

Oro Station Automotive Innovation Park

Lake Simcoe Region Conservation Authority
Board of Directors

March 26, 2021

Ashlea Brown Director, Regulations



Lake Simcoe Region
conservation authority



Member of Conservation Ontario

Outline

- Reason for Hearing
- Overview of s28.0.1 of the Conservation Authorities Act
- Subject Lands
- Project Overview
- Objectives of Conditions of Approval
- Specific Permit Conditions
- General Permit Conditions
- Concluding Summary



Reason for Hearing

The Lake Simcoe Region Conservation Authority has received a permit application for a development pursuant to Section 28.0.1 of the *Conservation Authorities Act*.

The Board of Directors is acting as a decision making tribunal to amend, add or remove and subsequently approve conditions of the permit as recommended by staff.



Overview of s.28.0.1

- Through the enactment of Bill 229, the amendments to the *Conservation Authorities Act* include Section (28.0.1), requires that permission be issued by a Conservation Authority if the development project has been authorized by a Minister's Zoning Order (MZO) and is outside of the Greenbelt
- Under Section (28.0.1), Conservation Authorities cannot refuse to issue a permission despite anything under Section 28 or in a regulation under Section 28



Overview of s.28.0.1 continued

- While the Authority cannot refuse permission, conditions of a permit can be issued to mitigate any impacts of the development project.
- The *Act* requires that the Authority shall enter into an Agreement with respect to the development project with the Permit Holder. The Agreement sets out requirements that the Permit Holder must complete or satisfy to compensate for ecological impacts or any other impacts that could result from the development project.
- Under the Act, no development can occur until the Agreement is executed.



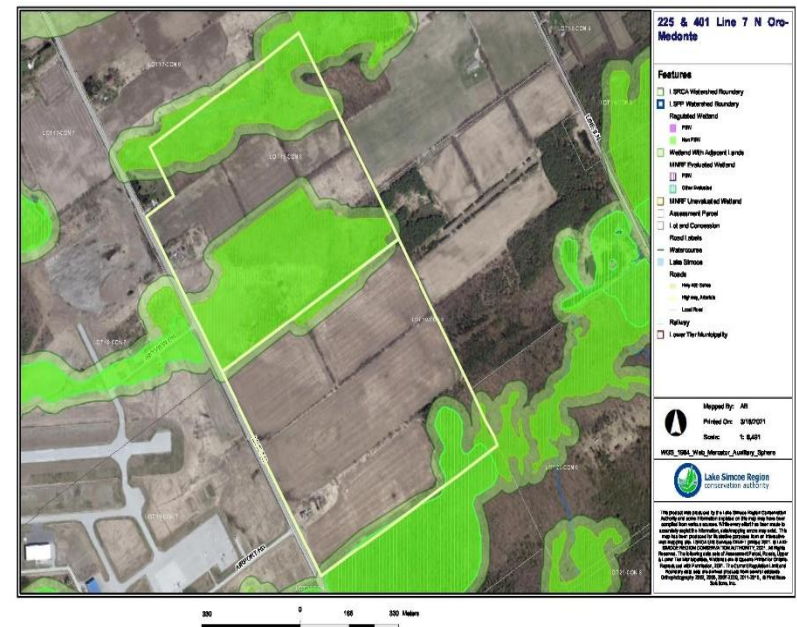
Subject Lands

The subject property is located at 225 and 401 Line 7 N in the Township of Oro Medonte.

The property is partially regulated under Ontario Regulation 179/06 pursuant to the *Conservation Authorities Act*.

