

Lake Simcoe Region Conservation Authority

Board of Directors' Meeting

Board of Directors' Meeting No. BOD-08-22

Friday, November 18, 2022

Held virtually via Zoom

Meeting Minutes

Board Members Present

Regional Chairman W. Emmerson (Chair), Councillor P. Ferragine (Vice Chair), Mayor D. Barton, Mayor B. Drew, Councillor A. Eek, Councillor K. Ferdinands, Deputy Mayor J. Gough, Councillor R. Greenlaw, Mayor V. Hackson, Councillor S. Harrison-McIntyre, Councillor C. Pettingill, Mayor M. Quirk, Councillor C. Riepma, Deputy Mayor T. Vegh, Councillor A. Waters, Councillor E. Yeo

Board Members Absent

Councillor K. Aylwin, Councillor W. Gaertner

Staff Present

R. Baldwin, T. Barnett, A. Brown, J. Chan, K. Cheney, M. Critch, A. Cullen, C. Currie, E. Daechsel, M. Dennis, C. Eves, T. Fleischaker, K. Goodale, D. Goodyear, L. Grzywniak, L. Hansen, C. Hawson, K. Kennedy, V. Lam, G. Learning, D. Lembcke, G. MacMillan, S. McKinnon, L. McLean, K. Nyborg, N. O'Dell, G. Peat, K. Read, C. Sharp, T. Stevenson, P. Thase, B. Thompson, K. Toffan, T. Van Engelen, B. Widner, R. Wilson, K. Yemm, K. Zeppieri

Guests Present

K. Brulotte, A. Cammaert, Councillor R. Gilliland, D. Nadorozny

I. Land Acknowledgement

Chair Emmerson acknowledged the Lake Simcoe watershed as traditional Indigenous territory and thanked all generations of Indigenous Peoples for their enduring and unwavering care for this land and water.

II. Declarations of Pecuniary Interest or Conflict of Interest

None noted for the meeting.

III. Approval of Agenda

Moved by: V. Hackson

Seconded by: A. Waters

BOD-109-22 **Resolved That** the content of the Agenda for the Special Meeting of the Board of Directors held on November 18, 2022 be approved as presented. **Carried**

IV. Provincial Bill 23: More Homes Built Faster Act, 2022

CAO Rob Baldwin provided a presentation on the proposed Provincial Bill 23 – More Homes Built Faster Act, 2022 as it impacts the *Conservation Authorities Act*, noting that the Ministry of Municipal Affairs and Housing introduced legislation on October 25th under Bill 23, More Homes Built Faster Act, 2022 that proposes sweeping changes for municipalities and conservation authorities in Ontario. Changes that will impact almost every aspect of the development process, as well as community building and the ability to keep residents safe while protecting the environment. He reviewed the four central categories of proposed change and provided comments on each category as follows:

1. Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario

The primary concern is the extent of what types of development or where developments occur being exempt from any review by conservation authorities. The conditions and/or criteria for what may qualify for an exemption must be clearly considered to ensure development does not occur inappropriately in a hazard area and/or exacerbate a hazard area as a result.

Conservation authorities need to be part of this discussion as the regulation is developed.

The addition of the term “unstable soils and bedrock” will certainly be easier to communicate and address in the permitting process as it is easier to understand than “conservation of land”.

Reducing the timeline for which an applicant may appeal for failure to issue a permit from 120 to 90 days is of no significant concern.

The removal of “pollution” is concerning as there is always a need to ensure a development activity does not create another environmental issue through improper practice causing pollution. This test may be able to be replaced through permit conditions germane to the hazard and the development activity ensuring no pollution.

2. Focusing conservation authorities’ role in the review of development related proposals and applications;

This proposed change will ensure chaos in the development review and approvals process. The Conservation Authority provides development review services under clear agreements ensuring no duplication occurs. Under this proposed legislative change, a large portion of these services will no longer be eligible for a conservation authority to implement.

There appears to be potential for conflict interpretation in the wording of the Environmental Registry of Ontario posting, where if the Minister’s regulation once developed includes the

numerous Acts as prescribed Acts, a conservation authority may not even be circulated. This potential conflict needs to be addressed through clearly articulated language.

The Conservation Authority provides services to its member municipalities acting as one window for reviewing development for natural heritage, stormwater, groundwater, source water protection, Lake Simcoe Protection Plan, hazards and floodplain related aspects.

Services are provided through 18 municipal agreements to provide cost appropriate and efficient development review in a watershed context at cost recovery. These legislative changes will place much of this review at the feet of the municipalities who do not have the staff or expertise. In essence, instead of a one-window approach, there will be 18 windows. This one-window approach ensures a focused and high caliber technical team as the costs are shared across member municipalities and through fees. There is not sufficient existing consulting service and/or available technical staff in the province to fulfill each municipality's needs if taken on by them respectfully.

