bill 98.

1. Proposed Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes (Official Plan Standardization) (ERO#026-0300)

Schedule 7 of Bill 98 proposes to establish a standardized table of contents, schedules and land use designations for municipal official plans (OPs). The proposed standardized structure would apply to local (lower- and single-tier municipalities and planning boards).

If finalized, the proposed changes would come into force January 1, 2028, for the 29 large and fast-growing municipalities, and January 1, 2029, for all other municipalities.

ERO#025-1099 previously proposed to include "general policies applicable to all designations" in the standard framework for municipal OPs, including policies related to "natural and human made hazards". In its submission on that proposal, Conservation Ontario acknowledges the importance of secondary planning within Ontario's land use planning framework, recommends that water resource-related policies be included as general policies in official plans, and emphasizes the need to ensure that permissive land use designations do not inadvertently facilitate development in areas incompatible with the intended use, such as lands subject to natural hazards.

ERO#026-0300 proposes updates to the municipal OP framework subsequent to the earlier consolidation, including the following changes:

- The "general policies applicable to all designations" component is no longer proposed to be included in the standardized table of contents. **Conservation Ontario recommends the "general policies applicable to all designations" component be retained.** Including general policies that apply across all land-use designations, such as policies addressing natural and human-made hazards, is essential to ensure consistent protection of people, property, and infrastructure, and to enable planning authorities to address hazardous lands and sites comprehensively at a systems and watershed scale.
- Further to Conservation Ontario's submission to ERO#025-1099, **we continue to recommend that policies related to water resources be included in a consistent "general policies applicable to all designations" section.** This approach would reinforce requirements for the protection of municipal drinking

water sources and support integrated, efficient, and sustainable use of water resources through watershed-based planning.

Additionally, ERO#025-1099 proposed to capture natural hazards under the “Natural Heritage” land use designation. Under the current proposal, the “Natural Heritage” land use designation is removed, and a new “natural environment and water resource areas” designation is added. **Conservation Ontario continues to recommend that “Natural Hazards” be included as a separate land-use designation.** Creating a distinct designation for these uses will help ensure municipalities, development proponents, and members of the public have a fulsome understanding of hazard features and associated policy requirements. Further to maintaining distinct “Natural Hazards” policies within the PPS, 2024, inclusion of a separate “Natural Hazards” designation will enhance consideration for matters of provincial interest, including the development of safe and healthy communities, protection of public health and safety, and adaptation to a changing climate.

2. Consultation on upper-tier official plans, secondary plans, and site and area-specific policies (Secondary Plans and Site- and Area-Specific Policies) (ERO#026-0315)

The Ministry is consulting on a proposal to create a distinct framework with clear parameters for secondary plans and site- and area-specific policies (SASPs).

Proposed changes for secondary plans include scoping the areas where such plans could be used, separating the secondary plan from the primary OP, and exempting secondary plans from Minister’s approval (lower tier municipalities within an upper-tier with planning responsibilities would still require approval from the upper-tier).

Conservation Ontario supports the findings from municipalities, school boards and industry partners summarized in ERO#026-0315 regarding the multiple benefits of secondary plans and their essential roles supporting growth management, infrastructure coordination, and consideration of community needs / characteristics. A flexible and adaptable secondary planning framework also allows municipalities to consider the broader water resource system (including natural hazards and sources of drinking water), helping to strategically plan for safe and sustainable communities.

Conservation Ontario recommends that any proposed framework for secondary plans and site- and area-specific policies provide sufficient flexibility for municipalities to support safe, coordinated growth within municipal jurisdictions.

This includes enabling municipalities to develop secondary plans where necessary to manage growth and land use changes, examples include, but are not limited to:

- **New Communities and Neighbourhoods** (e.g., greenfield developments, settlement boundary expansions, etc.)
- **Significant Growth Areas** (e.g., urban cores, Major Transit Station Areas, etc.)
- **Environmentally Sensitive or Protected Areas** (e.g., hazardous lands and sites, natural heritage systems, etc.)
- **Areas with Complex Land Use Compatibilities** (e.g., waterfronts, brownfield redevelopments, institutional lands, heritage districts, etc.)
- **Employment Areas** (e.g., highway corridors, major employment hubs, etc.)

Conservation Ontario also notes that secondary planning is informed by subwatershed plans / studies, supporting municipal decisions on growth allocations, water/wastewater planning, and water resource identification. To ensure secondary plans are supported by the best available technical information, **Conservation Ontario recommends that the Province finalize the draft 2022 “Subwatershed Planning Guide” to help communities comprehensively plan for water / wastewater/ stormwater service, water resource allocations, drinking water source protection, and climate resiliency.**

3. Proposed Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes and Proposed Regulation to Prohibit Mandatory Enhance Development Standards as a Condition of Land Division Approvals (Enhanced Development Standards) (ERO#026-0300 and ERO#026-0309)

Bill 98 proposes changes to the *Planning Act and City of Toronto Act, 2006* to remove municipal authority to require certain mandatory Enhanced Development Standards (EDS) at the lot level, where they are not specifically required for health or safety. Amendments provide that green building/construction standards are voluntary and cannot be imposed by municipalities. A new regulation is proposed under the *Planning Act* to prohibit “sustainability” conditions as part of land division approvals.

