

Board of Directors
Meeting No. BOD-07-21
Friday, June 25, 2021
9:00 a.m.

Amended Agenda

Meeting Location:

To be held virtually by Zoom
Minutes and agendas are available at www.LSRCA.on.ca

Upcoming Events

Board of Directors' Meeting

Friday, July 23 at 9:00 a.m.
To be held virtually by Zoom

A full listing of events can be found at www.LSRCA.on.ca

I. Acknowledgement of Indigenous Territory

II. Declarations of Pecuniary Interest and Conflicts of Interest

III. Approval of Agenda

Pages 1 - 6

Recommended: That the content of the Agenda for the June 25, 2021 meeting of the Board of Directors be approved as amended to remove Closed Session Item XIIb), Confidential Staff No. 36-21-BOD; and to add Agenda Item No. 5, Staff Report No. 36-21-BOD.

IV. Adoption of Minutes

a) Board of Directors' Meeting

Pages 7 - 13

Included in the agenda is a copy of the draft minutes of the Board of Directors' Meeting, No. BOD-06-21, held on Friday, May 28, 2021.

Recommended: That the minutes of the Board of Directors' Meeting, No. BOD-06-21, held on Friday, May 28, 2021 be approved as circulated.

V. Announcements

VI. Presentations

a) Lake Simcoe Region Conservation Authority's 2022-2024 Strategic Plan Project

Pages 14 - 18

Communications Specialist, Melissa Rosato, will provide an update on the progress of the Authority's next Strategic Plan. This presentation will be provided at the meeting and will be available on our website following the meeting.

Recommended: That the presentation by Communications Specialist, Melissa Rosato, regarding an update on the progress of the Authority's 2022-2024 Strategic Plan Project be received for information.

Included in the agenda is Staff Report No. 29-21-BOD regarding the Authority's 2022-2024 Strategic Plan Project.

Recommended: That Staff Report No. 29-21-BOD regarding the project status for the ongoing development of the Lake Simcoe Region Conservation Authority's 2022-2024 Strategic Plan be received for information.

b) 2021 Afforestation Program Update

Pages 19 - 21

Manager, Forestry and Greenspace Services, Philip Davies, will provide an update on the Authority's afforestation program. This presentation will be provided at the meeting and will be available on our website following the meeting.

Recommended: That the presentation by Manager, Forestry and Greenspace Services, Philip Davies, regarding an update on the Authority's afforestation program be received for information.

Included in the agenda is Staff Report No. 30-21-BOD regarding the Authority's afforestation program.

Recommended: That Staff Report No. 30-21-BOD regarding an update on the Authority's afforestation program be received for information.

c) 2022 Budget Assumptions

Pages 22 - 25

General Manager, Corporate and Financial Services/CFO, Mark Critch, will provide a presentation on the Authority's 2022 Budget Assumptions. This presentation will be provided at the meeting and will be available on our website following the meeting.

Recommended: That the presentation by General Manager, Corporate and Financial Services/CFO, Mark Critch, regarding the Authority's 2022 Budget Assumptions be received for information.

Included in the agenda is Staff Report No. 31-21-BOD regarding the Authority's 2022 Budget Assumptions.

Recommended: That Staff Report No. 31-21-BOD regarding the recommended budget assumptions for the 2022 fiscal year be approved.

VII. Hearings

There are no Hearings scheduled for this meeting.

VIII. Deputations

Ms. Claire Malcolmson, Executive Director, Rescue Lake Simcoe Coalition, will make a deputation to share her concerns regarding the Bradford Bypass.

IX. Determination of Items Requiring Separate Discussion

(Reference Pages 5 and 6 of the agenda)

X. Adoption of Items Not Requiring Separate Discussion

XI. Consideration of Items Requiring Separate Discussion

XII. Closed Session

The Board will move to Closed Session to deal with a confidential human resources matter.

Recommended: That the Board move to Closed Session to deal with confidential human resources matter; and

Further that the Chief Administrative Officer, members of the Executive Leadership Team, and the Coordinator BOD/CAO remain in the meeting for the discussion.

The Board will rise from Closed Session and report findings.

Recommended: That the Board rise from Closed Session and report findings.

a) Confidential Human Resources Matter

Recommended: That Confidential Staff Report No. 35-21-BOD regarding a confidential human resources matter be endorsed.

XIII. Other Business

Next Meeting

The next meeting of the Board of Directors will be held at @ 9:00 a.m. on Friday, July 23, 2021. This meeting will be held via Zoom, access details to be provided prior to the meeting.

XIV. Adjournment

Agenda Items

1. Correspondence

Page 26

- a) Copy of a letter from the Township of Ramara dated June 18, 2021 regarding the Lake Simcoe Region Conservation Authority.

Recommended: That Correspondence listed as Items 1a) be received for information.

2. Conservation Authorities Act - Phase 1 Consultation Guide Comments

Pages 27 - 33

Recommended: That Staff Report No. 32-21-BOD regarding Provincial Bill 229 Regulatory Proposal Consultation Guide be received; and

Further That the attached Comments Letter be approved for submission to the Environmental Registry of Ontario ahead of the June 27, 2021 deadline.

3. Conservation Ontario's Governance Accountability and Transparency Initiative

Pages 34 - 40

Recommended: That Staff Report No. 33-21-BOD regarding Conservation Ontario's Governance Accountability and Transparency Initiative be received; and

Further that the Lake Simcoe Region Conservation Authority Board of Directors endorse the three key actions developed by the Conservation Ontario Steering Committee to update Administrative By-laws, to report proactively on priorities, and to promote/demonstrate results; and

Further That staff be directed to work with Conservation Ontario to implement these actions and to identify additional improvements and best management practices.

4. KD03 Sunnidale Road Stormwater Pond Retrofit Project

Pages 41 - 44

Recommended: That Staff Report No. 34-21-BOD regarding the City of Barrie's KDO3 Sunnidale Road Stormwater Pond Retrofit Project be received; and

Further that funding for the project through the Authority's Offsetting Cash in Lieu funds from Water Balance and Lake Simcoe Phosphorus Offsetting as outlined in this report be approved.

5. Amendments to Permit under O. Reg 179/06 and Pursuant to Subsection 28.0.1 of the Conservation Authorities Act (Ministerial Zoning Order) for 2639025 Ontario Inc. Oro Station Automotive Innovation Park

Pages 45 - 56

Recommended: That Staff Report No. 36-21-BOD regarding Amendments to Permission (Permit OP.2021.027) under O. Reg 179/06, Pursuant to Subsection 28.0.1 of the Conservation Authorities Act (Ministerial Zoning Order) for 2639025 Ontario Inc. Oro Station Automotive Innovation Park be received; and

Further that the amended conditions to the permission as outlined in this report be approved; and

Further that the permit be valid for a period of sixty (60) months; and

Further that the Authority's Chief Administrative Officer be authorized to execute the agreement as required by the Conservation Authorities Act.

Board of Directors' Meeting

Board of Directors' Meeting No. BOD-06-21

Friday, May 28, 2021

Held virtually via Zoom

Meeting Minutes

LSRCA Board Members Present

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

LSRCA Board Members Absent

Councillor A. Eek, Councillor E. Yeo and the Township of Ramara

LSRCA Staff Present

S. Auger, R. Baldwin, T. Barnett, M. Bessey, K. Cheney, K. Christensen, M. Critch, P. Davies, J. Doyley, C. Hawson, J. Ingoe, S. Jagminas, B. Kemp, K. Kennedy, N. Knight, B. Longstaff, D. Lembcke, G. MacMillan, S. McKinnon, S. Moin, K. Nesbitt, N. O'Dell, G. Peat, C. Sharp, C. Taylor, K. Toffan, K. Yemm, K. Zeppieri

Guests in Attendance

D. Nadorozny, Town of Aurora

I. Land Acknowledgement

II. Declarations of Pecuniary Interest or Conflict of Interest

None noted for the meeting.

III. Approval of Agenda

Moved by: W. Gaertner

Seconded by: R. Greenlaw

BOD-075-21 **Resolved That** the content of the Agenda for the May 28, 2021 meeting of the Board of Directors be approved as presented. **Carried**

IV. Adoption of Minutes

a) Board of Directors' Meeting

Moved by: C. Riepma

Seconded by: A. Waters

BOD-076-21 **Resolved That** the minutes of the Board of Directors' Meeting, No. BOD-05-21, held on Friday, April 23, 2021 be approved as circulated. **Carried**

V. Announcements

- a) On behalf of the Board and staff, Chair Emmerson offered condolences to Councillor Eek and her family on the loss of her mother-in-law, Mae Eek, who passed away a few days before the meeting after a lengthy illness.
- b) On behalf of the Board and staff, Chair Emmerson offered condolences to the Lake Simcoe Conservation Foundation Past President Debbie Conzelmann and her family on the loss of her father, Bob Murby, who passed away a few days before the meeting.

VI. Presentations

a) Stormwater Management, Inspection and Maintenance Program

Coordinator, Stormwater Management, Steve Auger, provided an overview of the stormwater management, inspection and maintenance program, noting urban stormwater management is important in controlling water quality in the Lake Simcoe watershed. Urban drainage areas have typically relied on ponds for quantity and quality control to meet its objectives, and routine inspection and maintenance of stormwater ponds is essential but typically under resourced.

It is also important that Low Impact Development features are also routinely inspected and maintained; however, due to their diversity (i.e., bioretention to permeable pavement to exfiltration systems), the skills and responsibilities for inspection and maintenance are varied, which in turn can create resource gaps for municipalities that need to be addressed.

Poor stormwater management inspection and maintenance practices expose municipalities to a range of issues such as increased liability, non-compliance of approvals, reduced asset life, and exacerbate the impact of urban stormwater on the local waterways, including additional phosphorus loads.

With funding support from the Ontario Ministry of Environment, Conservation, and Parks, the Authority has been working to address these known barriers and resource gaps. Resources and tools developed as a result include an asset inventory database to support municipal inspection and maintenance programs, training for pond inspection and maintenance prioritization, and continued monitoring assessments to inform better design and maintenance practice.

In 2020, a Low Impact Development Municipal Inspection and Maintenance Working group was established to support improvements with municipal programs. The working group includes operations managers from six municipalities (Aurora, Barrie, Bradford West Gwillimbury, Georgina, Innisfil, and Newmarket). Outcomes of these latest efforts include a budgeting tool and Standard Operating Principals for incorporating information within the municipal stormwater management database. For more information on this program, please contact Steve Auger at 905-895-1281, ext. 149 or s.auger@lsrca.on.ca.

To view this presentation, please click this link: [Stormwater Management, Inspection and Maintenance Program Update](#)

Moved by: D. Barton

Seconded by: A. Waters

BOD-077-21 **Resolved That** the presentation by Coordinator, Stormwater Management, Steve Auger, regarding an overview of the stormwater management, inspection and maintenance program be received for information. **Carried**

Staff Report No. 22-21-BOD regarding the stormwater management, inspection and maintenance program update was included in the agenda.

