



NOTICE OF MEETING

DATE: May 16, 2024

TIME: 4:00 pm

LOCATION: Hybrid Meeting

AGENDA

MEETING:

BOARD OF DIRECTORS

MEMBERS:

Randy Barber, Bruce Buttar, Mark Lovshin, Vicki Mink, Miriam Mutton, Lance Nachoff, Tracy Richardson, Adam Pearson, Joan Stover, Willie Woo, Margaret Zwart

1. Welcome, Land Acknowledgement and Call to Order

Land Acknowledgement

The Ganaraska Region Conservation Authority respectfully acknowledges that the land on which we gather is situated within the traditional and treaty territory of the Mississauga's and Chippewa's of the Anishinabek, known today as the Williams Treaties First Nations. Our work on these lands acknowledges their resilience and their longstanding contribution to the area. We are thankful for the opportunity to live, learn and share with mutual respect and appreciation.

2. Disclosure of Pecuniary Interest
3. Minutes of Last Meeting – **April 18, 2024 – attached**
4. Adoption of the Agenda

5. Business Arising from Minutes:
None.
6. Delegations:
None.
7. Presentations:
a) Legislative Changes Affecting Conservation Authorities Overview – **staff report attached**
8. Correspondence:
a) 04/24 Conservation Ontario's comments on the "Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act" (ERO # 019-8320) - **note and file**
b) 05/24 Conservation Ontario re: Conservation Ontario's comments on the "Proposed policies for a new provincial planning policy instrument" (ERO# 019-8462) - **note and file**
c) 06/24 Conservation Ontario re: Conservation Ontario's Comments on the "Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185) – **note and file**
9. Applications under Ontario Regulation 168/06:
Permits approved by Executive - **schedule attached**

Permit applications requiring Board of Directors discussion:
None
10. Committee Reports:
None.
11. New Business:
None.
12. Other Business:
None.
13. Public Question Period - **Agenda Items Only**
 - All questions are to be submitted the day before by 4:00 pm in advance of the Board of Directors meeting in order to allow staff to prepare the answers to the questions. The Chair has discretion for questions on the day of the meeting.
 - A maximum of 10 minutes will be allotted for the Question Period. More time can be allocated at the discretion of the Chair.
 - Persons wishing to ask a question must state their name and address for the record.

- Questions will be restricted to only those items listed on the agenda.
 - Questions cannot be asked on "In Camera" items.
 - Questions cannot be asked with respect to minutes of Board of Directors meetings or committee meetings.
 - All persons will speak respectfully when asking the question.
 - The Chair may conclude the Question Period prior to the ten (10) minute time limit, where attendees are disobeying the Rules of Order, or a decision of the Chair, or where there are no questions.
14. In Camera:
 - a) Update legal matter
 15. Adjourn

GANARASKA REGION CONSERVATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS

April 18, 2024 (Hybrid)

GRCA 02/24

1. Welcome, Land Acknowledgement and Call to Order

The Chair called the Ganaraska Region Conservation Authority (GRCA) Board of Directors meeting to order at 4:00 p.m.

MEMBERS PRESENT: Vicki Mink, Chair - Municipality of Port Hope
Willie Woo, Vice-Chair - Municipality of Clarington
Randy Barber - Town of Cobourg
Bruce Buttar - Agricultural Representative
Mark Lovshin, Chair - Township of Hamilton
Miriam Mutton - Town of Cobourg
Lance Nachoff - Township of Cavan Monaghan
Adam Pearson - Municipality of Port Hope
Tracy Richardson - City of Kawartha Lakes
Joan Stover - Township of Alnwick/Haldimand
Margaret Zwart - Municipality of Clarington

ALSO PRESENT: Linda Laliberte, CAO/Secretary-Treasurer
Cory Harris, Watershed Services Coordinator
Ken Thajer, Planning and Regulations Coordinator
Pam Lancaster, Conservation Lands Coordinator

**ABSENT WITH
REGRETS:** None

ALSO ABSENT:

Land Acknowledgement

The Ganaraska Region Conservation Authority respectfully acknowledges that the land on which we gather is situated within the traditional and treaty territory of the Mississauga's and Chippewa's of the Anishinabek, known today as the Williams Treaties First Nations. Our work on these lands acknowledges their resilience and their longstanding contribution to the area. We are thankful for the opportunity to live, learn and share with mutual respect and appreciation.

2. Disclosure of Pecuniary Interest

None.

3. Minutes of Last Meeting

GRCA 11/24

MOVED BY: Randy Barber

SECONDED BY: Adam Pearson

THAT the Ganaraska Region Conservation Authority approve the minutes of the March 21, 2024 meeting.

CARRIED.

4. Adoption of the Agenda

GRCA 12/24

MOVED BY: Tracy Richardson

SECONDED BY: Bruce Buttar

THAT the Ganaraska Region Conservation Authority adopt the agenda.

CARRIED.

5. Business Arising from Minutes:

None.

6. Delegations

None.

7. Presentations

None.

