

# GANARASKA REGION CONSERVATION AUTHORITY

## MINUTES OF THE BOARD OF DIRECTORS

May 16, 2024 (Hybrid)

GRCA 03/24

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### 1. Welcome, Land Acknowledgement and Call to Order

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

**MEMBERS PRESENT:** Willie Woo, Vice-Chair - Municipality of Clarington  
Randy Barber - Town of Cobourg  
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

**ABSENT WITH REGRETS:** Vicki Mink, Chair - Municipality of Port Hope

**ALSO ABSENT:** Bruce Buttar - Agricultural Representative

### 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 21/24**

**MOVED BY:** Randy Barber

**SECONDED BY:** Tracy Robinson

**THAT** the Ganaraska Region Conservation Authority approve the minutes of the April 18, 2024 meeting.

**CARRIED.**

#### 4. Adoption of the Agenda

**GRCA 22/24**

**MOVED BY:** Miriam Mutton

**SECONDED BY:** Lance Nachoff

**THAT** the Ganaraska Region Conservation Authority adopt the agenda.

**CARRIED.**

#### 5. Business Arising from Minutes:

None.

#### 6. Delegations

None.

#### 7. Presentations

##### a) Legislative Changes Affecting Conservation Authorities Overview

Ken Thajer, Planning and Regulations Coordinator, provided a presentation on legislative changes impacting Conservation Authorities and related the presentation to the correspondence items. The members asked questions in regard to whether the changes would allow for faster response times and the impact on staff workload. Much is still unknown to answer the questions definitively. Tracy Richardson asked for the presentation to be shared which staff will do.

**GRCA 23/24**

**MOVED BY:** Miriam Mutton

**SECONDED BY:** Mark Lovshin

**THAT** the Ganaraska Region Conservation Authority receive the presentation for information.

**CARRIED.**

#### 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)

b) 05/24 Conservation Ontario re: Conservation Ontario's comments on the "Proposed policies for a new provincial planning policy instrument" (ERO # 019-8462)

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)

Miriam Mutton asked if any of the Ganaraska's watersheds were included in the "large and fast-growing municipalities" in Schedule 1. It was noted the Municipality of Clarington is included in this schedule.

**GRCA 24/24**

**MOVED BY:** Randy Barber  
**SECONDED BY:** Miriam Mutton

**THAT** the Ganaraska Region Conservation Authority note and file correspondence item 04/24 to 06/24.

**CARRIED.**

9. Applications under Ontario Regulation 168/06 and *Conservation Authorities Act*:  
Permits approved by Executive:

**GRCA 25/24**

**MOVED BY:** Joan Stover  
**SECONDED BY:** Mark Lovshin

**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:

None.

11. New Business:

None.

12. Other Business

None.

13. Public Question Period

None.

14. In Camera

a) Update on a legal matter

**GRCA 26/24**

**MOVED BY:** Miriam Mutton  
**SECONDED BY:** Tracy Richardson

**THAT** the Ganaraska Region Conservation Authority go in camera.  
**CARRIED.**

**GRCA 27/24**

**MOVED BY:** Randy Barber  
**SECONDED BY:** Mark Lovshin

**THAT** the Ganaraska Region Conservation Authority come out of camera.  
**CARRIED.**

15. Adjourn

**GRCA 28/24**

**MOVED BY:** Miriam Mutton

**THAT** the meeting adjourned at 4:40 p.m.  
**CARRIED.**

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**CHAIR**

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**CAO/SECRETARY-TREASURER**



# Overview of Legislative Changes Affecting Conservation Authorities

Presentation to the GRCA Board of Directors  
May 16, 2024



# Outline

- *Planning Act* – Bill 185
- Provincial Policy Statement (PPS)
- *Conservation Authorities Act*
- Ontario Regulation 41/24



# Introduction

GRCA's Planning and Regulations Program includes:

- Reviewing and commenting on *Planning Act* applications (subdivisions, minor variances, severances etc.) as per a delegated authority by the Province to speak to natural hazards (Section 3.1 of the Provincial Policy Statement)
- Issuing permits consistent with GRCA Board approved policies as per the requirements of the *Conservation Authorities Act* and applicable regulation



# *Planning Act*

- The *Planning Act* sets out the ground rules for land use planning in Ontario and describes how land uses may be controlled, and who may control them
- Requires that all decisions shall be consistent with the Provincial Policy Statement when decision-makers exercise planning authority or provide advice on planning matters
- GRCA responsible for commenting on matters related to Natural Hazards