The *Lake Simcoe Protection Act* is a mandatory program under O.Reg.686/21 for the Lake Simcoe Region Conservation Authority and as such provides additional opportunity for development review to ensure consistency with the provisions of the Lake Simcoe Protection Plan. This will capture much of the existing technical review for development; however, there may be some gaps which will be identified as a better understanding of the details of regulation is gained.

The natural environment does not recognize municipal boundaries, rather it lives in a watershed. Strong community building relies on its natural environment. Removing a watershed approach from the development review process will create conflict and, in the end, negative impacts.

3. Freezing conservation authority fees

The freezing of fees is contradictory to the premise that "development must pay for development". The Conservation Authority has for many years operated to almost full cost recovery, as only the costs of enforcement and supporting municipalities during the official plan reviews relying on levy.

The long-term freezing of fees will ensure a move away from cost recovery and potentially increase the burden on the levy, which is supported by the taxpayer. Clear criteria should be established on which the Minister would use to render a decision on freezing fees.

The Conservation Authority has already undertaken an extensive cost-based analysis that has been benchmarked against other development review fees to ensure fees, processes and service standards are transparent. The Conservation Authority works closely with its development industry and always has detailed consultation regarding fees in which their

support is provided prior to any new fees being approved by the Board. The Conservation Authority recommends that in an instance of freezing fees, conservation authorities will have the ability to amend fees to address inflation only.

The Conservation Authority recommends that the Province requires all conservation authorities to demonstrate that permit and planning fees do not exceed the cost to deliver a program or service through the budget and audit process.

4. Identifying conservation authority lands suitable for housing and streamlining conservation authority severance and disposition processes that facilitate faster development.

The Conservation Authority strongly supports the proposed changes making land disposition for land/s purchased under a section 39 grant more streamlined, efficient and removing the formal Minister approval. This will greatly reduce the timelines and burden when addressing minor land takings, easements and other dispositions associated with municipal and provincial infrastructure.

The proposed changes to land disposition processes will also assist in potential land transfers from the Conservation Authority to a municipality in cases where the municipality would be the better suited owner of specific urban lands or lands under long term management agreements.

The Conservation Authority would support reducing the notification periods to the Minister and public consultation to increase efficiencies.

The proposed regulatory changes that require the Conservation Authority to identify potential lands suitable for housing development are concerning. The Conservation Authority has always focused on significant hazard or ecological lands and not developable land. There is little detail on what criteria may be used to determine if lands are suitable for housing development, who makes the decision and what the process is. There needs to be clearly established “guard rails” created to ensure that safety is paramount and by working to solve a housing issue an environmental issue is not created.

Conservation Authorities Working Group

In addition to the above comments, CAO Baldwin noted that the Conservation Authorities Working Group has been successful during the past term of the current government. Representing the government, municipalities, conservation authorities, agriculture, and the development industry, the group navigated and built consensus for positive changes that are being implemented in every conservation authority. This group must be utilized again to work with the government to assist in making consensus-built changes to address the housing supply crisis in Ontario.

To view this presentation, please click this link: [Proposed Bill 23 Presentation](#)

Moved by: P. Ferragine

Seconded by: D. Barton

BOD-110-22 **Resolved That** the presentation by CAO Rob Baldwin regarding an overview of the impacts to the *Conservation Authorities Act* of the proposed Provincial Bill 23 be received for information.

Staff Report No. 40-22-BOD regarding the Conservation Authority's questions and comments for submission in response to Environmental Registry of Ontario's No. ERO 019-6141 regarding Bill 23 - the Proposed More Homes Built Faster Act, 2022 was included in the agenda.

Moved by: P. Ferragine

Seconded by: D. Barton

BOD-111-22 **Resolved That** Staff Report No. 40-22-BOD regarding Provincial Bill 23 – More Homes Built Faster Act, 2022 regarding Amendments to the *Conservation Authorities Act* be received; and

Further that Staff be directed to provide a submission to Environmental Registry of Ontario No. 019-6141 based on comments within this report; and

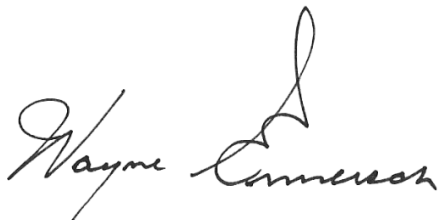
Further that Staff be directed to submit a letter to the Minister of Natural Resources and Forestry and the Minister of Environment, Conservation and Parks requesting that the Conservation Authorities Working Group be re-engaged. **Carried.**

V. Adjournment

Moved by: J. Gough

Seconded by: E. Yeo

BOD-112-22 **Resolved That** the meeting be adjourned at 10:48 a.m. **Carried**



Regional Chairman Wayne Emmerson
Chair



Rob Baldwin
Chief Administrative Officer