Moved by: D. Barton

Seconded by: A. Waters

BOD-078-21 **Resolved That** Staff Report No. 22-21-BOD regarding the Lake Simcoe Region Conservation Authority's efforts supporting improvement of municipal stormwater management inspection and maintenance be received for information. **Carried**

b) The Passive House

Authority Board member and Town of Innisfil Councillor Alex Waters provided an overview of the Passive House design, elements of which include proper insulation, no air leakages, no thermal bridges, proper windows with triple pane windows, proper orientation and

shading, and heat recovery ventilation. A passive house does not need a furnace or air conditioner and uses 90% less energy. Councillor Waters shared photos on the various construction phases of his passive home being built, as well as energy and cost savings.

For more information on the passive house design concept, please contact Alex Waters at awaters1231@gmail.com.

Moved by: W. Gaertner

Seconded by: V. Hackson

BOD-079-21 **Resolved That** the presentation by Authority Board member and Town of Innisfil Councillor Alex Waters regarding an overview of the Passive House Design be received for information. **Carried**

VII. Hearings

There were no hearings at this meeting.

VIII. Deputations

There were no deputations at this meeting.

IX. Determination of Items Requiring Separate Discussion

No items were identified as items requiring separate discussion.

X. Adoption of Items not Requiring Separate Discussion

All items were identified under items not requiring separate discussion.

Moved by: P. Ferragine

Seconded by: K. Aylwin

BOD-080-21 **Resolved That** the following recommendations respecting the matters listed as "Items Not Requiring Separate Discussion" be adopted as submitted to the Board, and staff be authorized to take all necessary action required to give effect to same. **Carried**

1. Correspondence

BOD-081-21 **Resolved That** correspondence listed in the agenda as Items 1a) and 1b) be received for information. **Carried**

2. Mabel Davis Administrative Centre Safety Renovations

BOD-082-21 **Resolved That** Staff Report No. 23-21-BOD regarding safety renovations at the Authority's Mabel Davis Administrative Centre be received; and

Further That an additional draw of approximately \$70,000 from reserve to support implementation of these safety renovations be approved. **Carried**

3. Mabel Davis Administrative Centre Lighting Retrofits

BOD-083-21 **Resolved That** Staff Report No. 24-21-BOD regarding lighting retrofits at the Authority's Mabel Davis Administrative Centre be received; and

Further That a potential draw from reserve of less than \$3,000 to support implementation of these lighting retrofits be approved. **Carried**

4. Offsetting Policies – Reconciliation to December 31, 2020

BOD-084-21 **Resolved That** Staff Report No. 25-21-BOD regarding an update on the Authority's Offsetting Cash in Lieu funds received, expended and Key Performance Indicators be received for information. **Carried**

5. 2021 Conservation Awards Program

BOD-085-21 **Resolved That** Staff Report No. 26-21-BOD regarding recommendations for a virtual 2021 Conservation Awards be approved. **Carried**

6. Conservation Authorities Act - Phase 1 Consultation Guide

BOD-086-21 **Resolved That** Staff Report No. 27-21-BOD regarding Provincial Bill 229 Regulatory Proposal Consultation Guide be received; and

Further that staff be directed to circulate a copy of this staff report to watershed municipalities for their information and consideration; and

Further that staff be directed to prepare a comments letter for the Board's consideration at their June 25, 2021 meeting to be submitted on behalf of the Authority in response to the Environmental Registry of Ontario prior to the June 27, 2021 deadline. **Carried**

XI. Consideration of Items Requiring Separate Discussion

No items were identified under items requiring separate discussion.

XII. Closed Session

The Board moved to Closed Session to deal with a confidential land matter.

Moved by: M. Quirk

Seconded by: C. Pettingill

BOD-087-21 **Resolved That** the Board move to Closed Session to deal with a confidential land matter; and

Further that the Chief Administrative Officer, members of the Executive Management Team, the Land Securement Officer, and the Coordinator BOD/CAO remain in the meeting for the discussion. **Carried**

The Board rose from Closed Session and reported findings.

Moved by: W. Gaertner

Seconded by: K. Aylwin

BOD-088-21 **Resolved That** the Board rise from Closed Session and report findings. **Carried**

a) Confidential Land Matter

Moved by: D. Barton

Seconded by: P. Ferragine

BOD-089-21 **Resolved That** Confidential Staff Report No. 28-21-BOD regarding a confidential land matter in the Town of Georgina be received; and

Further That the recommendations contained within the report be approved; and

Further That the agreement between the Authority and the Town of Georgina stipulate these the lands remain in the public domaine. **Carried**

b) Confidential Legal Matter

Moved by: R. Greenlaw

Seconded by: T. Vegh

BOD-090-21 **Resolved That** the update by the Chief Administrative Officer regarding a legal matter be received; and

Further that the Chief Administrative Officer be directed to participate in discussions and recommendations will be brought back to the Board for approval. **Carried**

XIII. Other Business

No other business was discussed.

XIV. Adjournment

Moved by: B. Drew

Seconded by: S. Harrison-McIntyre

BOD-091-21 **Resolved That** the meeting be adjourned at 10:56 a.m. **Carried**

Original to be signed by:

Regional Chairman Wayne Emmerson
Chair

Original to be signed by:

Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: Kristen Yemm, Director, Corporate Communications and Engagement

Date: June 15, 2021

Subject

Lake Simcoe Region Conservation Authority's 2022-2024 Strategic Plan Project

Recommendation

That Staff Report No. 29-21-BOD regarding the project status for the ongoing development of the Lake Simcoe Region Conservation Authority's 2022-2024 Strategic Plan be received for information.

Purpose of this Staff Report:

The purpose of Staff Report No. 29-21-BOD is to inform the Board of Directors on the status of the project to develop the Authority's 2022-2024 Strategic Plan and to address next steps for the Board regarding their involvement.

Background:

Typically, development of our strategic plan has been outsourced to a consultant and the work would begin prior to the expiry of the existing plan. With the many obstacles we faced in 2020, including financial constraints, the decision was made to proceed with the work being completed in-house by our communications department, throughout 2020 and 2021.

The project team consists of Melissa Rosato, Communications Specialist as the project lead, Susan Jagminas, Senior Communications Advisor as the project consultant and Kristen Yemm, Director, Communications and Engagement as the project manager.

2022-2024 Strategic Plan Project Status:

With the goal of developing a Strategic Plan that will serve as the Authority's guiding framework for future actions and decisions across the organization, the following information outlines the significant project stages and the status of each:



- **Completed:** Background Research, Project Planning – Summer 2020.
- **Completed:** Step 1: Situation Analysis. November 2020 - March 2021.
 - Outcome: A concise summary of our strengths, challenges, and opportunities, derived from all staff input.
- **Completed:** Step 2: Vision, Mission, Values Statements. November 2020 - May 2021
 - Outcome: A new Vision statement, a modified Mission Statement, modified Values statements.
- **In progress:** Step 3 & 4: Goals, Strategic Objectives, Success Indicators - launched June 2021
 - Anticipated outcome: a list of high-level goals and strategic objectives that are well aligned. Measurable indicators of success to support alignment, tracking and reporting needs.
- **Still to action:** Step 5: Validation and Prioritization. Anticipated timing: September 2021
 - Anticipated outcome: A short and prioritized list of strategic objectives and priority actions within an implementation timeline.
- **Still to action:** Step 6: Launch and Implementation Planning: Fall 2021
 - Anticipated outcome 1: the final packaged Strategic Plan including the above products in condensed form, produced for external audiences.
 - Anticipated outcome 2: a launch and promotional plan to ensure optimal circulation among stakeholders and partners.
 - Anticipated outcome 3: a draft of implementation considerations to address for 2022 and the framework for 2023 and beyond.

Given that many strategic plans are inadequately implemented, in part due to issues around insufficient internal consultation and engagement, a high priority is being placed on staff involvement and contribution. We anticipate that this strong collaboration will lead to a more robust, effective and cohesive plan that is easier to implement and will deliver the impact we seek to make.

Staff Engagement

Staff engagement is being pursued through two mechanisms:

1. **Strategic Plan Stars:** A group of individuals, one per department (13 in total), have been chosen as internal champions for the strategic plan project. Their role is to guide their colleagues through the process, answer questions and to help elicit input and participation throughout the development of the plan. This activity follows best practices on involving staff in significant ways to ensure accuracy, alignment and to facilitate smooth implementation.

2. **Staff consultation:** At every step of the plan, we built in processes to ensure staff had opportunities to provide detailed feedback, and that their feedback was carefully considered during analysis and pursuant recommendations. Given that all this work has and will continue to occur in a virtual context, this has not been without challenges. However, in some cases it is believed that more engagement was possible thanks to virtual formats for attendance and engagement.

Following is a summary of what staff engagement has looked like so far:

- Step 1: Situation Analysis
 - A Worksheet filled out by all departments.
 - 653 total comments were received.
- Step 2: Vision, Mission, Values Statements
 - Three, one-hour interactive workshop sessions resulted in 91% staff participation. We subsequently polled participants, 94% of whom cited the workshops as very good or excellent, and 92% felt somewhat or very comfortable sharing their opinions.
 - We provided a survey option with the same questions included in the interactive workshop as an alternative option.
 - We provided draft statements and conducted a follow-up survey to gauge staff sentiment on the proposed changes before finalizing with the executive leadership team.
- Steps 3 & 4: Goals, Objectives, Success Indicators (in progress)
 - We produced an instructional video to allow flexibility for staff to view, when their schedules allowed, in preparation for a series of three workshops to facilitate goals and objectives development, with support from the strategic planning leads.
 - Input will be captured in a worksheet, which also allows for participation via this method if preferred over the workshop.
- Steps 5: Validation and Prioritization
 - We anticipate surveying staff in this step to ensure drafted objectives and indicators are achievable and measurement is tangible.
- Step 6: Launch.
 - We anticipate working closely to ensure each department understands where they fit in, as well as to garner input to help with tailored messaging as part of the promotional plan for their clients or specific audiences.

Board of Directors' Engagement

The views of our Board of Directors towards the development of the new Strategic Plan are considered crucial. Considering the challenges in 2020, as well as to maximize this benefit at the best time, the strategic planning team has considered and prioritized the board of directors' involvement.

We believe proceeding to solicit input in Step 4 is optimal timing. We are roughly halfway through the project, there is a chance to review work to date and influence change. Reviewing a draft of our goals and objectives is work that is more tangible than the more abstract Vision, Mission, Values work. Feedback obtained from the Board of Directors at this stage can be fully considered during our internal analysis, in Step 5, when we seek to determine that the goals, objectives and indicators are suitable to pursue, and are well aligned – the point when we validate and prioritize.