8. Correspondence

a) 03/24 Lynch Rutherford Tozer re: Audit Management letter

GRCA 13/24

MOVED BY: Adam Pearson

SECONDED BY: Joan Stover

THAT the Ganaraska Region Conservation Authority note and file correspondence item 03/24.

CARRIED.

9. Applications under Ontario Regulation 168/06 and *Conservation Authorities Act*:

Permits approved by Executive:

GRCA 14/24

MOVED BY: Mark Lovshin

SECONDED BY: Bruce Buttar

THAT the Ganaraska Region Conservation Authority receive the permits for information.

CARRIED.

Permit Application requiring Ganaraska Region Conservation Authority Board of Directors discussion:

None.

10. Committee Reports:

a) Ganaraska Forest Recreation Users Committee Minutes - April 4, 2024

GRCA 15/24

MOVED BY: Adam Pearson
SECONDED BY: Tracy Richardson

THAT the Ganaraska Region Conservation Authority receive the Ganaraska Forest Recreational Users Committee minutes for information.

CARRIED.

11. New Business:a) Regulation detailing new Minister's Permit and Review powers under the *Conservation Authorities Act***GRCA 16/24**

MOVED BY: Randy Barber
SECONDED BY: Lance Nachoff

THAT the staff report be received as information.

CARRIED.

b) Region of Durham Floodplain Mapping Update Study

GRCA 17/24

MOVED BY: Margaret Zwart
SECONDED BY: Joan Stover

THAT the Ganaraska Region Conservation Authority receives the staff report regarding the Region of Durham Floodplain Mapping Update Study for information;

AND FURTHER THAT the floodplain mapping for the watersheds as described in this report be approved and adopted for use by the Ganaraska Region Conservation Authority.

CARRIED.

c) GRCA Reserves/ Surplus Policy Update

GRCA 18/24

MOVED BY: Adam Pearson
SECONDED BY: Bruce Buttar

THAT the Board of Directors approve the Ganaraska Region Conservation Authority Reserves and Surplus policy as attached.

CARRIED.

d) 2024 Financial Budget

GRCA 19/24

MOVED BY: Mark Lovshin
SECONDED BY: Lance Nachoff

THAT the Board of Directors approve the 2024 Financial Budget.
CARRIED.

12. Other Business

Chair Vicki Mink reported that she and the CAO/Secretary-Treasurer attended the Conservation Ontario Annual General Meeting on Monday. Chair Mink stated that Linda Laliberte was recognized by Conservation Ontario for her service of 6 years on the Board of Directors as Treasurer. They thanked her for her time served on the Budget and Audit committee. Linda did not seek re-election allowing someone else to take her place.

13. Public Question Period

None.

14. In Camera

None.

15. Adjourn

GRCA 20/24

MOVED BY: Adam Pearson

THAT the meeting adjourned at 4:10 p.m.
CARRIED.

CHAIR

CAO/SECRETARY-TREASURER

STAFF REPORT – May 16, 2024

TO: Chair and Members of the Board of Directors

RE: Legislative Changes Affecting Conservation Authorities Overview

BACKGROUND:

The province has developed a number of changes in effect or proposed that have impacted or will impact the Ganaraska Region Conservation Authority (GRCA) Planning & Regulations program. Legislation impacted includes the Provincial Policy Statement (PPS), *Planning Act*, *Conservation Authorities Act*, and GRCA's regulation to review permit applications.

Ken Thajer, Planning and Regulations Coordinator, will be giving a PowerPoint presentation to the Members of the Board regarding the changes in effect and proposed to the PPS, *Planning Act*, *Conservation Authorities Act*, and the GRCA regulation to review permit applications. The presentation will also address how these changes have and will impact the GRCA Planning & Regulations program.

RECOMMENDATION:


THAT the staff report be received as information.

Prepared by:



**Ken Thajer, MCIP, RPP
Planning & Regulations Coordinator**

Recommended by:



**Linda J. Laliberte, CPA, CGA
CAO / Secretary-Treasurer**



MNRF – Resources Planning and Development Policy Branch
Conservation Authorities and Natural Hazards Section
300 Water Street, 2nd Floor, South Tower
Peterborough, ON
K9J 3C7

May 6th, 2024

Re: Conservation Ontario's comments on the "Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act" (ERO # 019-8320)

Thank you for the opportunity to comment on the "Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act". Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit comments submitted by CAs on this proposal.

On April 1st, 2024, previously unproclaimed provisions in the *Conservation Authorities Act* (CA Act) and associated regulations came into effect. Provisions under sections 28.1, 28.1.1 and 28.1.2 of the Act provide the Minister new powers to:

1. Make an order to prevent a CA from issuing a permit to an individual (or individuals) to engage in an activity (or class of activities), that would be prohibited under section 28 of the Act;
2. Where an order is made, assume the responsibility for the permitting process in the place of a CA, where the criteria under section 28.1 of the Act concerning natural hazards and public safety can be satisfied; and,
3. Review (and potentially alter) CA permit decisions at the request of the applicant (where the Authority has refused a permit or assigned conditions to the permit that the applicant objects to).