# *Planning Act* – Bill 185

“Proposed Regulatory Changes under the *Planning Act* Relating to the Cutting Red Tape to Build More Homes Act”

- Conservation Ontario comments: correspondence c) in Agenda
- Bill proposing to streamline planning approvals
- This is the 5<sup>th</sup> bill targeting the housing crisis since 2023



# *Planning Act* – Bill 185

- Municipalities can no longer require pre-consultation. Pre-consultation is extremely helpful and should be encouraged to the extent feasible to ensure that good submissions are made
- Concerns identified by Conservation Ontario for proposed expedited development should not include additional residential units, institutional uses & student housing, standardized housing and settlement boundary expansions within hazardous lands and hazardous sites, and where safe access is not achieved and there are concerns regarding protection of drinking water
- Exemptions for certain community service facility projects and universities from the *Planning Act* – raise concerns as certain institutional uses cannot be located within hazardous lands



# Provincial Policy Statement

“Proposed policies for a new provincial planning policy instrument”

ERO# 019-8462

Proposal posted: April 12, 2024

Comment period: April 12, 2024 – May 12, 2024

- Conservation Ontario comments: correspondence b) in Agenda
- Currently, GRCA provides comments on municipally circulated *Planning Act* applications per Section 3.1 of the Provincial Policy Statement (PPS)
- The comments are a delegated responsibility from the province and are in reference to natural hazards such as watercourses, floodplains, shorelines and erosion hazards.



# Provincial Policy Statement

Proposed Provincial Policy Statement (PPS):

- Natural Hazard section will move from 3.1 to 5.2
- Direct references to Conservation Authorities in the natural hazard and watershed planning section
- Requires municipalities to collaborate with CAs to identify hazardous lands and sites to manage development
- Concerns with some language in the 'vision' section being inconsistent with the language in the natural hazards section



# ***Conservation Authorities Act***

“Regulation detailing new Minister’s Permit and Review powers under the *Conservation Authorities Act*”

ERO# 019-8320

Proposal posted: April 5, 2024

Comment period: April 5, 2024 – May 6, 2024

- Conservation Ontario comments: correspondence a) in Agenda
- GRCA staff provided comments on this regulation



# ***Conservation Authorities*** **Act – New Regulation**

Minister provided powers to:

1. Make an order to prevent a Conservation Authority from issuing a permit to an individual (or individuals) to engage in 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 met
3. Review (and potentially alter) CA permit decisions at the request of the applicant (where the Authority has refused a permit or the applicant objects to permit conditions)



# ***Conservation Authorities Act & O. Reg. 41/24***

The following are currently in effect as of April 1, 2024

- O. Reg. 41/24 now contains definitions instead of the Act. Largely the same except new watercourse definition
- O. Reg. 41/24 now identifies regulated areas (similar except all wetlands regulated 30m – no longer 120m)
- O. Reg. 41/24 identifies applicable flood standards – GRCA uses Hurricane Hazel, 100 year flood or as identified in a Special Policy Area
- Applications for permits now required under Section 28.1 of the Act



# Exemptions from GRCA Permitting

- Floating docks (10 sq.m. or less, no support structures, can be removed in event of flooding)
- Fences (minimum 75mm between panels, not within a wetland)
- Agricultural in-field erosion controls (no outlet of water directed/connected to watercourse, wetland, stream valley)





# Exemptions from GRCA Permitting ....continued

- Non-habitable accessory dwellings (incidental/subordinate to principal dwelling, 15 square metres or less, not within a wetland or watercourse)
- Unenclosed detached deck or patio (not within wetland/watercourse, 15 square metres or less, no cantilevering)
- Installation of tile drains (not within wetland/watercourse, 30m from wetland, 15m from watercourse, outlet not directed/connected to a watercourse)



# Exemptions from GRCA Permitting ....continued

- Installation, maintenance, repair of offline ponds 15m from watercourse or wetland
- Maintenance and repair of municipal drains
- Reconstruction of non-habitable garage with no basement (does not exceed size of previous garage and does not allow for a change to habitable use)



# Permit Tests

GRCA tests for permitting issuance:

- Flooding
- Erosion
- ~~Conservation of Land~~
- Dynamic Beaches
- ~~Pollution~~

Addition of

- Unstable Soils and Bedrock