Mechanisms for Board of Directors' Feedback

Two options for board of directors' engagement are being offered. Both will incorporate the same questions:

- A survey for participants to answer independently;
- An invitation to an optional interactive workshop session to garner the same input as in the survey, but with the advantage of being able to ask clarifying questions and have direct engagement with the internal strategic planning team.

Recommended Dates for Engagement

The information for consideration would be circulated, and the accompanying survey to provide feedback would open mid-August and remain open for up to three weeks. An optional interactive workshop date would be set for the week of August 23, 2021.

Issues:

The Authority's former strategic plan (2016-2020) concluded at the end of 2020. This timing happened to coincide with the COVID-19 pandemic, retirement of the former CAO, as well as several unanticipated critical issues; most notably Schedule 6 of Bill 229. The combination of these factors made completion and launch of a new strategic plan unachievable in 2020.

While initially we had concern that delaying the development of the new strategic plan wasn't ideal, consequently, we have found that the timing of the project has worked in our favour. In 2021, with Rob Baldwin bringing a new leadership focus as the CAO, and the opportunity to gain more clarity surrounding the impacts of the changes to the *Conservation Authorities Act* and subsequent regulation, we believe we are well positioned to finalize the plan in 2021 and launch it for implementation in 2022.

Relevance to Authority Policy:

The Strategic Plan project seeks to produce a guide or roadmap for the entire work of the Authority. Through this guiding document and its intended implementation, we seek efficient and effective alignment of the programs and services we offer towards meeting the strategic objectives we've set out. In turn, it is through the objectives we set out for our work that we seek to achieve real and lasting impact for the watershed.

Impact on Authority Finances:

There is no additional impact on budget as all work towards the Strategic Planning project has been accommodated by existing in-house staff.

Summary and Recommendations:

In our era of increased and rapidly expanding knowledge, vast technological innovation, and fundamental challenges around climate change, this moment of re-evaluation is timely and opportune. What remains consistent and clear, since our inception, is our desire to align objectives, approaches and resources to achieve optimal results.

It is therefore **Recommended That** Staff Report No. 29-21-BOD regarding the project status on the development of the 2022-2024 Strategic Plan be received for information.

Pre-Submission Review:

Prepared by: Melissa Rosato, Communications Specialist

This Staff Report has been reviewed by the Director, Corporate Communications and Engagement and the Chief Administrative Officer.

Signed by:

Kristen Yemm
Director, Corporate Communications and
Engagement

Signed by:

Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: Phil Davies, Manager, Forestry and Greenspace Services

Date: June 16, 2021

Subject:

2021 Afforestation Program Update

Recommendation

That Staff Report No. 30-21-BOD regarding an update on the Authority's 2021 Afforestation Program be received for information.

Purpose of this Staff Report:

The purpose of this Staff Report No. 30-21-BOD is to provide the Board of Directors with an update on the outcome of the 2021 spring planting program and ongoing initiatives to increase forest and canopy cover across the watershed.

Background:

Forestry staff deliver tree and shrub planting services to watershed landowners through our annual spring and fall programs. Delivery of the spring program in 2020 was cancelled due to a series of challenges presented by the emerging pandemic in March. As the spring program is limited to implementation between the 4th week of April and 3rd week of May, and staff are required to work in close quarters with shared equipment and vehicles, we were unable to develop robust safety protocols and procedures to ensure protection for fulltime and seasonal staff. Additionally, supply chain issues at our nursery suppliers meant that delivery of perishable plant stock would not be received until late in the planting window, risking a higher mortality rate. As a result, landowners were contacted and the majority agreed to defer their projects to spring, 2021.

Using fulltime employees and new safety protocols, staff planted 1,800 trees on 6 sites through the annual fall program, which was smaller than an average year (2,600 trees/year). The fall program is always smaller than the average spring delivery (42,000 trees/year).

In preparation for delivery of the spring program in 2021, staff consulted with Health and Safety representatives, colleagues at other conservation authorities and external planting partners to develop robust pandemic safety protocols that would allow safe implementation. These included daily COVID prescreening, assignment of equipment to single users, rental of

additional fleet vehicles to support single occupancy, onsite protocols for physical distancing between staff and landowners, and provision of required personal protective equipment. The annual Do-It-Yourself Planting Program distribution was delivered through a “curbside pick-up” model. As a result of these efforts the program was delivered effectively, safely and without incident.

This spring, Forestry staff worked with 25 landowners to plant over 49,500 trees on properties across the watershed. Despite challenges presented by pandemic restrictions and employees working from home, staff were able to develop and confirm 5 new projects in 2020 (20% of the 2021 projects). The planting projects were completed with the support of our municipal program partners including York Region’s Grow Your Legacy Planting Program and Simcoe County’s Simcoe Trees Program, as well as funding partners including the Lake Simcoe Conservation Foundation and Forests Ontario’s 50 Million Tree Program. The annual Do-It-Yourself Planting Program, which sells seedlings directly to landowners for planting on their properties, was very successful in large part due to build-up of demand following the 2020 cancellation, and accordingly 103 landowners collected over 13,600 trees at the pick-up event, our largest distribution to date.

While community events were unable to proceed due to Provincial pandemic restrictions, Restoration staff completed 13 projects including the planting of over 6,500 trees, shrubs and herbaceous plants. The benefits of community events are typically greater than just the number of plants installed, including community engagement and promotion of watershed environmental awareness. However, these projects were implemented by Authority staff to support commitments to our partners, such as Metrolinx as part of their compensation commitments in support of the Toronto to Barrie rail corridor widening.

Forestry staff continually seek opportunities to increase forest and canopy cover in the watershed to support natural heritage cover restoration and expansion objectives. In response to the Climate Emergency declared by Durham Regional Council, Regional staff and the five conservation authorities serving Durham (this Authority as well as Central Lake Ontario, Ganaraska Region, Kawartha, and Toronto and Region) worked together to develop a new planting partnership program to address canopy cover and climate change targets. Through the program, based on the York Region Grow Your Legacy Planting Program, Durham Region is providing \$416,000 to the conservation authorities to support program promotion, landowner outreach and planting services and program administration. Including landowners and other funding partners, the program has an estimated value of \$1.74M and a goal of 279,000 trees planted over 3 years. The Authority will receive \$81,000 over 3 years from Durham Region to support the initiative.

In 2021 the Federal government introduced the Growing Canada's Forests: 2 Billion Tree Program as part of Canada's broader approach to nature-based climate solutions and objectives for meeting and exceeding the 2030 Paris Agreement commitments. As part of the development of the funding program, Natural Resources Canada opened a Request for Information process to inform program development. The Authority collaborated on two Request for Information submissions including one with the Durham Region conservation authority collaborative, and a second coordinated by Forests Ontario and in partnership with Conservation Ontario and other conservation authorities and planting partners. It is anticipated that requests for formal funding applications will be distributed later in 2021 or 2022.

Issues:

There are no issues identified with this Staff Report.

Relevance to Authority Policy:

Staff apply all relevant procurement policies and procedures when securing planting stock from nursery and other service providers to support program delivery.

Impact on Authority Finances:

The Afforestation program is funded on a cost-recovery basis with landowners invoiced for the costs for program delivery, planting plan development and implementation. Funding incentive grants are secured from municipal and other funding programs and administered by Forestry staff to reduce landowner costs, provide incentives for program uptake and recognize individual landowner investments in watershed community objectives.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 30-21-BOD regarding an update on the Authority's 2021 Afforestation Program be received for information.

Pre-Submission Review:

This Staff Report has been reviewed by the General Manager, Conservation Lands and the Chief Administrative Officer.

Signed by:

Brian Kemp
General Manager, Conservation Lands

Signed by:

Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: Susan McKinnon, Manager, Budgets and Business Analysis

Date: June 16, 2021

Subject:

2022 Budget Assumptions

Recommendation

That Staff Report No. 31-21-BOD regarding the recommended budget assumptions for the 2022 fiscal year be approved.

Purpose of this Staff Report:

The purpose of this Staff Report No. 31-21-BOD is to seek the Board's approval on the recommendations for 2022 budget assumptions for the operating and capital budget development process.

Background:

The levy increase requested from the Authority's municipal partners includes salary increases due to Cost-of-Living Adjustments (COLAs) and step, inflation, investment in strategic initiatives and funding for asset management.

a) COLA and Step

Staff reached out to various municipalities and conservation authorities to gather information on projected 2022 COLAs. The Region of York, City of Barrie and Region of Durham are our largest municipal partners and thus are used as comparators. Each has a Canadian Union of Public Employees (CUPE) agreement with their workers and the COLAs from those agreements are used as a comparator. The CUPE agreements that end in 2021 have COLAs ranging from 1.74% to 1.80%. Due to the impact of COVID-19 and end dates of the agreements, no new CUPE agreements have been negotiated or ratified yet for 2022.

Toronto and Region Conservation Authority and Nottawasaga Valley Conservation Authority are the Authority's neighbouring authorities and are used for comparators. Toronto and Region Conservation Authority usually uses the City of Toronto's agreement with CUPE 416 COLA to set their COLA assumption. The City of Toronto currently has an agreement with CUPE 416 for 2.00% until the end of 2022. Nottawasaga Valley Conservation Authority uses the Consumer Price Index (CPI) for Ontario and will be using 1.30% for their 2022 COLA assumption.

Municipalities	2022 CUPE agreement	2021 CUPE agreement	2020 CUPE agreement
Region of York, CUPE 905	Agreement has not been negotiated yet	Agreement has not been negotiated yet	1.74%
City of Barrie, CUPE 2380	Agreement has not been negotiated yet	Agreement has not been negotiated yet	1.80%
Region of Durham, CUPE 1764	Agreement has not been negotiated yet	Agreement has not been negotiated yet	1.75%
Conservation Authorities	2022 COLA	2021 COLA	2020 COLA
Toronto, CUPE 416	2.00%	2.00%	2.00%
Nottawasaga, CPI for Ontario	1.30%	1.80%	1.90%
Lake Simcoe	TBD	1.00%	1.75%

b) Inflation

Staff use Bank of Canada's inflation targets and inflation forecasts to determine inflation rates for the budget assumptions. The Bank of Canada's 2022 Inflation target is 2.00% and the forecasted 2022 inflation rate is between 1.50% and 2.00%.

c) Strategic Initiative

Staff have recognized the funding challenges for the Authority's municipal partners and are making the decision to defer any investment in new Strategic initiatives for another year.

d) Asset Management

Staff are utilizing a small placeholder of \$27.1K in the 2022 budget assumptions for asset management costs. The long-term funding strategy for asset management will be presented to Board of Directors for approval in the third quarter of 2021.

Lessons Learned from 2021 Forecast

As staff begin the 2021 forecasting process, found savings or efficiencies will be incorporated into the 2022 budget.