Through Ontario Regulation 686/21, CAs provide mandatory programs and services to manage risks related to natural hazards, including preventing or mitigating those risks. Under the CA Act, certain prohibited activities require permits from the CA where the activity takes place in or adjacent to specified hazardous landscapes and features. CAs work closely with partner municipalities, the development community, consultants and watershed residents to ensure the permitting process and decisions are transparent, apolitical, and technically sound to protect people and property from the impacts of

natural hazards. Permitting decisions made by CAs are consistent with the CA Act and regulations and CA board-approved policies. When making decisions, CAs apply an integrated watershed management perspective to consider local conditions, potential impacts to upstream and downstream communities, and future management challenges.

Conservation Authorities support the Province's objective to increase housing without jeopardizing public health and safety, or the environment. Appeals of CA permitting decisions were infrequent over the past five years; specifically, <0.5% of the approximately 11,500 permits issued annually by CAs are appealed. Existing appeal mechanisms are in place under the CA Act to provide applicants with process certainty and appropriate recourse. CAs are committed to positive client service when reviewing and issuing permits, demonstrated by issuing 95% of all permits within provincial timelines in 2023.

In 2019, Ontario's Special Advisor on Flooding strongly supported the coordinated, scientific, and hazard/risk-based approach integrated in the current CA permitting process. This process, above all, holds the protection of people and property in the highest regard. Conservation Ontario offers the following comments to ensure this approach is maintained and that use of the Minister's powers will not have unintended impacts and consequences to long-established working relationships and CA review and appeal processes.

Recommendation #1: THAT MNRF pause implementing the regulation and engage with Conservation Ontario and CAs to discuss proposed requirements, implementation details, and public guidance.

The proposed regulation currently scopes the Minister's ability to intervene in the CA permitting process where the development activity pertains to a "specified provincial interest". Conservation Ontario notes the list of provincial interests is extensive, and captures too broad a scope of development applications submitted to CAs.

To ensure appropriate and efficient use of these powers, Conservation Ontario recommends MNRF pause finalization of the regulation and meet with Conservation Ontario, CAs, and municipal representatives to discuss the circumstances for use of the new Minister's powers as well as implementation / procedural details (i.e., how the Minister will consider requests / petitions and make decisions). Appropriate scoping of these details will ensure the process remains transparent and procedurally fair, extinguishes requests / petitions made to circumvent locally established processes, and continues to apply a watershed lens to natural hazard management.

Conservation Ontario offers the following initial comments to refine the proposed regulatory requirements:

- Certain provincial interests (e.g., community services) are defined as "Institutional use" in the Provincial Policy Statement (PPS) and are not permitted in/on hazardous lands and sites. Permitting these types of development activities in hazard lands

must not be considered by the Minister, and due care applied to ensure vulnerable populations or sensitive uses are not located in areas that pose an increased risk to life and property. Decisions by the Province must be consistent with the *CA Act*, Ontario Regulation 41/24, and policies in the PPS.

- Where a request for review or petition is made, proponents must indicate if the local municipality has endorsed the project and request for Minister's involvement. Development activities in one area of the watershed have the potential to impact upstream and downstream communities. Further, political resolutions are procedurally inappropriate where the CA Board (and Members) have hearing tribunal review responsibilities.
- It is proposed proponents be required to identify the status of other required project approvals. Proponents should be specifically required to indicate whether all approvals under the *Planning Act* are in place to demonstrate land use compatibility, appropriate zoning, etc. Permitting decisions made prior to having the appropriate planning approvals in place could put municipalities in a difficult position if they cannot support the works further to a Minister's permit.
- When a Minister's review is requested, the *CA Act* requires the Minister to notify the CA and applicant within 30 days of receiving a request. Further, when making an order under section 28.1.1, the Minister gives notice of an order to every applicable CA. In either scenario, notice should be provided to the applicable CA(s) at the time the request or petition is made. Confirmation on whether the proponent has made the CA(s) aware of initiating this process should be included in the regulatory requirements.

Recommendation #2: THAT MNRF establish a multi-disciplinary technical advisory committee to provide decision recommendations to the Minister.

The proposal does not address how the Minister will assess requests for review and petitions for orders and, if applicable, what information and criteria will be applied to make an order or a decision on a *CA Act* permitting matter. The *CA Act* requires the applicable CA to forward relevant documents and information relating to an application to the Minister, as well as provides the Minister with the ability to confer with any other person or body they consider may have an interest in the application. The *Act* and proposed regulatory requirements do not provide details on how this information will be considered.

Recent amendments to the *CA Act* and regulations require all CAs to develop permit application policy and procedure documents and make maps of regulated areas publicly available. CA permitting decisions are undertaken consistent with these board-approved policies, and informed by natural hazard mapping, modelling, and knowledge of local watershed conditions and ongoing/planned projects affecting the watershed. These tools, experience and expertise allow CAs to assess permit applications to determine if an activity may affect the control of flooding, erosion, etc., or jeopardize the health and safety of

persons or result in property damage. It is unclear how the Minister would review and make decisions on applications in the absence of these policies and tools.

