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Gentlemen:

Re: Planning Aspects of Bill 66 and Proposed Accompanying Regulation

**Bill 66, An Act to Restore Ontario's Competitiveness by Amending or Repealing Certain Acts
(EBR# 013-4293)**

Proposed Open for Business Planning Tool (EBR #013-4125)

New Regulation under the Planning Act for Open-for-Business Planning Tool (EBR #013-4239)

This letter constitutes the Lake Simcoe Region Conservation Authority's (LSRCA) comments pertaining to the captioned Environmental Registry notices listed above, which include and have been borne out of proposed Bill 66 *Restoring Ontario's Competitiveness Act, 2018*. It is understood that Bill 66 introduces a new economic development tool and proposes to remove perceived planning barriers in an effort to expedite development intended for employment uses and thus to expedite business investment in communities. Each of the captioned notices was posted on the Environmental Registry for a 45 day comment period ending on January 20, 2019. It is our understanding the Ministry of Municipal Affairs and Housing and the Ministry of Economic Development, Job Creation and Trade are seeking input on the on these new proposals.

Context

LSRCA is one of 36 conservation authorities (CA) in Ontario that provides watershed-based services. We are a provincially and municipally mandated regional agency that delivers programs and services to our member municipalities within the watershed jurisdiction. It is the objective of the LSRCA to protect Lake Simcoe and its watershed basin in partnership with government, the agricultural sector, development industry, Non-Governmental Organizations (NGO), stakeholder groups, and landowners. From a planning perspective, the LSRCA provides plan review services under the *Planning Act* to our member municipalities in the context of the natural heritage and natural hazard policies contained in the provincial, regional and local land use planning documents, including the Lake Simcoe Protection Plan, as well as in the context of Ontario Regulation 179/06 under the *Conservation Authorities Act*.

Discussion and Comments

It is understood that there are proposed changes to the *Planning Act* which would create an economic development tool to be known as the Open-For-Business Planning By-law (013-4125). In situations where there is potential for economic growth, the municipality would be able to request to utilize this tool provided certain criteria is met (see 013-4239 for criteria). This would be available to municipalities as a mechanism to scope the review of an application under the *Planning Act*, which could eliminate the requirement to apply policies contained in the Provincial Policy Statement, Places to Grow - The Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, policies created under the *Clean Water Act* including Source Protection Plans, as well as the Lake Simcoe Protection Plan. It is also noted that the municipality would not be required to adhere to its own requirements as set out in its own Official Plan and Zoning By-law.

The proposed new regulation under the *Planning Act* (013-4239) provides the criteria which a municipality would need to meet in order to pass an Open-For-Business Bylaw. This includes, but is not limited to, confirmation that the proposal is for a major employment use, the proposal would meet a minimum job creation threshold and to identify the uses of the land that may be authorized by the tool (but not residential, commercial or retail as the primary use).

On the basis of our understanding of the proposals, we provide the following comments for consideration by your Ministries.

1. Land Supply

Within the Lake Simcoe watershed, each of our member municipalities currently has a generous supply of designated employment land. These lands have been appropriately designated with the consideration of natural heritage and natural hazard matters, source water protection as well as municipal servicing. It is recommended that the municipality be required to demonstrate the need for additional employment lands as part of the criteria to be met to qualify for the use of the proposed Open-For-Business Bylaw.

2. Servicing

As noted above, lands which are currently identified for employment uses will have the benefit of municipal services. If the proposed tool is utilized, how will the lands which are being proposed for the new employment use to be serviced? It is assumed that these lands may be located outside of an established Settlement Area and therefore would be subject to rural servicing. This would result in not only costly development, but also irresponsible development permitting the establishment of private services on such a large scale. It is recommended that servicing criteria be included in the list of criteria to be met in consideration of the use of the planning tool.

3. Natural Heritage

Legislation such as the *Greenbelt Act*, *Lake Simcoe Protection Act*, *Oak Ridges Moraine Conservation Act* are in effect for the purpose of protecting sensitive environmental areas, such as wetlands, woodlands, headwater areas, watercourses, shorelines, along with farmlands. These areas contribute their greatest ecological value when they are in their most natural state. By not being required to adhere to provincial policies and provincial plans, which were created to help balance the protection of natural heritage features and land use planning, this may result in the removal of important natural heritage and hydrologic features, as well as irreversible damages to both the environment and human health.

The “Valuing Natural Capital in the Lake Simcoe Watershed” report (Wilson, 2018) highlights the importance of healthy, functioning ecosystems and the benefits they provide to humans (i.e. access to clean water, agricultural productivity, avoided human health care costs from pollution, avoided flood damage costs, avoided social costs of climate change, etc.), with an estimated annual value of \$922.7 million from solely the natural capital found in LSRCA’s watershed. It is requested that the Ministries take the value of natural capital into account when making any revisions to the proposed planning tool.

4. Source Water Protection

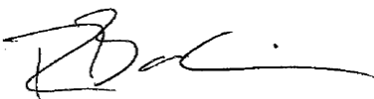
Behind each Source Protection Plan, there are years of science and research in establishing the Wellhead Protection Areas and Intake Protection Zones, together with the Significant Drinking Water Threats. By removing one of the parts of the multi-barrier approach to safe clean drinking water, greater resilience is required of all the other parts which may not be sufficiently robust to continue to provide safe clean drinking water to the population of Ontario. The proposed planning tool provides the opportunity to bypass provincial safeguards for natural areas and drinking water sources, which in turn will significantly threaten the health of southern Ontario (more specifically, the Lake Simcoe watershed) and its residents. Natural heritage and water resource systems sustain ecological and human health, and allowing development to proceed solely on the basis that it meets employment-related criteria is not facilitating smart growth; rather, it promotes an approach that separates the three pillars (i.e. environment, economy and society).

5. Cross Boundary Issues and the Role of the Conservation Authorities

The use of the proposed planning tool has the potential to lead to cross – boundary issues. The decisions of one municipality may put citizens and/or areas in adjacent municipalities at risk. Connections of groundwater systems, natural heritage systems and corridors extend far beyond municipal boundaries. It is generally the Regional authority or a conservation authority who would observe and comment on these types of issues, and accordingly we ask what will the circulation process for comment and plan review be? It is recommended that further guidance be provided to outline the role of conservation authorities in the use of the proposed planning tool.

Thank you for the opportunity to comment on this suite of proposals. If you have any questions concerning the comments above, please contact the undersigned or Melinda Bessey, Acting Manager of Planning.

Sincerely,



Rob Baldwin
General Manager
Planning and Development

cc: Conservation Ontario, Nicholas Fischer
LSRCA, Mike Walters
LSRCA, Melinda Bessey