Issues:

a) **Board of Directors’ Direction Required**

Staff will develop the budget to meet the Authority’s Annual Operating Priorities (Priorities) and legislative responsibilities. Staff will look for efficiencies, program reductions and implement changes from the review of Authority fees. Following that, staff will use the Board approved budget assumptions to build the operating and capital budgets and determine the amount of municipal investment required. With that in mind, staff request a range for the COLA and suggest a maximum cap to the levy increase to allow staff to continue to work with changing municipal guidelines.

In summary, staff recommend:

1. Inflation: up to 2.00% used only for applicable expenditures (2021: 2.00%)
2. COLA: up to 2.00% (2021: 1.00%) plus applicable step increases
3. Infrastructure levy for Asset Management: up to 0.50% on capital funding (2021: 0.00%)
4. Investment in Strategic Priorities: 0.00% (2021: 0.00%)
5. No additional new FTEs in 2022, unless they are fully funded from grants and/or fees
6. General and Special Operating Levy: Up to 1.00%, (2021: 1.00%).
7. Special Capital Levy: Up to 1.70% (2021: 1.00%).

b) **Staff May Require Flexibility to Meet Future Municipal Targets**

Staff have initiated conversations with the Authority’s municipal partners and will continue to be engaged with them throughout the year. The Authority has received guidelines from York Region and the Town of Innisfil. York Region has indicated 1.0% for operating and 1.7% for special capital. The Town of Innisfil has a two-year budget (2021-2022), and for 2022 the increase is 1.0%. The Authority has scheduled a fall meeting with all municipal partners to participate in an on-line financial update to review guidelines and any issues arising with the development of the 2022 budget.

2022 Levy Targets		General Levy	Special Capital	Special Operating	Total
General Levy	*1.00%	40.5			40.5
Special Capital	*1.70%		73.9		73.9
Special Operating	*1.00%			4.9	4.9
Maximum Estimated Tax Levy		40.5	73.9	4.9	119.3

2022 Levy Targets		General Levy	Special Capital	Special Operating	Total
2022 Budget Assumptions					
STEP		12.6	12.4	1.0	26.0
COLA	up to 2.00%	74.6	55.7	5.3	135.6
Inflation	up to 2.00%	3.2	18.8	2.3	24.2
Strategic Initiative	0.00%	0.0	0.0	0.0	0.0
Asset Management	up to 0.50%	0.0	21.7	0.0	21.7
Efficiencies		(49.9)	(34.7)	(3.6)	(88.3)
Total		40.5	73.9	4.9	119.3

* Aligning with preliminary budget targets provided by majority of funding.

Relevance to Authority Policy:

The Authority is required to prepare annual budgets as part of the fiscal control and responsibilities of the organization. These budgets are also used in the audit process for evaluation by the external auditing firm. Annual audits are required under Section 38 of the *Conservation Authorities Act*.

Impact on Authority Finances:

The total municipal funding will be capped at \$9,010,020 for 2022, which is a 1.34% increase of \$119,349. This total increase is made up of \$40,488 increase to general levy, \$4,930 increase to special operating, \$73,931 increase to special capital.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 31-21-BOD regarding the recommended budget assumptions for the 2022 fiscal year be approved.

Pre-Submission Review:

This Staff Report has been reviewed by the General Manager, Corporate and Financial Services/CFO, and the Chief Administrative Officer.

Signed by:

Signed by:

Mark Critch
General Manager, Corporate and Financial
Services/CFO

Rob Baldwin
Chief Administrative Officer



2297 Highway 12,
PO Box 130
Brechin, Ontario L0K 1B0
p.705-484-5374
f. 705-484-0441

June 18, 2021

Lake Simcoe Region Conservation Authority
120 Bayview Parkway,
Newmarket, ON, L3Y 3W3

Mr. Critch,

Re: Lake Simcoe Region Conservation Authority Correspondence

This is to advise you that the Council of the Township of Ramara passed the following resolution at the Committee of the Whole meeting held on June 7th, 2021:

*“THAT we receive Report AD-22-21 regarding the 2021 Lake Simcoe Region Conservation Authority Membership Levy;
AND THAT staff be directed to pay Lake Simcoe Region Conservation Authority membership fees to the end of Year 2020;
AND THAT staff be directed to enter into discussions with Lake Simcoe Region Conservation Authority together with the Mayor and Deputy Mayor with regards to a new Memorandum of Understanding between the Township of Ramara and the Lake Simcoe Region Conservation Authority;
AND THAT the Deputy Mayor be instructed to attend future Conservation Authority meetings.”*

I trust the above is self-explanatory; however, if you require further information or clarification, please do not hesitate to contact me.

Sincerely,
TOWNSHIP OF RAMARA

Jennifer Connor

Jennifer Connor, CMO, AOMC
Director of Legislative & Community Services/Clerk

JC/md

Staff Report

To: Board of Directors

From: Rob Baldwin, Chief Administrative Officer

Date: June 17, 2021

Subject

Comments Regarding Bill 229 Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities

Recommendation

That Staff Report No. 32-21-BOD regarding Provincial Bill 229 Regulatory Proposal Consultation Guide be received; and

Further That the attached Comments Letter be approved for submission to the Environmental Registry of Ontario ahead of the June 27, 2021 deadline.

Purpose of this Staff Report:

The purpose of this Staff Report No. 32-21-BOD is to inform the Board of the Authority's proposed comments regarding Bill 229 Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities (Guide). The Guide has been posted on the Environmental Registry of Ontario (Registry) No. 019-2986 for public input for a period of 45 days from May 13th to June 27th.

Background:

On December 8, 2020, the Province approved by royal assent Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 which included Schedule 6. This approval has already brought forth a slew of amendments and requirements under the *Conservation Authorities Act* (Act) including changes to governance and issuing permits for projects subject to a Minister's Zoning Order. Several Board reports have addressed these matters over the past five months, including the most recent from May 2021, [Staff Report No. 27-21-BOD](#).

A further series of amendments and requirements were established through legislation in Schedule 6 of Bill 229 that require the creation, consolidation and/or amendment through regulations under the Act. To facilitate the development of these regulations, a Minister's Working Group was established led by Minister Yurek, Ministry of Environment, Conservation and Parks (Environment). The Working Group was comprised of Environment staff, Ministry of Natural Resources and Forestry (Natural Resources) staff, several representatives from various

conservation authorities, Conservation Ontario, BILD, Association of Municipalities of Ontario, municipal and agricultural sectors. The Working Group is chaired by Hassaan Basit, CEO of Conservation Halton. The Authority's Chief Administrative Officer was fortunate to be asked to be a member of this working group and has participated since inception.

As a member of Working Group, the Authority has had the ability to provide direct input and comments throughout the process over the past six months. Much of that input has been recognized and is reflected in the Consultation Guide.

Issues:

The following list of comments represent some additional input that the Authority would like the province to consider as the implementing regulations are finalized and that also may assist in implementation.

1. The COVID-19 pandemic has established without a shadow of doubt the importance of nature spaces and the ability to visit them. Visitor usage of the Authority's properties and passive trail networks more than doubled from pre-pandemic numbers. This usage is expected to remain much higher with increased realization that amazing nature properties exist with trails and associated passive amenities. It will also be a significant challenge to try to breakdown the costs of what falls under mandatory land management and non-mandatory passive recreation as these aspects of conservation land management are intertwined.

Passive recreation and the supporting infrastructure must be reconsidered to become a mandatory program. Access to these natural spaces and trails is critical to assist in post-pandemic recovery and vibrant and healthy populace. The Authority strongly encourage this change.

2. The increased usage of Authority lands has come with increased challenges, including improper use, vandalism, and increased visitor confrontation. The Authority encourages the province to include "peace officer" in the definition of a conservation authority officer and to expand the Class Designation of authority staff enforcing S.29 to the equivalence of provincial park warden allowing for the enforcement of the following such as: *Highway Traffic Act*, *Liquor Licence Act*, *Motorized Snow Vehicles Act*, and the *Off-Road Vehicles Act*.
3. The Authority requests that the creation and implementation of a Community Advisory Board not be required until 2023. The regulation/s should clearly identify this a mandatory program which ensures any implementation costs fall within the mandatory levy funding.
4. The Authority supports the addition of water-based resource management strategies.
5. The Authority requests that the reference to "in accordance with Provincial One Window Planning Service protocols" be excluded from the text of the regulation implementing the

mandatory service of providing land-use planning input related to the Natural Hazards policies of the Provincial Policy Statement (Statement) and the text for this mandatory activity be worded as follows:

Land-use planning input representing the provincial interest related to Section 2 of the *Planning Act* and the Natural Hazards policies of the Statement, (excluding policies associated with wildland fires) in relation to Official Plan reviews, *Planning Act* applications, including, when appropriate, *Planning Act* appeals to the Local Planning Appeal Tribunal related to Natural Hazard policies, and input into review of applications for new or amended Special Policy Areas.

6. Hazard management includes a wide range of activities to assist in the protection of people, property, and infrastructure. One key activity is focused on restoration activities that fully or partially reduce these risks. Watershed based restoration programs that assist in hazard management should be a mandatory program. The Authority has recently been involved in several projects that are focused on flood relief and reducing flood risks and decreasing flood prone areas, and accordingly this work is viewed as a fundamental activity within the mandate of conservation authorities.
7. The requirements for agreements and/or memorandums of understanding for non-mandatory programs in relation to formal municipal budget approvals represents a potential challenge simply best described as “chicken or egg – which comes first”. This challenge is compounded in that there is a municipal election in the fall of 2022. The Authority encourages the province to recognize that this new process may experience some challenges in the first budget transition year of 2023 and allow minor flexibility as it evolves.
8. The Authority encourages the province to provide for conservation authorities to establish reasonable timelines for the completion of conservation area management plans. The separation of mandatory and non-mandatory components of land management increases the complexity of developing plans or revising recent plans.
9. There is considerable work required over the next eighteen months and beyond to address all the new legislative and regulatory requirements. The Authority encourages the province to work collaboratively with Conservation Ontario to develop where possible consistent templates and standardized reporting to increase efficiency and consistent approaches across the extensive member municipalities.

Relevance to Authority Policy:

The changes to the Act and subsequent regulations will require the Authority’s Administrative By-Laws to be amended to ensure consistency and compliance. A review and edit of the by-laws will occur, and updated by-laws will be brought to the Board at a future date for consideration.

Impact on Authority Finances:

There are no direct immediate impacts to Authority finances associated with these comments to the Registry. Detailed financial analysis will occur as the regulations implementing the legislative changes are proclaimed.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 32-21-BOD regarding Provincial Bill 229 Regulatory Proposal Consultation Guide be received; and **Further That** the attached Comments Letter be approved for submission to the Environmental Registry of Ontario ahead of the June 27, 2021 deadline.