Regulated features on the property include:

- Wetland
- Adjacent lands
- A watercourse and associated erosion hazard limit



Project Overview

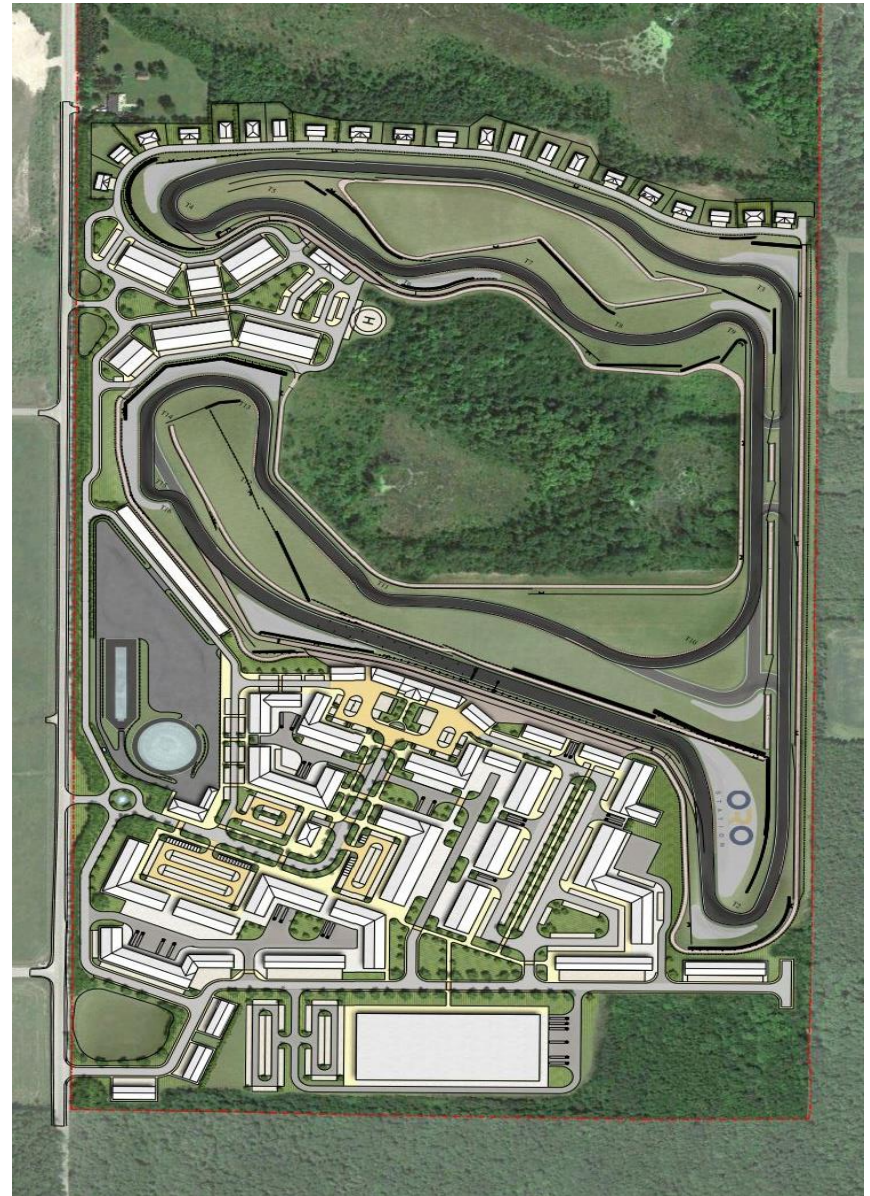
The proposal is for an Automotive Park which received a Ministers Zoning Order on November 1, 2019.

Phase 1

Valid upon the execution of the Agreement under the Act and would provide permission for tree and vegetation removal and grubbing. Phase 1 does not include the placement of fill or any other grading works.

