

Council concerned about changes to conservation authorities

By Mark PavilonsEditor

There's no question the Province's Bill 23 will have major impacts on municipalities. King has joined other municipalities in making their concerns known to the government, meeting the end-of-year deadline. The Bill, aimed at increasing the supply of housing in Ontario, may not achieve the intended outcomes, King staff point out. Rather, green lighting projects doesn't equate to 'shovels in the ground.' King staff stressed many factors impact construction, many of which are beyond a municipality's control. Despite these factors, King is working on modifications to Township processes, with another report coming to council early in 2023. Bill 23 amends 10 Acts, include the Planning Act, Development Charges Act, Ontario Heritage Act, Conservation Authorities Act and Ontario Land Tribunal Act, as well as several Ontario Regulations. Further, the Ministry of Municipal Affairs and Housing (MMAH) is undertaking a housing-focused policy review of A Place to Grow and the Provincial Policy Statement. King has already submitted its concerns to the Province, and the latest submission focused on changes to the Conservation Authorities Act, impacting all 36 authorities in the province. The ministry is looking for one consistent method across the board. The idea is that the integration aims to create a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply by: 'Leveraging the housing-supportive policies of both policy documents.' Removing or streamlining policies that result in duplication, delays or burns in the development of housing. 'Ensuring growth management and planning tools are available where needed to increase housing supply and support a range and mix of housing options.' Protecting the environment, cultural heritage and public health and safety. However, a one-size-fits-all approach doesn't always work, staff said. 'A uniform regulation does not take into consideration site-specific and area-specific considerations.' The proposed regulation would amend the Conservation Authorities Act to focus permitting decisions only for matters related to the control of flooding and other natural hazards and the protection of people and property. Currently, there are 36 individual regulations under the Conservation Authorities Act, one for each Conservation Authority in the Province that set out the activities and associated requirements for permits or permissions. These 36 regulations are proposed to be revoked through the amendments to the Conservation Authorities Act, and in their place the Ministry is proposing a single provincial regulation to ensure clear and consistent requirements. The regulation is proposed to streamline rules for development and increase coordination between Conservation Authority permitting and municipal planning approvals. While staff are supportive of the Province's goal of providing additional housing, they are uncertain whether the increased residential permissions within the rural area as it may result in a loss of agricultural land. It may also place increased development pressures on rural and agricultural communities. Staff have concerns with the Province's approach to develop a uniform offsetting policy for all of Ontario. While the offset policy is proposed to be based on five principles, including avoidance first, having a Provincial offset policy sets a precedent that an offset is appropriate in all circumstances. Further, a uniform approach and general baseline assessment 'may not be appropriate for all municipalities and Conservation Authorities. A uniform approach does not take into consideration site-specific characteristics for each municipality and Conservation Authority or site-specific conservation goals.' Staff specifically request clarification if the offset policy is proposed to only be used within urban areas and settlement areas, or if the offset policy is proposed to apply to all lands across Ontario, including within the Greenbelt Plan and Oak Ridges Moraine Conservation Plan areas. Five principles identified in the Discussion Paper detail that limitations on offsetting would only be placed where the key natural heritage feature has historically been important for recreation and/or tourism. This does not take into consideration features that have important ecological considerations and as such severely limits what features would be eligible for protection. The Discussion Paper, staff noted, is also unclear as to the administrative and implementation of the offset policy. The Discussion Paper notes that there is an opportunity for the compensation payment to be applied to a larger project outside of the watershed or in a different geographic area. Based on this proposal, it is unclear as to how the compensation amounts would be determined; how the payments are proposed to be collected; and whether this system would be administered by the Conservation Authority, Municipality or Province. Further, it is unclear who would be approving the offsetting plan for a proposed development, and whether this would fall under the jurisdiction of the municipality, or if it would become a Provincial responsibility. As such, staff recommend that the offsetting policy not proceed as currently contemplated in the Province's Discussion Paper. The proposed policy would result in negative impacts to key natural heritage features, and the lack of clarity for its administration may result in delays in its implementation, as well as the potential for it to be implemented inconsistently. 'Should the

Province wish to proceed with a policy relating to offsetting, staff recommend that the Province require each Conservation Authority and municipality develop their own offset policy that responds to their area-specific requirements, rather than the Province developing a one size fits all approach. Staff stressed there are still many unknowns and the Province has to be clearer on certain directions. Staff is asking the Province to provide sufficient time to municipalities, stakeholders, and the public to review and provide comment the proposed Plan.