Signed by:

Rob Baldwin
Chief Administrative Officer

Attachments:

- 1) The Authority's draft Comment Letter



June 25, 2021

Via electronic submission at: <https://ero.ontario.ca/notice/019-2986>

Ministry of the Environment, Conservation and Parks

Dear Madam/Sir:

Re: Lake Simcoe Region Conservation Authority Comments “Regulatory Proposals (Phase 1) under the *Conservation Authorities Act*” (ERO#019-2986)

Please find below a summary of comments and recommendations on behalf of the Lake Simcoe Region Conservation Authority (Authority) for consideration. The Authority thanks Minister Yurek and the staff team at the Ministry of Environment, Conservation and Parks for the opportunity to participate on the Minister’s *Conservation Authorities Act* Working group over the past six months to provide insight in the development of required regulations.

Summary of Comments:

1. The COVID-19 pandemic has established without a shadow of doubt the importance of nature spaces and the ability to visit them. Visitor usage of the Authority’s properties and passive trail networks more than doubled from pre-pandemic numbers. This usage is expected to remain much higher with increased realization that amazing nature properties exist with trails and associated passive amenities. It will also be a significant challenge to try to breakdown the costs of what falls under mandatory land management and non-mandatory passive recreation as these aspects of conservation land management are intertwined.

Passive recreation and the supporting infrastructure must be reconsidered to become a mandatory program. Access to these natural spaces and trails is critical to assist in post-pandemic recovery and vibrant and healthy populace. The Authority strongly encourage this change.

2. The increased usage of Authority lands has come with increased challenges, including improper use, vandalism, and increased visitor confrontation. The Authority encourages the province to include “peace officer” in the definition of a conservation authority officer and to expand the Class Designation of authority staff enforcing S.29 to the equivalence of

provincial park warden allowing for the enforcement of the following such as: *Highway Traffic Act*, *Liquor Licence Act*, *Motorized Snow Vehicles Act*, and the *Off-Road Vehicles Act*.

3. The Authority requests that the creation and implementation of a Community Advisory Board not be required until 2023. The regulation/s should clearly identify this a mandatory program which ensures any implementation costs fall within the mandatory levy funding.
4. The Authority supports the addition of water-based resource management strategies.
5. The Authority requests that the reference to “in accordance with Provincial One Window Planning Service protocols” be excluded from the text of the regulation implementing the mandatory service of providing land-use planning input related to the Natural Hazards policies of the Provincial Policy Statement (Statement) and the text for this mandatory activity be worded as follows:

Land-use planning input representing the provincial interest related to Section 2 of the *Planning Act* and the Natural Hazards policies of the Statement, (excluding policies associated with wildland fires) in relation to Official Plan reviews, *Planning Act* applications, including, when appropriate, *Planning Act* appeals to the Local Planning Appeal Tribunal related to Natural Hazard policies, and input into review of applications for new or amended Special Policy Areas.

6. Hazard management includes a wide range of activities to assist in the protection of people, property, and infrastructure. One key activity is focused on restoration activities that fully or partially reduce these risks. Watershed based restoration programs that assist in hazard management should be a mandatory program. The Authority has recently been involved in several projects that are focused on flood relief and reducing flood risks and decreasing flood prone areas, and accordingly this work is viewed as a fundamental activity within the mandate of conservation authorities.
7. The requirements for agreements and/or memorandums of understanding for non-mandatory programs in relation to formal municipal budget approvals represents a potential challenge simply best described as “chicken or egg – which comes first”. This challenge is compounded in that there is a municipal election in the fall of 2022. The Authority encourages the province to recognize that this new process may experience some challenges in the first budget transition year of 2023 and allow minor flexibility as it evolves.
8. The Authority encourages the province to provide for conservation authorities to establish reasonable timelines for the completion of conservation area management plans. The separation of mandatory and non-mandatory components of land management increases the complexity of developing plans or revising recent plans.

9. There is considerable work required over the next eighteen months and beyond to address all the new legislative and regulatory requirements. The Authority encourages the province to work collaboratively with Conservation Ontario to develop where possible consistent templates and standardized reporting to increase efficiency and consistent approaches across the extensive member municipalities.

Thank you for your consideration of our comments as the province finalizes the regulations to implement the legislative changes under the *Conservation Authorities Act*.

Sincerely,

Wayne Emmerson
Chair, Lake Simcoe Region Conservation Authority

Staff Report

To: Board of Directors

From: Rob Baldwin, Chief Administrative Officer

Date: June 15, 2021

Subject

Conservation Ontario Governance Accountability and Transparency Initiative

Recommendation

Whereas the Provincial government has passed legislative amendments related to the governance of conservation authorities; and

Whereas conservation authorities remain committed to fulfilling accountable and transparent governance;

Recommended That Staff Report No. 33-21-BOD regarding Conservation Ontario's Governance Accountability and Transparency Initiative be received; and

Further that the Lake Simcoe Region Conservation Authority Board of Directors endorse the three key actions developed by the Conservation Ontario Steering Committee to update Administrative By-laws, to report proactively on priorities, and to promote/demonstrate results; and

Further That staff be directed to work with Conservation Ontario to implement these actions and to identify additional improvements and best management practices.

Purpose of this Staff Report:

The purpose of this Staff Report No. 33-21-BOD is to inform the Board of Conservation Ontario's Governance Accountability and Transparency Initiative and to seek the Board's endorsement on the three key actions identified in the initiative.

Background:

Recent amendments to the *Conservation Authorities Act* proclaimed on February 2, 2021 include a number of governance related amendments (see Attachment 1) in support of the Provincial government's commitment to improving conservation authority accountability and transparency.

Conservation Ontario has been communicating its commitment to accountability and transparency over the past several years, and the new Governance Accountability and Transparency Initiative outlines the three key actions to demonstrate conservation authorities' commitment. It is proposed that this initiative be led by a Steering Committee of conservation

authority chief administrative officers and/or general managers. The three key actions are as follows:

1. Updates to Conservation Authorities' Administrative By-laws

All 36 conservation authorities approved new Administrative By-Laws by December 2018 in compliance with the December 2017 amendments to the *Conservation Authorities Act*. The legislated deadline was achieved with funding support from the Ministry of Natural Resources and Forestry in 2017-2018, which enabled development and endorsement of the Conservation Authority Best Management Practices and Administrative By-Law Model (Conservation Ontario, April 2018 as amended) document which included Code of Conduct and Conflict of Interest policies. The Province continued to emphasize the importance of governance accountability and transparency through Bill 229, Schedule 6 amendments to the *Conservation Authorities Act*.

A number of these amendments related to conservation authority governance were proclaimed on February 2, 2021, and Conservation Ontario has hosted a number of General Managers' meetings where actions on these amendments have been discussed. As outlined in Attachment 1, the Required Actions and the Best Management Practices actions, in general, demonstrate accountability and transparency to the Province through compliance with the legislation, as well as to municipalities and the public in their implementation. An outcome of the February General Managers' meeting was the formation of a Steering Committee for the development of a Governance Accountability and Transparency Initiative. This Steering Committee met on Friday, March 19th and has provided input on the contents of this staff report.

2. Proactive Reporting on Priorities

The second key activity is for conservation authorities to ensure proactive reporting on governance and transparency priorities as identified in the *Conservation Authorities Act*, proclaimed on February 2, 2021. This will be accomplished through the following activities:

- i) Identification and communication of required actions and best management practices for each of the newly proclaimed governance-related clauses;
- ii) Implementation of a tracking system to enable easy reporting on the status of the actions and for collection of information that will enable the analysis of conservation authority issues/impacts raised in relation to implementation of the clauses; and
- iii) Bi-annual reports to Conservation Ontario Council on the status of priority actions.

3. Promotion/Demonstration of Results

The third key activity is that evidence of governance accountability and transparency results be promoted and demonstrated through advocacy materials and websites. This will be accomplished through the following activities:

- i) Promote the initiative and prepare analyses of results and appropriate advocacy materials, as necessary;
- ii) Develop QA/QC checklist of governance material that should be available on conservation authority websites to permit ease of public access. It is proposed that the checklist includes:
 - a. Members (individuals and Member agreements)
 - b. Administrative by-laws
 - c. Annual meeting schedule with information on how to participate
 - d. Agendas – full package
 - e. Minutes (to be posted within 30 days of meeting)
 - f. Audited financial statement
 - g. Annual fee schedule
 - h. Other corporate documentation as available including Strategic Plans, Annual Reports, Watershed Report Cards
- iii) Conservation Ontario is to track implementation of the QA/QC checklist and create a Conservation Ontario webpage promoting initiatives. This information should also be found on conservation authority websites.

Issues:

Conservation Ontario is requesting that all conservation authority Boards of Directors pass resolutions in support of the three actions identified. To deliver on these actions and to advise Conservation Ontario staff, it is proposed that a Steering Committee be established comprised of conservation authority chief administrative officers and general managers who volunteered to participate in development of this concept which was discussed at a General Managers' Meeting on February 26, 2021. Conservation Ontario and Ontario's conservation authorities share the Provincial government's commitment to governance accountability and transparency.

Relevance to Authority Policy:

Authority policy is not directly impacted through the implementation of the above noted requirements. The actions described are very much in keeping with the Authority's overall best practices. Amendments will be required to the Authority by-laws in the near future. The intent is to do one comprehensive overhaul of the by-laws to ensure consistency and conformity with the legislated requirements and best practice.

Impact on Authority Finances:

There is no expected significant impact on Authority finances. There will be some additional staff time to revise by-laws, implement tracking requirements and addition of material as described on our website.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 33-21-BOD regarding Conservation Ontario Governance Accountability and Transparency Initiative be received; and **Further that** staff be directed to circulate a copy of this staff report to watershed municipalities for their information and consideration; and Further that staff be directed to implement the outlined actions.