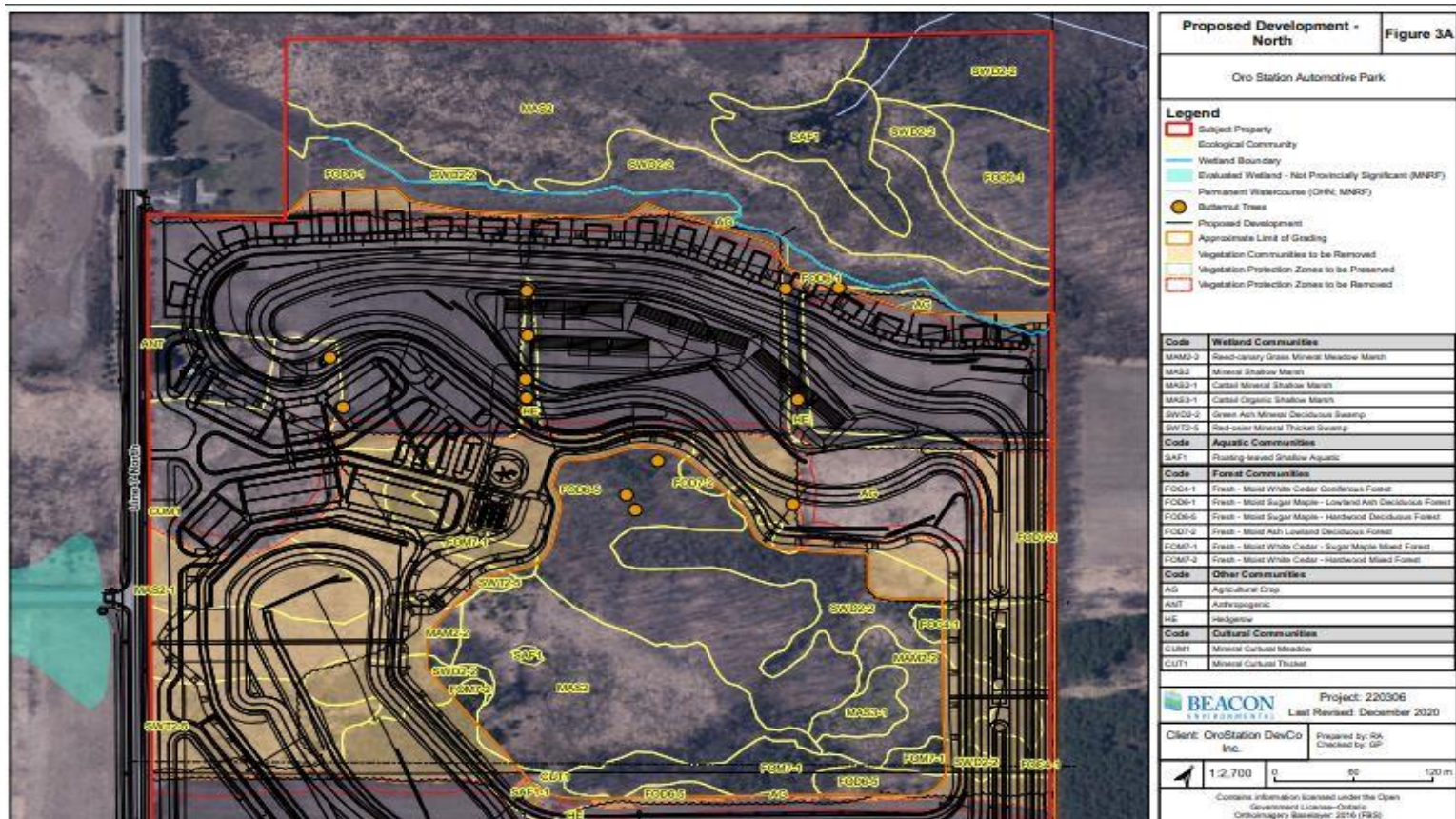
Phase 2

Valid upon the execution of the Subdivision Agreement and Site Plan Agreement to the satisfaction of the LSRCA and includes, servicing infrastructure, fill placement and grading, and construction of the buildings.