An unclear process will add costs and time delays. The existing system includes professionals with a high degree of specialized expertise. For example, existing floodlines have been well justified and peer reviewed. To go down a path of competing submissions is better reserved for the Ontario Land Tribunal with the requisite experience to appropriately weight multiple technical expert submissions.

Alternatively, Conservation Ontario recommends MNRF establish a multi-disciplinary Minister's technical advisory committee to provide recommendations to the Minister when issuing permits or reviewing CA permitting decisions. The committee should bring together technical experts from CAs, Municipalities, the private sector, and applicable provincial ministries to prepare recommendations for the Minister on permit applications. A balance of expertise is essential to ensure bias is not introduced, allowing the Minister to make decisions based on the same criteria concerning natural hazards and public safety that are considered by CAs. Careful consideration of these applications is required to avoid unintended risk to public safety, properties, or natural hazards and avoid precedent setting decisions that may not align with CA board-approved policies.

Recommendation #3: THAT MNRF is fully responsible and accountable for losses or damages arising from Minister's decisions on permits.

When undertaking a review of a CA permitting decision or overtaking the CA permitting process further to an order, the Minister has the power to issue permits pursuant to the *CA Act*.

Where the Minister's decisions are inconsistent with CA Board-approved policies or CA natural hazard mapping and modelling, the liability for such decisions remains with the issuing body (the Minister of MNRF). CAs are not liable for decisions made under the *CA Act* by another body that may result in losses or damages. Liabilities and risks are one of the major drivers of exponentially increasing insurance costs/premiums, and CAs cannot be the insurers of last resort.

The amended *CA Act* and regulatory proposal purports to have CAs undertake compliance and enforcement activities with permits issued by the Minister. Without CA involvement in the review and approval process, it is difficult to anticipate enforcement and compliance staff resources necessary for permits issued by the Minister. Increases in enforcement and compliance activities may require additional time and staffing resources at the CA, that may increase costs associated with this program and service area. Due care must be applied when the Minister is reviewing and issuing permits to ensure appropriate conditions are assigned to the permit to minimize potential enforcement concerns.

Thank you for the opportunity to provide comments on the "Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act" (ERO#019-8320). The details regarding these new Minister's powers must be carefully developed to ensure Minister's decision making on permits remains technical, apolitical and integrates a watershed perspective to natural hazard management to continue protecting the public, properties and infrastructure. Conservation Ontario would be pleased to meet with Ministry staff to further discuss the regulatory requirements and implementation details.

Sincerely,



Chris White
Chair, Conservation Ontario

c.c. All CA CAOs/GMs



May 10, 2024

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3

RE: Conservation Ontario's comments on the "Review of proposed policies for a new provincial planning policy instrument" (ERO# 019-8462)

Thank you for the opportunity to comment on the "Review of proposed policies for a new provincial planning policy instrument." Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the consideration of comments shared individually by CAs. This letter provides general comments on the proposed policies and Attachment 1 provides responses to the consultation questions provided in the Environmental Registry notice.

Conservation Authorities play a key role within Ontario's land use planning and development framework. As prescribed through the Mandatory Programs and Services Regulation (O. Reg. 686/21), CAs review and comment on applications and other matters submitted pursuant to the *Planning Act* to help ensure consistency with the natural hazard policies found within policy statements issued under section 3 of the *Planning Act*, as well as the protection of drinking water sources.

Conservation Ontario is pleased with the proposed references to CA roles in natural hazard management and mitigation (see 5.2(1)) and watershed planning (see 4.2(5)), as well as promoting collaboration between CAs, planning authorities and the Province (see Vision [wise use and management of resources]). The proposed change to policy 5.2(1) requiring planning authorities to collaborate with CAs (where they exist) to identify hazardous lands and sites to manage development in such areas, is particularly welcome.

CAs apply an integrated watershed management perspective through their plan review and permitting roles which considers local conditions, potential flooding and erosion impacts to upstream and downstream communities, and future management challenges. This perspective is informed by natural hazard mapping, modelling, and knowledge of local

watershed conditions and ongoing/planned projects. This coordinated, scientific and hazard/risk-based approach used by CAs was strongly supported by Ontario's Special Advisor on Flooding in their 2019 report.

When planning for development in new or existing communities, the Province, planning authorities, and Conservation Authorities are required to work together to protect people, property and infrastructure from potential risks resulting from natural and human-made hazards. Conservation Ontario notes that language in the Vision section of the proposed PPS, 2024 is inconsistent with the proposed natural hazards policies (e.g., "mitigation" of risks associated with natural and human made hazards versus direction in policy 5.1.1 to direct development away from natural hazards where there is unacceptable risk to public health or safety or of property damage). To ensure a consistent approach with proposed policy 5.1.1 of the PPS, 2024, Conservation Ontario recommends the Vision section be amended to read "Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change, will be avoided, and where not possible, mitigated".