Signed by:

Rob Baldwin
Chief Administrative Officer

Attachments:

- i) Governance Accountability and Transparency Initiative Current Priorities

Attachment 1: Governance Accountability and Transparency Initiative Current Priorities: Governance-related Clauses of the *Conservation Authorities Act* Proclaimed February 2, 2021 with Actions Required and Draft Best Management Practices Actions

Area of Impact	Section	Change to Act	Interpretation, Required Actions and DRAFT BMP Actions Recommended for CAs
Municipal Appointments	14(1.1), 14(1.2)	At least 70% of a municipality's appointees must be municipal councillors. Municipality can apply to Minister to have percentage reduced; the decision is at the Minister's direction (including adding any conditions or restrictions).	Current members may complete the remaining duration of their appointment. As new members are appointed, participating municipalities must appoint them in accordance with the new requirements. Exceptions can be requested from the Minister (See ca.office MECF Feb 22, 2021 email re: Complete application requirements). Required Action: letters to municipalities notifying them of changes and exception process; update to Administrative bylaw re: 'Governance: Member appointments' BMP Action: send letters as soon as possible re: above and reminding them of their next scheduled appointment date. Coordinate with your neighbouring CAs that share a municipality.
Municipal Agreements	14(2.2) & 14(2.3)	The Minister is to be provided with a copy of any agreement amongst participating municipalities affecting the number of members. Must be available to the public (on website or by any other means)	The number of members is established through the population formula under the CAA (s.2(2)) or under a past Order in Council unless there is an agreement confirmed by municipal resolutions (s.14(2.1)) Required Action: Existing agreements sent to Minister by April 3, 2021 and made available to the public (s14(2.2) & 14(2.3)) BMP Action: letter to the Minister (b.c.c. CO) advising if CA does not have any agreements with respect to the number of members and confirming compliance with current legislation BMP Action: post member status documentation on website
Agricultural Appointee	14(4), 14(4.0.1), 14(4.1)	The Minister has the authority to appoint an additional member to a conservation authority to represent the agricultural sector. The voting powers of such a representative are limited (i.e. can't vote on a decision to enlarge, amalgamate or dissolve an authority or on budgetary matters presented at a meeting). Term up to 4 years, as determined by Minister	No Action at this time. If the Minister appoints an agricultural representative staff will provide an orientation briefing to the new member. BMP Action: Possibility to include reference in the <i>CO Model Administrative Bylaw</i> document and an update to the Administrative By-law re: 'Governance: Member appointments' e.g. voting powers
Agenda/ Minutes	15(2.1),	Authority and executive committee meeting agendas to be available to the public before a meeting takes place and the minutes are to be available to the public within 30 days following a meeting.	Required Action: ensure agenda is available to the public in advance of meetings and minutes are available to the public within 30 days after the meeting; update to the Administrative By-law re: 'Meeting Procedures'

Attachment 1: Governance Accountability and Transparency Initiative Current Priorities: Governance-related Clauses of the *Conservation Authorities Act* Proclaimed February 2, 2021 with Actions Required and Draft Best Management Practices Actions

Area of Impact	Section	Change to Act	Interpretation, Required Actions and DRAFT BMP Actions Recommended for CAs
	15(2.2)	Both to be available by posting on website or by any other means the authority considers appropriate.	BMP Action: make agendas and minutes available to public on CA website
Chair/Vice Chair Term	17(1.1), 17(1.2), 17(1.3)	A chair or vice-chair shall hold office for a term of one year and shall serve for no more than two consecutive terms. Appointments must rotate amongst participating municipalities, a member from a specific municipality cannot be appointed to succeed an outgoing chair or vice-chair appointed by the same municipality. The Minister may grant permission to appoint a chair or vice-chair for a term of more than one year or to hold office for more than two consecutive years or waive the rotating provision	From Feb 2, 2021 an individual is not eligible for appointment if they have just finished servicing in the position for two years or if they are from the same municipality as the previous incumbent. Any appointments made under the old rules prior to Feb 2nd are valid until the next election. Exceptions can be requested from the Minister (see ca.office MECP Feb 22, 2021 email re: Complete application requirements) Required Action: review of Chair/Vice Chair history; adjust elections accordingly or request an exception; update to the Administrative By-law re: 'Governance: Terms & Election Chair & Vice Chair' BMP Action: if you are out of compliance; send Minister email (b.c.c. CO) with plan to get into compliance
Powers of authorities	21(1)	Amendments were made to sub-clauses (a),(b),(c) and, (p).	Required Action: Update to the Administrative By-law re: 'Introduction: Powers of authorities'.
Appointment of an Investigator and Appointment of an Administrator	23.1 (1)-(10),	Minister can appoint one or more investigators to conduct an investigation of an authority's operations, including the programs and services it provides. Investigator powers: <ul style="list-style-type: none"> • Inquire into any or all of the authority's affairs, financial or otherwise • Require production of records • Inspect, examine, audit and copy anything • Conduct financial audit • Require any member of the authority and any other person to appear before the investigator and give evidence under oath. Investigator shall provide copy of report to Minister, who shall promptly transmit a copy to the authority. Minister may require CA to pay all or part of cost of investigation.	No Action at this time. If the Minister appoints an investigator then CA Members and staff may be required to appear before investigator and give evidence under oath. There may be unplanned expenses in a given year, if required to pay for the investigation. CA must comply with all resultant orders. BMP Action: Possibility to include reference to these new sections in the Background section of the <i>CO Model Administrative Bylaw</i> document.

Attachment 1: Governance Accountability and Transparency Initiative Current Priorities: Governance-related Clauses of the *Conservation Authorities Act* Proclaimed February 2, 2021 with Actions Required and Draft Best Management Practices Actions

Area of Impact	Section	Change to Act	Interpretation, Required Actions and DRAFT BMP Actions Recommended for CAs
	<p>23.2 (1)-(3),</p> <p>23.3 (1)-(6)</p>	<p>Investigators have immunity (if done in good faith). After Minister’s review of report, and CA has failed or is likely to fail to comply with a provision of this Act, the Minister can:</p> <ul style="list-style-type: none"> • Order Authority to do or refrain from doing anything • Recommend to LGIC that an administrator be appointed to take over control and operation of authority • CAs must comply with any issued orders by a specified date • Orders to be made public. <p>Administrator has power to:</p> <ul style="list-style-type: none"> • May exercise all the powers and shall perform all the duties of the administrator and of its members subject to such terms and conditions as outlined by Minister • Minister shall notify Authority and member municipalities • Minister may issue directions to the administrator • Administrator has immunity (if done in good faith) 	
Annual Audit	<p>38 (1),</p> <p>38(4)</p>	<p>Annual audits are still required by a person licensed under the <i>Public Accounting Act, 2004</i> and it is additionally specified that it be prepared in accordance with generally accepted accounting principles for local governments recommended by the Public Section Accounting Board of the Chartered Professional Accountants of Canada, as they exist from time to time.</p> <p>Within 60 days of receiving audit report, must make available to public on its website and any other means the authority considers appropriate.</p>	<p>Required Action: Review current audit practices and make any required adjustments to align with legislative requirements e.g. advise Audit firm when contracted. Ensure audit report is available to the public within 60 days of receipt by the authority; possible update to the Administrative By-law re: ‘Governance: audited financial statements’.</p> <p>BMP Action: make audit report available to public on CA website</p>

Staff Report

To: Board of Directors

From: Glenn MacMillan, General Manager, Planning, Development, and Watershed Restoration

Date: June 16, 2021

Subject:

KD03 Sunnidale Road Stormwater Pond Retrofit Project

Recommendation:

That Staff Report No. 34-21-BOD regarding the City of Barrie's KDO3 Sunnidale Road Stormwater Pond Retrofit Project be received; and

Further that funding for the project through the Authority's Offsetting Cash in Lieu funds from Water Balance and Lake Simcoe Phosphorus Offsetting as outlined in this report be approved.

Purpose of this Staff Report:

The purpose of this Staff Report No. 34-21-BOD is to obtain approval from the Board of Directors for the City of Barrie's KDO3 Sunnidale Road Stormwater Pond Retrofit Project to be funded through the Authority's Offsetting Cash in Lieu funds from Water Balance and Lake Simcoe Phosphorus Offsetting.

Background:

The Authority's offsetting policies address loss of natural heritage features (ecological offsetting), groundwater recharge deficit (Water Balance Offsetting) and post development phosphorus loads (phosphorus offsetting), which are the result of development within the watershed. These policies are implemented by Planning and Development staff through review of applications made under the *Planning Act*.

Since 2017, the Lake Simcoe Phosphorus Offsetting Policy has been improving and protecting the quality of water in Lake Simcoe and its streams and rivers, and the Water Balance Recharge addresses the deficit of groundwater recharge resulting from development.

The offsetting policies are tiered plans; avoid, minimize, mitigate, and compensate. Through the compensation tier, the Authority receives cash in lieu payments which are allocated to eligible restoration projects.

Through the implementation of stormwater retrofits and low impact development projects, the water balance recharge and phosphorus offsetting projects achieve phosphorus reduction and infiltration as the main key performance indicators. Other achievable co-benefits include but are not limited to water quality, peak flow reduction, increase in biodiversity, flood reduction, groundwater recharge in significant recharge areas, carbon mitigation, protection of infrastructure, thermal mitigation, urban heat reduction, improvements to the natural heritage system, and social/community impacts.

The KDO3 Stormwater Pond Project on Sunnidale Road in the City of Barrie will retrofit an existing dry stormwater pond with a treatment train of dual oil and grit separators and install underground storage and infiltration chambers. See Attachment 1, map of project location. The project will provide an estimated 16,789 m³/year of stormwater infiltration and a 10.43 kg/year of phosphorus reduction.

Based on the approved formulas, this project is eligible for the following:

Actual eligibility:

Water Balance: **\$738,728.67** (16,789 m³/year *\$44/m³/year)

Phosphorus reduction: **\$912,625.00** (10.43 kg/year * \$35,000 kg/year*2.5)

Total Water Balance and Phosphorus Funding Eligibility: **\$1,651,353.67**

At the time of this request, the offsetting fund has \$677,756 available to support this project. This funding is comprised of cash in lieu from Water Balance Recharge and Lake Simcoe Phosphorous Offsetting funding in the eligible funding areas. The total estimated project cost is over 1.6 million. The City of Barrie is funding the remaining cost of the project (approximately \$1 million).

Issues:

This project will allocate all available funds in the City of Barrie for Water Balance and Phosphorus Offsetting. This is a priority project for the City of Barrie and the Authority and has been recommended by the internal review committee for this funding.

Relevance to Authority Policy:

One of the goals of the Authority's Strategic Plan, *Vision to Action, Action to Results*, is to support a safer, healthier and livable watershed through exceptional integrated watershed management. The development and implementation of the offsetting policies assist in achieving this goal by providing a consistent approach to enhancement and restoration throughout the watershed.

The Authority's Purchasing Policy requires that procurement over \$100,000 be approved by the Board of Directors.

Impact on Authority Finances:

This approval will allocate funds from both Water Balance and Phosphorus Offsetting budgets. As previously provided to the Board of Directors, a record of the collection and allocation of funds will be made available annually to watershed municipalities, Building Industry and Land Development Association and other interested stakeholders through a report to the Board of Directors.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 34-21-BOD regarding the City of Barrie's KDO3 Sunnidale Road Stormwater Pond Retrofit Project be received; and **Further That** funding for the project through the Authority's Offsetting Cash in Lieu funds from Water Balance and Lake Simcoe Phosphorus Offsetting as outlined in this report be approved.

Pre-Submission Review:

This Staff Report has been reviewed by the General Manager, Corporate and Financial Services/CFO and the Chief Administrative Officer.