Conservation Ontario continues to support flexibility for municipalities to consider both “green” and “grey” solutions for stormwater management that balance development needs with natural hazard mitigation (further to responses submitted to ERO#025-1100 and ERO#025-1101). This balanced approach may include the use of Enhanced Development Standards (EDSs) such as low impact development features to facilitate stormwater management (SWM) at the lot level.

Conservation Ontario supports the proposal to retain EDSs that are “specifically required for health, safety, accessibility or protection of adjoining lands (e.g., stormwater management)”.

- As noted in the Provincial Planning Statement (PPS), 2024, planning authorities are to prepare for the impacts of a changing climate through approaches that “promote green infrastructure, low impact development, and active transportation”.

Municipalities are required to plan for stormwater management (SWM) in such a way to “mitigate risks to human health, safety, property and the environment” and “promote best practices, including... low impact development”.

- To support a flexible and adaptive approach to SWM, Conservation Ontario **recommends that the Province finalizes the “Low Impact Development Stormwater Management Guidance Manual” (ERO#019-4971) to provide information, best practices and encourage innovative approaches to manage rainfall, reduce flooding risks, and increase climate change resiliency.**
- To support land use planning that meets the varied needs of Ontario’s communities, the **Province may consider establishing standards for the application of EDSs, rather than prohibiting local use and application.**

4. Proposed Planning Act, City of Toronto Act, 2006, Building Code Act, 1992 and Municipal Act, 2001 Changes and Proposed Regulatory Approach to Establish a Minimum Lot Size in Urban Areas (Minimum Lot Sizes) (ERO#026-0300 and ERO#026-0311)

The Ministry is proposing changes to the *Planning Act* to enable new regulation-making authority for the Minister (MMAH) to set a minimum lot size on parcels of urban residential land, outside of the Greenbelt Area (further to consultations on ERO#025-1100). Applicable parcels would be within the settlement area of a municipality that is zoned for residential use and is fully serviced by public sewage and water.

The proposed regulation would be scoped to zoning and would not apply to subdivision control. The minimum lot size is proposed at 175 square meters, and any municipal zoning requirements for minimum frontage and/or minimum depth that would not allow the minimum lot standard to be met would be rendered inapplicable.

Conservation Ontario appreciates the clarification within the proposal that other relevant considerations will continue to apply, including PPS, 2024 prohibitions on lot creation (i.e., related to natural hazards). For greater clarity, **we recommend language be included to ensure proponents and landowners are aware that other relevant regulatory frameworks continue to apply, including the regulatory framework under the *Conservation Authorities Act*.**

As noted in Conservation Ontario’s response to a related consultation, ERO#025-1100, appropriate setbacks from hazardous lands/features and allowances for safe access to the property, play an important role in protecting people and property from potential natural hazard impacts (e.g., floodplains, erosion hazards, associated setbacks, etc.). Understanding these constraints ensures development on smaller lots can be appropriately situated outside of areas impacted by natural hazards.

- Further to the PPS, 2024, CAs and planning authorities collaborate to identify hazardous lands and hazardous sites and manage development in these areas, helping to avoid or reduce impacts.
- All CAs maintain publicly accessible mapping of natural hazard features and areas on their websites, and work with planning authorities to ensure this information is appropriately considered in municipal planning documents and processes.

5. Streamlining the information and material that planning authorities can require as part of a complete application and Proposed Changes to Various Regulations Under the Planning Act and the City of Toronto Act, 2006 to Specify Additional “Prescribed Professions” for the Purposes of a Complete Application (Complete Applications) (ERO#026-0313 and ERO#026-0314)

The Ministry is proposing changes to complete application submissions associated with municipal planning applications.

ERO#026-0314 builds on amendments introduced through Bill 17, enabling a new regulation under the *Planning Act* to specify professional engineering as a “prescribed profession” for studies and technical submissions provided as part of a planning application. The Ministry is seeking feedback on additional professions to be prescribed in regulation as “certified professionals”.

ERO#026-0313 builds upon proposals outlined in ERO#025-0462 to define a list of topics or studies that are permitted to be required by municipalities as part of a complete application. The Ministry has identified a list of proposed “core” and “contingent” studies to be outlined in regulation.

Conservation Ontario maintains that establishing clear submission requirements, timelines, and phasing at the outset of the planning process improves submission quality and supports a more efficient and predictable decision-making process.