The provincial planning system has undergone significant changes in recent years, including several consultations on the replacement of the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("Growth Plan"). Upon issuance of the new PPS, planning authorities and CAs will require time to focus on implementation of updated provincial policy and legislation. To support successful implementation and increase consistency and certainty regarding planning outcomes, Conservation Ontario recommends the Province provide comprehensive implementation guidance for the proposed PPS in a timely manner. A list of the required implementation guidance is included in Attachment 1.

Ultimately, the efficacy of the proposed PPS policies hinges upon the ability to apply them through planning processes. For example, Bill 185 currently proposes amendments to the *Planning Act* to create regulations that provide for the non-application of any provision of the Act to community service facilities, including institutional uses. The Province is urged to ensure that applications involving institutional uses continue to be subject to the PPS such that the appropriate planning safeguards are in place to direct development outside of hazardous lands and hazardous sites, and areas where safe access through a hazard cannot be achieved. It is recommended that any proposed exemptions from the *Planning Act* and subsequently, the PPS, should be subject to the development being outside of a natural hazard area, where safe access can be achieved, and where no restrictions are required to protect the quality and quantity of drinking water supplies.

Thank you for the opportunity to provide comments on the "Review of proposed policies for a new provincial planning policy instrument" (ERO#019-8462). Comprehensive provincial policy must strike the appropriate balance on all matters of provincial interest. This balance will not only support the government's initiative to increase the supply and

diversity of housing in Ontario, but also provide for the continued protection of people, property and infrastructure from the impacts of natural hazards, drinking water sources, and natural spaces that support safe and healthy communities. Should this letter require any clarification, please contact Brandi Walter at bwalter@conservationontario.ca.

Sincerely,

Brandi Walter

Brandi Walter
Policy and Planning Liaison

Leslie Rich

Leslie Rich, RPP
Source Water Protection Manager

Attachment: Conservation Ontario's Feedback on the Proposed Policy Concepts and Proposed Wording for a New Provincial Planning Policy Instrument.

c.c. All Conservation Authorities' CAOs / GMs

Conservation Ontario
120 Bayview Parkway, Newmarket ON L3Y 3W3
www.conservationontario.ca

Attachment 1: Conservation Ontario's Feedback on the Proposed Policy Concepts and Proposed Wording for a New Provincial Planning Policy Instrument

Conservation Ontario offers the following responses to the consultation questions provided by the Ministry of Municipal Affairs and Housing (MMAH) on the Environmental Registry proposal. These responses should be read in conjunction with the general comments provided in Conservation Ontario's covering letter.

1. What are your overall thoughts on the updated proposed Provincial Planning Statement?

- Conservation Ontario is pleased with the reference in the Vision section to the Province, planning authorities and CAs working together to mitigate potential impacts on development or risks to public health and safety associated with natural hazards, including the risks associated with the impacts of a changing climate.
- In addition to the proposed references for collaboration and coordination with CAs, Conservation Ontario continues to recommend CAs be explicitly referenced in policy 6.2(1) as a part of the "coordinated, integrated and comprehensive approach...when dealing with planning matters". The integration of CAs throughout the proposed Provincial Planning Statement is a positive step forward to continue protecting people, property and infrastructure from potential impacts of natural hazards as well as protecting sources of drinking water.
- Conservation Ontario notes that the Province is not proposing to carry forward policy 1.1.1(c) from the PPS, 2020 which emphasizes the need for healthy, livable and safe communities to avoid development which may cause environmental or public health and safety concerns. The development of safe and healthy communities and the protection and conservation of ecological systems and natural resources are identified as matters of provincial interest under section 2 of the *Planning Act*. As mentioned in the covering letter, the proposed Vision section states that "Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change will be **mitigated**" (*emphasis added*). This represents an unacceptable departure from the Province's commitment to directing development away from natural hazards; potentially increasing the risk to people and property. The Provincial "Understanding Natural Hazards" Technical Guide, identifies that prevention measures, including "good land use planning, development and management, and the regulation of hazardous lands and unsafe developments" is the first and most important step. The efficacy of this preventative approach was recently re-confirmed by the "Independent Review of the 2019 Flood Events in Ontario" as well as "Ontario's Flooding Strategy". A suggested revision is provided in the covering letter.

2. What are your thoughts on the ability of updated proposed policies to generate appropriate housing supply, such as: intensification policies, including the redevelopment of underutilized, low density shopping malls and plazas; major transit station area policies; housing options, rural housing and affordable housing policies; and student housing policies?

- Section 5.1 in the proposed PPS, 2024 states that development shall generally be directed to areas away from hazardous lands and hazardous sites. The proposed PPS must ensure that, in accordance with the natural hazard policies (section 5.2) and water policies (section 4.2), intensification does not occur in hazardous lands or on hazardous sites, where safe access through the hazard cannot be achieved, or where development should be restricted to protect the quality and quantity of drinking water supplies.
- CAs remain committed to working with the Province, Municipalities, and other partners in support of increasing the overall supply and diversity of housing types in Ontario while maintaining strong protections for public health, safety, and the environment.

3. What are your thoughts on the ability of the updated proposed policies to make land available for development, such as: forecasting, land supply, and planning horizon policies; settlement area boundary expansions policies; and employment area planning policies?