Signed by:

Glenn MacMillan
General Manager, Planning, Development,
and Watershed Restoration

Signed by:


Rob Baldwin
Chief Administrative Officer

Attachments

1. Map of project location

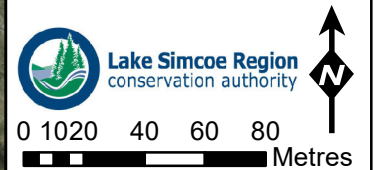
KD03 Sunnidale Road Stormwater Pond Retrofit project

Legend

-  KD03 SWM pond retrofit



Location



This product was produced by the Lake Simcoe Region Conservation Authority and some information depicted on this map may have been compiled from various sources. While every effort has been made to accurately depict the information, data / mapping errors may exist. This map has been produced for illustrative purposes only.
LSRCA GIS Services DRAFT DC:bp created June 2021
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Staff Report

To: Board of Directors

From: Rob Baldwin, Chief Administrative Officer

Date: June 22, 2021

Subject:

Amendments to Permit under O. Reg 179/06 and Pursuant to Subsection 28.0.1 of the *Conservation Authorities Act* (Ministerial Zoning Order) for 2639025 Ontario Inc. Oro Station Automotive Innovation Park

Recommendation:

Whereas the Lake Simcoe Region Conservation Authority (the Authority) cannot refuse to grant permission for development, in accordance with Section 28.0.1 of the *Conservation Authorities Act*; and

Recommended that Staff Report No. 36-21-BOD regarding Amendments to Permission (Permit OP.2021.027) under O. Reg 179/06, Pursuant to Subsection 28.0.1 of the *Conservation Authorities Act* (Ministerial Zoning Order) for 2639025 Ontario Inc. Oro Station Automotive Innovation Park be received; and

Further that the amended conditions to the permission as outlined in this report be approved; and

Further that the permit be valid for a period of sixty (60) months; and

Further that the Authority's Chief Administrative Officer be authorized to execute the agreement as required by the *Conservation Authorities Act*.

Purpose of this Staff Report:

The purpose of this Staff Report No. 36-21-BOD is to seek the Board of Directors' approval of amending permit conditions under Section 28.0.1 of the *Conservation Authorities Act* to 2639025 Ontario Inc. Auto Innovation Park to undertake vegetation removal and grubbing, and to remove a part of a wetland feature, to facilitate the development of a track (circuit), construction of buildings and development of associated stormwater management and sewage treatment facilities and the required placement of fill and grading at the subject site located at 225 and 401 Line 7 North, Township of Oro-Medonte, County of Simcoe.

Background:

Permit Application and Property Description

2639025 Ontario Inc. was granted a permit under O. Reg. 179/06 and Section 28.0.1 of the *Conservation Authorities Act* for vegetation removal, grading, track (circuit) construction, construction of buildings (pit pavilion building), construction of servicing infrastructure including a wastewater treatment plant, and storm water facilities. Approval of this permit was granted by the Board of Directors at their hearing held on March 26, 2021.

The subject property is a total area of approximately 86 ha (212 acres) and is located on the east side of Line 7 North, immediately opposite the existing Lake Simcoe Regional Airport. It is bounded by existing agricultural fields to the north, a mix of agricultural fields, natural and plantation forest to the east, and a natural forest and treed swamp to the south.

The property includes key natural heritage features and key hydrologic features including wetland and other areas where development could interfere with the hydrologic function of the wetland and a watercourse. Upon completion of the development, most of the 86-ha site will be developed. The site will be serviced by well water and a wastewater treatment plant. Stormwater will be managed by two ponds.

Issues:

The proponent of the Oro Station Automotive Innovation Park indicated they had concerns regarding some of the permit conditions approved and included in the issued permit. Over the past few weeks various discussions occurred to better understand what concerns existed regarding the conditions and how the conditions could be addressed and implemented.

Dialogue with the Ministry of Northern Development, Mines, Natural Resources and Forestry (Natural Resources) occurred which provided clear direction on which “lands” can be considered as requiring mandatory compensation and which of those are optional. A letter providing clarity from Natural Resources is included as Attachment 1 to this report for reference.

Permit Amendments for Approval

The attached Conditions Table (Attachment 3) provides a detailed comparison by condition of the original approved conditions and the proposed amended conditions. In total, three conditions are amended, two are removed and one is added. The rationale supporting these recommended amendments is also include in the Condition Table for clarity.

The only significant permit condition amendment is Condition 4 – ecological compensation. The proponent has chosen to proceed with the financial ecological offset option. The clarity

provided from Natural Resources regarding eligible lands requiring ecological compensation under S.28.0.1 reduces the total ecological offset from \$3,641,996.98 to \$2,456,185.28.

The original ecological compensation amount included an offset for forested lands within the development limits. These lands are not regulated under S.28 and O.Reg.179/06 and therefore not eligible for compensation as required under S.28.0.1.

Some sub-clauses under S.28.0.1 of the *Conservation Authorities Act* are not clearly articulated or defined, which led to interpretation challenges. Also at this time, Natural Resources has provided no training or detailed information on how to process permits under S.28.0.1. The permit for the Oro Station Automotive Innovation Park is the first permit to go through the formal process as required in S.28.0.1, which has now resulted in the need for clarity to implement in accordance with the legislation and provincial government expectation.

The ecological offset / compensation payment of \$2,456,185.28 has been amended to allow for an equal payment schedule and potential recognition of on-site ecological works for credit at the discretion of the Authority. Details of this can be found in the attached Condition Table.

The Condition Table indicates which conditions will be included in the agreement, providing detailed clarity to form the basis of the agreement required under S.28.0.1 between the Authority and proponent.

Permit Validity

The validity of the permit (time in effect) is also proposed to be amended from 24 months to 60 months to allow for development to occur as required. A letter confirming this request from the proponent can be found in Attachment 2 to this report.

Impact on Authority Finances:

Staff costs to date have not been fully determined but will far exceed the amount collected from the permit fee. The Authority's legal costs for preparing and executing an agreement as required under S.28.0.1 will be the responsibility of the proponent to a maximum value of \$15,000. The ecological offsetting value of \$2,456,185.28 will be used to implement ecological compensation projects in the broader Lake Simcoe watershed area of the Township of Oro-Medonte.

Summary and Recommendations:

It is therefore **Recommended** that Staff Report No. 36-21-BOD regarding Amendments to Permission (Permit OP.2021.027) under O. Reg 179/06, Pursuant to Subsection 28.0.1 of the *Conservation Authorities Act* (Ministerial Zoning Order) for 2639025 Ontario Inc. Oro Station Automotive Innovation Park be received; and **Further that** the amended conditions to the permission as outlined in this report be approved; and **Further that** the permit be valid for a

period of sixty (60) months; and **Further** that the Authority's Chief Administrative Officer be authorized to execute the agreement as required by the *Conservation Authorities Act*.

Signed by:

Rob Baldwin

Chief Administrative Officer

Attachments:

1. June 22, 2021 letter from Ken Hare, Legal Counsel, Ministry of Northern Development, Mines, Natural Resources and Forestry
2. June 22, 2021 letter from Geoffrey Campbell, Managing Partner, Oro Station/2639025 Ontario Inc.
3. Conditions Table – Oro Station Automotive Innovation Park

June 22, 2021

Rob Baldwin
Chief Administrative Officer
Lake Simcoe Region Conservation Authority
120 Bayview Parkway,
Newmarket, ON, L3Y 3W3
E: r.baldwin@lsrca.on.ca

Dear Mr. Baldwin,

Thank you for your inquiry to the Ministry of Northern Development, Mines, Natural Resources and Forestry (the “Ministry”) about the scope of ecological compensation required under section 28.0.1(25) of the *Conservation Authorities Act* (“CA Act”).

While the Ministry is pleased to respond to your specific inquiry about section 28.0.1(25), this letter does not address compensation that an authority may identify through its other roles (e.g. in the municipal land use planning process).

As you know, where a development proposal is subject to a zoning order issued by the Minister of Municipal Affairs and Housing under the *Planning Act* on lands outside the Greenbelt, a conservation authority is required to issue a permit under s. 28.0.1 of the CA Act. While some of the considerations and much of the process is similar to the regular application process, where a zoning order is in place the proponent is required to compensate for ecological impacts from the development.

In these instances, the permit holder (proponent) is required to enter into an agreement with the conservation authority before the development authorized by the permit can begin. The provisions in the CA Act addressing compensation agreements are general in nature, providing conservation authorities and permit holders with flexibility to agree on context specific compensation solutions. There is significant breadth on what can be included in a compensation agreement under s. 28.0.1(25) of the CA Act when a conservation authority and a permit holder (proponent) agree on the content of the agreement and the compensation being provided.

In contrast, the Ministry acknowledges that where a conservation authority and a permit holder cannot agree on the content of a compensation agreement, s. 28.0.1(25) of the CA Act does not empower a conservation authority to require ecological compensation for impacts from the development on lands outside of the conservation authority's regulated area. While other approval authorities, municipalities in particular, may have authority to address ecological impacts in those areas, s. 28.0.1(25) of the CA Act does not provide a conservation authority with jurisdiction to do so.

The current flexibility of being able to address site specific compensation benefits both conservation authorities and permit holders. While there is authority to do so under the CA Act, at this time the Minister has not elected to create a regulation setting out what must be contained in all compensation agreements.

We trust that the foregoing responds to your inquiry but if you have any further questions please let us know.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Hare', with a long horizontal flourish extending to the right.

Ken Hare
Senior Counsel



June 22, 2021
BY EMAIL ONLY

Lake Simcoe Region Conservation Authority
120 Bayview Parkway
Newmarket, ON L3Y 3W3

Attention: Robert Baldwin, Chief Administrative Officer

RE: Request Regarding Permit No. OP.2021.027 issued to Oro Station / 2639025 Ontario Inc.

The purpose of this letter is to ask, pursuant to s.9 of O. Reg. 179/06, that the Board of the Lake Simcoe Region Conservation Authority ("LSRCA") issue a new permit to Oro Station or modify the existing permit so that it is valid for a term of sixty (60) months. This request for a longer term is made in light of the scope of the development, and requirements for municipal approvals, other provincial environmental approvals, and due to the requirement to address Transport Canada guidelines for properties within the Primary Bird Hazard zone around the Lake Simcoe Regional Airport. If you require any further information in support of this request please let us know.

We appreciate the time that you and staff at the LSRCA have invested in working with Oro Station to better understand the permit conditions, and we look forward to arriving at a positive outcome on the conditions and their implementation so Oro Station can develop this important project in the Township of Oro-Medonte.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Campbell".

Geoffrey Campbell
Managing Partner
OroStation/2639025 Ontario Inc.