To support the Province’s goals of improving certainty and predictability for applicants and municipalities, **Conservation Ontario recommends the Province collaborate with municipalities, CAs, and other applicable agencies to ensure the proposed lists of studies and certified professionals are appropriately scoped to achieve high quality submissions that are prepared by professionals with appropriate expertise.**

Conservation Ontario appreciates the inclusion of studies and technical information requirements related to natural hazard impacts, source water protection, and water quality / quantity. These reports, among others, are essential to ensuring development is

undertaken safely and with due regard for natural resources, which are required for sustaining healthy communities.

- The “objectives” of many of the proposed studies include the assessment of impacts but does not necessarily provide for the characterization of these features. Including both the identification and the assessment within the objective allows planning authorities and commenting agencies to better understand, for instance, hazard features, to make informed decisions, potentially helping further scope or refine requirements for other technical studies. **Conservation Ontario recommends the Province provide clarity that studies may be required for both purposes.**
- Successful implementation of this framework would be supported by additional details on what information should be contained in the studies to support municipal decision-making. **Conservation Ontario recommends the Province consult with municipalities, CAs and other relevant agencies to advance Terms of Reference, “minimum standards” documents or other requirements to ensure studies utilize accepted methodologies and contain necessary decision-making details.** Clarifying information requirements for technical submissions may help improve submission quality and reduce re-circulations with requests for additional information / clarification.

Regarding the expansion of the “certified professionals” framework, **Conservation Ontario continues to recommend the regulation speak to specific designations and expertise for “prescribed professionals” to ensure that studies are prepared by appropriate professionals.** For example, preparation of coastal engineering reports typically requires professional engineers with coastal engineering expertise.

- Conservation Ontario maintains that studies prepared by professionals with applicable expertise may enhance submission quality and reduce circulations with requests for additional information / clarification.
- As the Province considers expansion of “certified professionals”, **consideration could be given to inclusion of Registered Professional Planners (RPP) (e.g., to support planning justification reports) and Professional Geoscientists (P. Geo) (e.g., to support geotechnical and hydrogeological reports).**

For clarity purposes, a section 59 restricted land uses notice may still be required under the *Clean Water Act, 2006*.

6. Proposal to reform site plan control under the Planning Act and the City of Toronto Act, 2006 (Site Plan Control Reform) (ERO#026-0310)

The Ministry is seeking feedback on “bold and transformational changes” to site plan control under the *Planning Act* and *City of Toronto Act, 2006*. Further to concerns that the municipal site plan approvals process is exceeding legislated timelines, several initiatives are outlined for feedback including potential removal of site plan control as a tool, limiting circulations between applicants and municipalities, scoping the site plan approval process, among others.

Conservation Ontario supports the retention of the site plan control process as it is an important mechanism for municipalities to receive input from CAs on detailed design aspects such as setbacks and locations of buildings as they relate to hazardous lands and features. While the ERO posting states that details such as “allowable land uses” should be addressed at the zoning stage, it is acknowledged that municipal zoning may require updates to reflect CA regulated areas/natural hazards and more recent updates to Source Protection Plans. As such, site plan control can play an important role in ensuring public health and safety.

Conservation Ontario does not support the full removal of site plan control as a land use planning tool.

However, Conservation Ontario is supportive of exploring opportunities to enable a faster, more predictable, and coordinated site plan approval process for planning authorities and applicants.

- Conservation Ontario is supportive of the proposed “three circulation” provisions that result in a mandatory meeting to discuss and resolve outstanding issues. It is recommended that this process be coupled with robust pre-consultation to ensure application requirements and technical details are clearly communicated and understood at the outset of the process; ensuring the mandatory meeting is only required for files with added complexity. **Conservation Ontario recommends the Province clarify that the intent of the mandatory meeting is to discuss and resolve outstanding submission deficiencies to advance a municipal decision, as opposed to approving files that remain incomplete or non-compliant.** Where appropriate, staff from applicable review agencies (e.g., CAs) should be invited to attend the meeting.
- Conservation Ontario is supportive of the proposed “site plan approval streams” to advance less complex files through a triaged, expedited stream. CAs may become involved in site plan review further to their mandatory municipal plan review and commenting roles (natural hazards and source water protection) and remain committed to supporting efficient and responsive review processes.

- Coordination with review agencies such as CAs, as well as appropriate phasing in the site plan review process, can support efficient reviews for subsequent approvals (e.g., section 28.1 permits under the *Conservation Authorities Act*, etc.) by addressing any outstanding matters in the site plan process, often resulting in expedited permit issuance.

Thank you for the opportunity to review and provide **consolidated comments on Bill 98 legislative and regulatory proposals affecting the *Planning Act* (ERO # 026-0300, 026-0309, 026-0310, 026-0311, 026-0312, 026-0313, 026-0314, and 026-0315)**. We would be pleased to further discuss these comments at your convenience.

Sincerely,

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c.c. All CA CAOs/GMs