- Existing policy 2.2.8.3 in the Growth Plan requires planning authorities to determine the feasibility of proposed boundary expansions based on the application of all policies within the Growth Plan. This includes ensuring that the proposed expansion would be planned and demonstrated to avoid, or if not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system, including the quality and quantity of water. Conservation Ontario continues to recommend this policy be brought forward into section 2.3.2 of the proposed Provincial Planning Statement (New Settlement Areas and Settlement Area Boundary Expansions) for “large and fast-growing municipalities.” This inclusion would provide consistency with policies related to using the watershed as the meaningful scale for integrated and long-term planning.

4. What are your thoughts on updated proposed policies to provide infrastructure to support development?

- Policies in section 4.2 encourage all municipalities and require large and fast-growing municipalities to undertake watershed planning to inform planning for several purposes, including planning for sewage and water services. Conservation Ontario is pleased with policies in section 4.2 that now encourage all municipalities to collaborate with applicable CAs when undertaking watershed planning. The proposed changes to the definition of watershed planning are further supported which relate watershed planning to the evaluation and consideration of impacts of a changing climate on water resources systems and clarify that the process can be

undertaken at many scales.

- A list of “large **and** fast-growing municipalities” is provided in Schedule 1 of the proposed PPS, 2024. Further to proposed policy 4.2, these municipalities would be required to undertake watershed planning to inform planning for several purposes. While Conservation Ontario notes that all municipalities are “encouraged” to undertake watershed planning, the requirement to do so would not capture smaller municipalities currently experiencing rapid growth. Such municipalities would benefit from undertaking watershed planning to inform how best to manage and plan for growth, rather than waiting until a time where they may meet the criteria to be designated a “large municipality,” and mitigative options identified through watershed planning would be more limited.
- Conservation Ontario is pleased with the amendments to policy 3.6.8 (“planning for stormwater management”) which provides direction related to minimizing, preventing or reducing increases in stormwater volumes. This direction is a positive addition and will ensure planning authorities have regard to increased volumes which may contribute to pluvial and fluvial flooding in developed areas from stormwater flows.
- Existing policy 3.2.7 of the Growth Plan has not been carried forward into the proposed PPS, 2024, which requires municipalities to develop stormwater master plans that are informed by watershed planning or equivalent, and examine / assess cumulative impacts to stormwater from development, including how impacts are exacerbated during extreme weather events. This policy is significant for mitigating impacts associated with a changing climate within Ontario’s communities. Conservation Ontario recommends this policy be retained for large and fast-growing municipalities.
- Conservation Ontario supports the new proposed policy 2.3.2.2 that requires planning authorities to “identify a new settlement area only where it has been demonstrated that the infrastructure and public service facilities to support development are planned or available.”

5. What are your thoughts on updated proposed policies regarding the conservation and management of resources, such as requirements to use an agricultural systems approach?

- Conservation Ontario is pleased with the integration of CAs with respect to identification of hazardous lands and sites, and management of development in those areas.
- As noted in comments on previous consultation about the PPS, Conservation Ontario supports the proposal to keep the natural heritage policies and related definitions analogous to those in the PPS 2020. Natural heritage features such as forests and wetlands play important roles in reducing flows, storing floodwaters, and mitigating drought. The natural heritage, water resource and natural hazard systems are inextricably linked, and coordinated protection of these systems is necessary to mitigate potential impacts associated with natural hazards, protect

drinking water sources, and provide access to green / open space which contribute to the development of safe, sustainable, and complete communities.

6. What are your thoughts on any implementation challenges with the updated proposed Provincial Planning Statement? What are your thoughts on the proposed revocations in O. Reg. 311/06 (Transitional Matters - Growth Plans) and O. Reg. 416/05 (Growth Plan Areas)?

- Conservation Ontario continues to recommend that the Province provide comprehensive, up-to-date implementation guidance concurrently with the issuance of the updated Provincial Planning Statement. It is noted that the proposed policies are quite flexible and may result in additional Ontario Land Tribunal hearings without adequate interpretation support. Comprehensive and up-to-date guidance with ongoing implementation support from the Province would help to increase consistency and certainty regarding planning outcomes, resulting in more timely approvals.
- Specifically, the Province should consider updating and/or finalizing the following: the Natural Hazard Technical Guides, the 1993 Watershed Planning Guidelines, the 2022 Subwatershed Planning Guide, and the Natural Heritage Reference Manual (and related guidance). Updated implementation guidance should include direction on planning for a changing climate, particularly with regard to natural hazard management, watershed/subwatershed planning, and stormwater management.



May 10, 2024

Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3

RE: Conservation Ontario's Comments on the "Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Removing Barriers for Additional Residential Units" (ERO# 019-8366);

"Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024)" (ERO# 019-8369); and the,

"Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes" (ERO# 019-8370)

Thank you for the opportunity to comment on the proposed legislative and regulatory changes as part of "Bill 185, the proposed *Cutting Red Tape to Build More Homes Act, 2024*". Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the consideration of comments shared individually by CAs.