Project Overview continued

- The proposed development will remove 6.23 hectares of wetland and 6.1 hectares of woodland from the site
- Approximately 3.1 ha of woodland and 4.1 ha of wetland are proposed to be maintained in the central area inside of the track



Objectives of Conditions

To minimize the impacts and interference of the proposed development to the remaining features in the post development conditions.

To achieve this staff considered:

- Surface and groundwater inputs to and from features
- Movement of plants and animals
- Pollution from the proposed development
- Erosion, sedimentation and runoff
- Compensation for the ecological impacts associated with feature loss



Specific Permit Conditions (1-3)

1. That prior to the execution of the Agreement the Permit Holder shall provide a conformity report to the satisfaction of the LSRCA, demonstrating how this development is consistent with the relevant Policies of the Lake Simcoe Protection Plan (LSPP).
2. The Permit Holder shall ensure that the wetland removal is supervised on site by a qualified ecologist for the purpose of ensuring all relevant environmental legislation, approved plans and Authority's conditions are adhered to and that weekly monitoring reports, including ESC monitoring reports, are submitted to LSRCA's Regulations staff.
3. That the Permit Holder shall undertake a transplantation and relocation plan to the satisfaction of the Authority for regionally, locally and Lake Simcoe Region rare and uncommon species/communities identified by the ecologist on the property as timing of works allows, and that a final report prepared by an ecologist be submitted to the Authority's Regulations Staff certifying that this condition has been fulfilled.



Specific Permit Conditions (4)

4. That prior to execution of the Agreement, the Permit Holder shall provide an ecological compensation plan to the satisfaction of the Authority to address and mitigate anticipated impacts and feature losses, in accordance with the Authority's Ecological Offsetting Policy. This can be achieved through either of the following options:

Option 1:

- That the Permit Holder will develop and implement a feature replacement ecological offsetting plan approved by the LSRCA. This plan must be implemented within 2 years of the Agreement date.

Option 2:

- That prior to the execution of the Agreement the Permit Holder will provide the ecological offsetting cash value, this is estimated at \$3,641,996.98 as shown on the calculation form. Please note that the exact boundaries of the feature need to be confirmed through the provision of the GIS shape files from the proponent's environmental impact study, prepared by Beacon Environmental dated January 2021.



Rationale for offsetting

Section 28.0.1 subsections 24 and 25 of the Act states:

Agreement

- (24) An authority that grants permission for a development project under this section shall enter into an agreement with respect to the development project with the holder of the permission and the authority and holder of the permission may agree to add a municipality or such other person or entity as they consider appropriate as parties to the agreement. 2020, c. 36, Sched. 6, s. 15 (1).

Content of agreement

- (25) An agreement under subsection (24) shall set out actions or requirements that the holder of the permission must complete or satisfy in order to compensate for ecological impacts and any other impacts that may result from the development project. 2020, c. 36, Sched. 6, s. 15 (1).



Rationale for offsetting continued

- LSRCA's Ecological Offsetting Policy was Board approved in May 2017, updated 2019.
- Ecological compensation was identified as a condition of the subdivision agreement for this property.
- The EIS submitted by Beacon states "For the proposed development to result in no net negative impacts to woodlands, wetlands, and potential significant wildlife habitat an ecological offsetting strategy would be required"



Specific Permit Conditions (5-6)

5. That prior to any vegetation removal or tree clearing, the Permit Holder provides recommendations to the satisfaction of the LSRCA for how connectivity from the central feature to adjacent features will be maintained during and post-construction.

6. That prior to the execution of the Agreement the Permit Holder shall development and implement a program to the satisfaction of the LSRCA for monitoring the pre to post development hydrological conditions to the wetland for a period of 5 years.



Specific Permit Conditions (7-8)

7. That prior to any tree or vegetation clearing on site, the Permit Holder shall provide confirmation from Environment Canada that the proposed development would not contravene the *Migratory Birds Convention Act*.

8. That prior to any tree or vegetation clearing or development on site, the Permit Holder shall provide a copy of any permit required under the *Endangered Species Act* from the Ministry of Environment, Conservation and Parks for the works, or shall provide confirmation from the Ministry that no such permit is necessary.