Attachment 2 – Conditions Table

Oro Station Automotive Park S.28.0.1 Permit Overview of Conditions Approved March 26, 2021 and Proposed Amended and Additional Conditions

Oro Station Permit Conditions	Rationale for Modifying Condition	Resolution	Include Condition in Compensation Agreement?
1. That prior to the execution of the Agreement the Permit Holder shall provide a conformity report to the satisfaction of the Authority, demonstrating how this development is consistent with the relevant Designated Policies of the Lake Simcoe Protection Plan (LSPP).	Condition remains as drafted		No
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 the Authority's conditions are adhered to and that weekly monitoring reports, including Erosion and Sediment Control monitoring reports, are submitted to the Authority's Regulations staff.	Condition remains as drafted		No
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.	Condition remains as drafted		No
<p>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:</p> <p>Option 1: That the Permit Holder will develop and implement a feature replacement ecological offsetting plan approved by the Authority. This plan must be implemented within 2 years of the Agreement date.</p> <p>Option 2: That prior to the execution of the Agreement, the Permit Holder will provide the ecological offsetting cash value estimated at \$3,641,996.98 as shown on the attached calculation form. Please note that the exact ecological boundaries 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.</p>	<p>Rationale for Modification:</p> <p><u>Agree to Option 2</u></p> <ul style="list-style-type: none"> The permit holder has elected to pursue ecological compensation through Option 2. The reference to Option 1 can be deleted. <p><u>Scope of Compensation under s.28.0.1 of the Conservation Authorities Act:</u></p> <ul style="list-style-type: none"> When new s. 28.0.1 was added to the CA Act in late 2020 MNRF had not provided guidance to CAs about the scope of compensation required. The original LSRCA staff report addressing ecological compensation was applied across the entire site (including outside regulated area). On June 22, 2021, MNRF provided a letter to LSRCA confirming that compensation under s.28.0.1 of the CA Act is not required for lands outside the CA regulated area. 	<p>Modified Condition:</p> <p>4. (a) The Permit Holder will provide ecological compensation of \$2,456,185.28 as set out below:</p> <ul style="list-style-type: none"> (i) \$351,237.06 is paid upon execution of the Compensation Agreement; (ii) \$351,237.06 is paid six months after (i); (iii) \$351,237.06 is paid twelve months after (ii); (iv) \$351,237.06 is paid twelve months after (iii); (v) \$351,237.06 is paid twelve months after (iv); (vi) \$250,000 is paid six months after (v), unless the LSRCA agrees that this amount can be used as an ecological compensation credit for on-site ecological improvements; and, (vii) an ecological compensation credit of \$450,000 to be used for on-site ecological improvements pursuant to the LSRCA Ecological Offsetting Policy and/or to address climate change adaptation. <p>(b) To identify the use of the on-site ecological compensation credits the LSRCA will work with the Developer to address:</p>	Include condition in Compensation Agreement.

Oro Station Permit Conditions	Rationale for Modifying Condition	Resolution	Include Condition in Compensation Agreement?
	<p><u>Compensation in LSRCA Regulated Area Only:</u></p> <ul style="list-style-type: none"> Removing the woodland that is outside the LSRCA regulated area, and then applying the <i>Ecological Offsetting Policy</i> results in a compensation calculation of \$2,456,185.28. <p><u>Compensation Payments</u></p> <ul style="list-style-type: none"> The ecological compensation of \$2,456,185.28 is the largest compensation paid to date under the <i>Ecological Offsetting Policy</i>. A payment schedule will allow this significant contribution to be paid by the permit holder over the term of the permit. This condition identifying the compensation amount and the payment schedule, and the Compensation Agreement, will be registered on title to the property. <p><u>Term of Permit</u></p> <ul style="list-style-type: none"> The permit could be amended to be valid for sixty months pursuant to subsection 28.0.1(27) of the <i>Conservation Authorities Act</i> and section 9 of O. Reg. 170/06 (LSRCA Regulation). Extending the term of the permit will provide the LSRCA with enforcement mechanisms under the <i>Conservation Authorities Act</i> for the duration of the permit. 	<ul style="list-style-type: none"> (i) The use of low impact development (“LID”) and storm water options including permeable paving and other stormwater management techniques. These options are outside those required by the Ministry of the Environment Conservation and Parks (“MECP”) under the <i>Ontario Water Resources Act</i>. Any works required by MECP cannot be used as on-site ecological compensation credits. For purposes of clarity, the use of permeable paving to satisfy the ecological compensation cannot be used or accounted for to address other site development requirements (such as water balance or phosphorus reduction). (ii) Climate change adaptation options including carbon sequestration through plantings (that will not impact the airport) and reducing the thermal heat regime through landscaping elements. (c) Although they have no role in approving the use of the ecological credit in (b) above, the permit holder may consult with the Ministry of Natural Resources, the County of Simcoe and/or the Township of Oro-Medonte about potential on-site ecological improvements. (d) Any proposed use of the ecological credit by the permit holder for on-site ecological improvements under (b) above shall be approved by the LSRCA in its sole discretion. (e) The LSRCA permit including the binding conditions that are enforceable under s. 28.0.1 of the <i>Conservation Authorities Act</i>, as well as the Compensation Agreement, shall be registered by the Developer on title of the subject property as a notice and proof of such registration shall be provided to the LSRCA within sixty (60) days of execution of the Compensation Agreement. 	
<p>5. That prior to any vegetation removal or tree clearing, the Permit Holder provides recommendations to the satisfaction of the Authority for how connectivity from the central feature to adjacent features will be maintained during and post-construction.</p>	<p><i>Rationale for Deleting Condition:</i></p> <ul style="list-style-type: none"> This condition should be deleted as it is inconsistent with the site layout approved by LSRCA. The original condition is standard clause used in conditions, but in this instance the clause is contrary to the site layout approved by LSRCA. The central feature located in the middle of the racetrack will not be physically connected to adjacent features. Aside: The application of the LSPP will be addressed through the permit holder’s planner through condition 1 above. 	<p>Condition shall be deleted</p>	<p>No</p>

Oro Station Permit Conditions	Rationale for Modifying Condition	Resolution	Include Condition in Compensation Agreement?
6. That prior to the execution of the Agreement, the Permit Holder shall develop and implement a program to the satisfaction of the Authority for monitoring the pre to post development hydrological conditions to the wetland for a period of 5 years.	<p>Rationale for Deleting Condition:</p> <ul style="list-style-type: none"> This condition should be deleted. It is directed linked to condition 5 above. 	Condition shall be deleted	No
7. That prior to any tree or vegetation clearing on site, the Permit Holder shall provide confirmation from Environment Canada that the proposed development will not contravene the <i>Migratory Birds Convention Act</i> .	<p>Rationale for Modifying Condition:</p> <ul style="list-style-type: none"> Federal regime is a 'do no harm' regime that requires development proponents to adhere to the requirements by working with their own experts. There is no requirement to obtain permission or confirmation, so Environment Canada will not send a letter to the permit holder. The minor modification of deleting "from Environment Canada" will continue to address compliance with the <i>Migratory Birds Convention Act</i>. 	<p>Modified Condition:</p> <p>7. That prior to any tree or vegetation clearing on site, the Permit Holder shall provide confirmation from Environment Canada that the proposed development will not contravene the <i>Migratory Birds Convention Act</i>.</p>	No
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 <i>Endangered Species Act</i> from the Ministry of Environment, Conservation and Parks for the works, or shall provide confirmation from the Ministry that no such permit is necessary.	Condition remains as drafted		No
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 <i>Conservation Authorities Act</i> .	Condition remains as drafted		No
10. That all legal fees associated with the development and execution of any Agreement under Section 28.0.1 under the <i>Conservation Authorities Act</i> be paid fully by the proponent prior to the final execution of the Agreement	Condition remains as drafted	Developer and LSRCA agree that the legal fees will be capped at a maximum of \$15,000 plus disbursements (if any) plus HST to be paid within thirty (30) days of receiving an invoice from the LSRCA.	No
11. That no development occurs within any regulated lands until the Agreement required under S.28.0.1 of the <i>Conservation Authorities Act</i> is fully executed.	Condition remains as drafted		No
12. That the Permit Holder complies with all conditions of the Agreement.	Condition remains as drafted		No
13. All development subject to provincial, federal and municipal statutes, regulations and bylaws.	Condition remains as drafted		No
14. This permit does not confer upon the Permit Holder any right to occupy, develop or flood lands owned by other persons or agencies.	Condition remains as drafted		No
15. The Permit Holder must maintain and comply with the local drainage requirements of the municipality.	Condition remains as drafted		No

Oro Station Permit Conditions	Rationale for Modifying Condition	Resolution	Include Condition in Compensation Agreement?
16. The Permit Holder shall strictly adhere to the approved Authority permit, plans, documents and conditions, to the satisfaction of the Authority. The Permit Holder 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.	Condition remains as drafted		No
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.	Condition remains as drafted		No
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.	Condition remains as drafted		No
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.	<p>Rationale for Replacing Condition:</p> <ul style="list-style-type: none"> • The original condition was drafted to require any potential purchaser of the site to apply for and obtain a new permit. • The original condition was problematic to the permit holder as it impairs their ability to obtain traditional construction financing or a mortgage. • The recommended replacement condition addresses the permit holder's concerns, and addresses LSRCA concerns by binding potential future owners to the existing permit conditions and Compensation Agreement. 	<p>Replace Condition with the following:</p> <p>This permit is issued to the current owner of the property and is only transferrable to a subsequent purchaser if the owner obtains the written acknowledgment and agreement of the potential purchaser that they are bound to the conditions attached to the permit, as well as the terms of the compensation agreement if it remains registered on title to the property. The owner shall consult with the LSRCA prior to obtaining the written acknowledgement and agreement of a potential purchaser. A signed copy of the acknowledgement and agreement shall be provided to the LSRCA.</p> <p>The LSRCA shall transfer the permit to the subsequent purchaser on delivery of the signed copy of the acknowledgement and agreement.</p>	Include condition in Compensation Agreement.
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 the Authority (on or off-site) pursuant to Ontario Regulation 179/06, as amended, without a permit from the Authority.	Condition to remain as drafted		No
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.	Condition to remain as drafted		No
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.	Condition to remain as drafted		No
23. Prior to any development occurring on the site, the Permit Holder shall submit a spills and refueling plan to the satisfaction of the Authority.	Condition to remain as drafted		No

Oro Station Permit Conditions	Rationale for Modifying Condition	Resolution	Include Condition in Compensation Agreement?
24. That all areas of exposed soil be stabilized immediately following construction.	Condition to remain as drafted		No
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.	Condition to remain as drafted		No
26. That no grading or placing of fill occur on the lot except that which is required for the proposed works as shown on the attached site plan.	Condition to remain as drafted		No
27. Proposed New Condition	<p>Rationale for New Condition:</p> <ul style="list-style-type: none"> • Adding this new condition is useful to both the LSRCA and the permit holder. • If the LSRCA becomes aware of a breach of any of the conditions they can notify the permit holder who can seek to remedy the breach. 	27. If it is alleged by the LSRCA that a substantial breach of a condition has occurred, then the LSRCA will provide the permit holder with written notice of the breach and will provide the permit holder with thirty (30) days to remedy the breach before initiating the process to revoke the permit.	Include condition in Compensation Agreement