To support the Province in reaching their goal to build more homes in a safe and expedited manner, Conservation Ontario offers two key recommendations from a natural hazard and source water protection perspective.

- 1. Protect people and property from natural hazards and protect sources of drinking water.** Amend Bill 185 to clarify that proposed expedited development (i.e., Additional Residential Units (ARU's), institutional uses and student housing, standardized housing,) and settlement area boundary expansions are excluded from hazardous lands and hazardous sites, areas where safe access through a natural

hazard cannot be achieved, and where development should be restricted to protect the quality and quantity of drinking water supplies.

2. **Maintain legislation that enables councils and planning authorities to pass by-laws requiring pre-application consultation;** and allow time to complete the consultation process to enable planning authorities to make complete application decisions, prior to allowing applicants to appeal to the OLT.

In the context of increasing risks due to climate change and the reduced availability of commercial/home insurance products to mitigate financial risks and losses associated with the impacts of natural hazards, we ask the Province to strongly consider the above recommendations. This will **avoid siting development in areas where there is an increased risk to public health and safety and to property damage from natural hazards (e.g., flooding and erosion), and to ensure the ongoing protection of Ontario's sources of drinking water.** The following paragraphs elaborate on the above recommendations.

Enhancing the Framework for Additional Residential Units (ARUs)

This proposal would enhance the Minister's authority to make regulations that could remove elements of municipal zoning by-laws (e.g., maximum lot coverage, limits on bedrooms allowed per lot) for the purpose of facilitating the development of ARUs, such as basement suites.

Conservation Ontario understands the importance of increasing availability of residential units in existing and proposed residential neighbourhoods to achieve the shared goal of building 1.5 million homes in a safe and expedited manner. Equally important to increasing the supply of housing is maintaining the health and safety of people, property and infrastructure, while safeguarding the natural environment. Under the *Planning Act*, the Minister shall have regard to matters of provincial interest, including the protection of public health and safety. Where the Minister considers using the new regulation-making authority, due consideration must be applied to ensure ARUs are not located in areas susceptible to natural hazards and where safe access through the hazard cannot be achieved, in accordance with Provincial standards. Furthermore, the Province should consider the potential cumulative impacts of locating ARUs on existing lots, including increased needs for stormwater management and the potential for localized flooding during storm events, resulting from increased impervious surfaces.

Recommendation

Clarify the proposed Minister's regulation-making authority that would not allow the Minister to remove elements of municipal zoning by-laws that would direct ARUs outside of hazardous lands and hazardous sites and where safe access through the hazard is not achieved. Continue to empower municipalities to regulate lot coverage where there is a higher possibility that stormwater infrastructure could be overwhelmed.

“Use It or Lose It” Tools

Conservation Ontario supports the Province’s proposal to enhance lapsing authority for approvals of draft plans of subdivision/condominiums and site plan control approvals. This proposal would help address outdated approvals that do not meet modern planning standards and would allow for the impacts of natural hazards to be reassessed upon lapsing. Natural hazards are dynamic and variable [especially in a changing climate] and the proposed tool would ensure that approvals reflect the current state of natural hazard features and associated risks; to reduce potential risks to public health and safety, and to property damage.

Municipal Pre-Application Process

The Province proposes to make municipal pre-application consultation voluntary at the discretion of the applicant and to allow an applicant to challenge complete application requirements to the Ontario Land Tribunal (OLT) once a fee has been submitted or pre-consultation has begun. This proposal will revoke the existing-time-limited window once a municipality rejects an application as not being “complete”.

The pre-application process provides the applicant and municipality an opportunity to develop a comprehensive understanding of the site-specific application requirements for a project. Integrated pre-consultation with applicable regulatory agencies, such as CAs, is strongly encouraged as an effective process for scoping natural hazard technical studies that establish clear submission requirements. Pre-consultation also enables CAs, acting as Source Protection Authorities, to identify whether the proposal relates to a significant drinking water threat or its potential impact on any drinking water sources protected by a Source Protection Plan. Pre-application consultation frequently streamlines the applicant’s time and resources needed for a complete application and ensures natural hazard and drinking water source protection constraints are appropriately addressed. Furthermore, reasonable time should be allowed to complete the consultation process, before allowing an applicant to appeal to the Tribunal.

Should this proposal be enacted and where CAs are not included in pre-application consultation, the opportunity to address natural hazard impacts or potential impacts on drinking water sources protected by a Source Protection Plan could be missed. This may result in further delays as these impacts will need to be addressed later in the process.

Recommendation

Maintain the ability for councils and planning authorities to pass by-laws requiring pre-application consultation; and allow time to complete the consultation process to enable planning authorities to make a complete application decision, prior to allowing an applicant to appeal to the OLT.

Expedited Approval Process for Community Service Facility Projects and Exempting Universities from the Planning Act

A new section of the *Planning Act* is proposed that will enable regulations to provide for the

non-application of any provision of the Act, or a regulation made under the Act, or for setting out restrictions or limitations, to prescribed classes of community service facilities that meet prescribed requirements. The proposal would apply to community service facilities, including an undertaking of a board defined under the *Education Act*, a long-term care home, and a hospital. Similarly, publicly assisted colleges and universities are proposed to be exempt from the *Planning Act* and planning provisions of the *City of Toronto Act, 2006* for university-led student housing projects on- and off-campus.