General Permit Conditions (9-12)

9. That an Agreement be entered into between the landowner and the Lake Simcoe Region Conservation Authority, consistent with Section 28.0.1 of the Conservation Authorities Act.
10. That all legal fees associated with the development and execution of any Agreement under Section 28.0.1 under the Conservation Authorities Act be paid fully by the proponent prior to the final execution of the Agreement.
11. That no development occurs within any regulated lands until the Agreement required under S.28.0.1 of the Conservation Authorities Act, is fully executed.
12. That the Permit Holder complies with all conditions of the Agreement.



General Permit Conditions (13-17)

13. All development is subject to provincial, federal and municipal statutes, regulations and by-laws.
14. This permit does not confer upon you any right to occupy, develop or flood lands owned by other persons or agencies.
15. The Permit Holder must maintain and comply with the local drainage requirements of the municipality.
16. The Permit Holder shall strictly adhere to the approved Authority permit, plans, documents and conditions, to the satisfaction of the Authority. The Owner further acknowledges that all proposed revisions to the design of this project that impact the Authority's interests must be submitted for review and approval by the Authority prior to implementation of the redesigned works.
17. The Permit Holder shall notify the Authority's Regulation Staff 48 hours prior to the commencement of any of the works referred to in this permit and within 48 hours upon completion of the works.



General Permit Conditions (18-19)

18. The Permit Holder shall grant permission for the Authority's staff, agents, representatives, or other persons as may be reasonably required by the Authority, in its opinion, to enter the premises without notice at reasonable times, for the purpose of inspecting compliance with the approved works, and the Terms and Conditions of this permit, and to conduct all required discussions with the Owner, their agents, consultants or representatives with respect to the works.
19. The Permit Holder acknowledges that this permit is non-transferrable and is issued only to the current owner of the property. The Permit Holder further acknowledges that upon transfer of the property into different ownership, this permit shall be terminated, and a new permit must be obtained from the Authority by the new owner. In the case of municipal or utility projects, where works may extend beyond lands owned or easements held by the municipality or utility provider, landowner authorization is required to the satisfaction of the Authority.



General Permit Conditions (20-22)

20. The Permit Holder shall ensure all excess fill (soil or otherwise) generated from the works will not be stockpiled and/or disposed of within any area regulated by LSRCA (on or off-site) pursuant to Ontario Regulation 179/06, as amended, without a permit from the Authority.
21. The Permit Holder shall install effective erosion and sediment control measures prior to the commencement of the approved works and maintain such measures in good working order throughout all phases of the works to the satisfaction of the Authority.
22. The Permit Holder shall repair any breaches of the erosion and sediment control measures within 48 hours of the breach to the satisfaction of the Authority.

General Permit Conditions (23-26)

23. That prior to any development occurring on the site a spills and refuelling plan be submitted to the satisfaction of the Authority.
24. That all areas of exposed soil be stabilized immediately following construction.
25. That effluent from de-watering pumps is to be directed to suitable sediment control that conforms to best management practices, located more than 15 metres away from the stream bank.
26. That no grading or placing of fill occur on the lot except what is required for the proposed works as shown on the attached site plan.



Summary

- Staff have provided the recommended set of conditions to mitigate impacts of the development project and to address requirements of Section 28.0.1 of the Act.
- Upon approval of the conditions staff will issue the permit as required under Section 28.0.1.
- Staff are required to issue Notice of Decision which outlines the reasoning for the conditions in accordance with the hearing guidelines.



Summary continued

- The proponent upon permit issuance has the right to appeal conditions;
 - Directly to Minister of Natural Resources and Forestry (MNRF) within 15 days of the reasons being given; or
 - To the Local Planning Appeal Tribunal (LPAT) within 90 days of reasons given or following outcome of the Minister's review.