The Provincial Policy Statement, 2020 strictly prohibits institutional uses, including long-term care homes, hospitals, and schools, from being located in lands affected by natural hazards and where safe access through the hazard cannot be achieved. Any proposed regulatory exemptions or expedited approval processes must consider the Province's direction regarding natural hazards to ensure vulnerable populations or sensitive uses are not located in areas that pose an increased risk to life and property.

Recommendation

Amend the proposal to ensure any new regulation excludes institutional uses and student housing from hazardous lands and hazardous sites and where safe access through the hazard cannot be achieved, in accordance with provincial standards.

Facilitating Standardized Housing Designs

A new section of the *Planning Act* is proposed that will enable regulations to establish criteria to facilitate planning approvals for standardized housing. The proposed changes would only apply to certain specified lands and would identify elements of the *Planning Act* and/or *City of Toronto Act, 2006* that could be overridden and/or certain planning elements that could be removed if the criteria are met.

Conservation Ontario recognizes the importance of establishing an expedited process for undertaking development of standardized housing; however, it must be provided in legislation that these projects be excluded from hazardous lands and hazardous sites, and in areas where safe access through the hazard cannot be achieved. This would further expedite approvals by only including sites that are safe to develop from a natural hazard perspective.

Recommendation

Amend the proposed legislative change so that any new regulation include criteria that standardized housing shall not be permitted in lands affected by hazardous lands and hazardous sites, and where safe access through the hazard cannot be achieved.

Settlement Area Boundary Expansions

The Province proposes to allow applicants to appeal a municipality's refusal or failure to make a decision on privately requested official plan or zoning by-law amendments that would change the settlement area boundaries, outside of the Greenbelt Area. Conservation Ontario is concerned that proposals for settlement area boundary expansions would disregard or underestimate natural hazards, safe access, and sustainability of municipal

sources of drinking water; resulting in a lengthy appeal process initiated by municipalities or CAs.

Recommendation

That the proposal be amended to require expansion of settlement area boundaries to exclude hazardous lands and hazardous sites, lands where safe access through the hazard cannot be achieved, and where development should be restricted to protect the quality and quantity of drinking water supplies, in particular if impacting sustainability of municipal sources of drinking water.

Thank you for the opportunity to review and provide comments on Bill 185. Should you have any questions regarding the comments and/or recommendations in this letter, please contact Brandi Walter at bwalter@conservationontario.ca.

Sincerely,

Brandi Walter

Brandi Walter
Policy and Planning Liaison

Leslie Rich

Leslie Rich, RPP
Source Water Protection Manager

c.c. Conservation Authority CAOs / GMs

Conservation Authorities Act - Ontario Regulation 41/24

Permits approved by Executive:

Date: May 16, 2024

| Permit No. | Date | Address | Municipality/ Township | Description of Works |
|------------|-----------|--|---------------------------|--|
| 2340-04/24 | Apr.02/24 | 1000 Toronto Street, Newcastle Water Pollution Control Plant Pt. Lt. 31, BF Conc. | Clarington | Construction of a new building, associated grading & Stormwater Management upgrades. |
| 2343-04/24 | Apr.25/24 | 322 Clyde Street Cobourg Pt. Lt. 19, Conc. B | Cobourg | Construction of a single-family dwelling. |
| 2358-04/24 | Apr.22/24 | Walton Street – Phase 2 (Between Cavan St. and Mill Street) Pt. Lt. 6, Conc. 1 | Port Hope | Full reconstruction of Walton St. including road, boulevard, Storm & Sanitary Sewers, watermain, servicing & landscaping. |
| 2359-04/24 | Apr.25/24 | Monk's Cove Park (121 Burnham St.) From Maher St. to Burnham St.) | Cobourg | Interim remedial repair work on an existing shoreline wall. |
| 2360-04/24 | Apr.25/24 | 355 North Street (120m north of Monroe St. W) Pt. Lt. 28, Conc. 2 | Clarington | Installation of a gas service. |
| 2362-05/24 | May01/24 | V/L Kennedy Road Reg. Plan 39R-14749, Part 2 Pt. Lt. 23, Conc. 5 | Hamilton | Construction of a single-family dwelling & septic system. |
| 2364-05/24 | May02/24 | 582 North Street Newcastle Pt. Lt. 29, Conc.2 | Clarington | Removal of topsoil from Stormwater Management pond area & stockpiling on property to the north. |
| 2365-05/24 | May07/24 | 8406 Highway 35/115 (800m south of Conc.Rd.8) Orono Pt. Lt. 24, Conc. 8 | Clarington | Installation of a gas service. |
| 2366-05/24 | May07/24 | 91 Mill Street (25m south of Millson Hill Dr.) Orono Pt. Lt. 28, Conc. 5 | Clarington | Installation of a gas service beneath a watercourse, by way of Horizontal Directional Drill. |