

November 23, 2022

AA-038-22

Via E-mail: [ca.office@ontario.ca](mailto:ca.office@ontario.ca)

The Honourable Graydon Smith  
**Ministry of Natural Resources and Forestry**  
Resources Planning and Development Policy Branch  
300 Water Street, 6th Floor, South tower  
Peterborough, ON, K9J 8M5, Canada

**Re: Bill 23, More Homes Built Faster Act (2022): Cataraqi Conservation  
Comments (Environmental Registry of Ontario Postings: 019-2927 and 019-  
6141)**

Dear Minister Smith:

This letter is on behalf of Cataraqi Conservation in response to Bill 23, *More Homes Built Faster Act, 2022* specifically regarding Schedule 2, announced on October 25, 2022, and as outlined within the above noted Environmental Registry of Ontario postings. Our comments are with regards to the proposed changes to the *Conservation Authorities Act* which impact Cataraqi Conservation's current role in supporting municipal plan review and protecting people and property through our regulatory responsibilities.

Cataraqi Conservation agrees there is a housing supply and affordability issue in Ontario and supports the government's commitment to reducing unnecessary barriers to development. We've shared this commitment through developing internal efficiencies, providing annual reporting on our standards of service delivery and working with our municipal partners on communication, accountability, and workflows to streamline local development application processes. Part of this work has been in response to previous legislative changes (e.g., Bill 109, *More Homes For Everyone Act (2022)*); however, there are proposed changes within the most recent bill that have foreseeable consequences within our watershed and may inhibit Cataraqi Conservation's ability to mitigate natural hazard risks, undermine natural heritage protection and place liability, financial pressure, and implementation challenges on rural municipalities where there is little capacity to take on additional responsibilities.

Below is a summary of Cataraqi Conservation's concerns and recommendations for consideration that will impact implementation of the proposed changes.



## **1. Section 28 Regulatory Permitting: Proposed exemptions transferring CA regulatory responsibilities to municipalities**

- CAs will no longer be able to provide natural hazard permits where Planning Act approvals are granted in select municipalities
- Exemptions will limit our ability to deliver on natural hazards protection, which is a departure from our core function outlined in the *Conservation Authorities Act* and critical in response to climate change and extreme weather events
- If CAs are limited in providing these functions, municipalities will have to take on the role of natural hazard protection (through Planning Act decisions) and liability of protection from hazards, which will bring challenges from a financial, skills development, and capacity perspective leading to delays in application reviews, and costs to taxpayers
- Addressing hazards on a municipal boundary scale is not as effective as a watershed-based approach, the foundation of a CA, protecting both upstream and downstream properties

### *Key Recommendations*

- Maintain the existing natural hazard related responsibilities with CAs
- Engage with the existing Conservation Authorities Working Group established through the Ministry of Environment, Conservation and Parks to ensure a streamlined, consistent, and scoped process towards achieving provincial housing targets while supporting municipalities in meeting timelines, keeping costs low, and protecting taxpayers

## **2. Conservation Authority Role in Plan Review: Proposed change prohibiting CAs from entering into service level agreements with municipalities for services (e.g., natural heritage review, stormwater management)**

- If approved, CAs may no longer enter into agreements with municipalities for reviewing and commenting services under prescribed Acts (e.g., Planning Act)
- Cataraqi Conservation has demonstrated we can deliver these services efficiently without lengthening approval timelines
- These arrangements offer value for money and cost savings as well as certainty and predictability in the development review process for municipalities, landowners, and the development community
- This removes the “one window approach” for sustainable land use planning and would require municipalities to coordinate on a watershed-basis when CAs already do this amongst a much tighter pool (36 organizations vs. 444 municipalities)



- CAs ensure connections are made between flood control, wetlands, and other green infrastructure towards safe development; CAs are not a barrier to growth
- Without this option, municipalities have expressed the need to hire consultants and external sources which come at a higher cost, longer timelines due to volume and complexity of files, which will impact the local taxpayer

#### *Key Recommendations*

- Retain the ability for municipalities to enter into service level agreements with CAs, using defined terms, timelines, and performance measures as outlined under section 21.1.1(1) of the *Conservation Authorities Act*
- Allow CAs to communicate with municipal staff on expertise such as natural heritage and stormwater management to maintain the watershed approach and respond to the impacts of a changing climate

### **3. Freezing of Fees: Proposed change to freeze development fees**

- Cataraqui Conservation's metrics for standard service delivery show that deadlines are being met and the CA has worked to streamline processes internally (e.g., online payments)
- Current fees are based on a cost recovery process; currently there is no proposed mechanism, timeline, or guideline for making up the revenue shortfall in the long-term
- Cataraqui Conservation completes a fee review annually and a comprehensive review every five years with municipal consultation prior to adoption; our fees reflect market conditions and community need; any revenue shortfalls from frozen fees would be paid through an increase to municipal levy and an increase to local taxpayers

#### *Key Recommendations*

- Require CAs to provide a rationale showing how permit and planning fees do not exceed cost recovery to offer the services
- Maintain the principle that development should pay for development



#### **4. Conservation of Land: Definition of wetlands and offsetting, identifying land for development**

- Wetlands are complex systems: they play a critical role in the watershed, are our natural defense against climate risks, offer a cost-effective strategy for protecting downstream properties, and take years to grow resilient, productive ecosystems.
- Offsetting could negatively impact the ability of wetlands to reduce flooding and puts communities at risk
- Under the proposed changes, the Ministry of Natural Resources and Forestry would no longer have an approval or oversight role for the Ontario Wetland Evaluation System (OWES), resulting in downloading to municipalities where expertise on these matters may be limited
- There may be lands owned by Conservation Authorities that zoning would allow for development; it is the intent of Cataraqi Conservation to maintain the objectives of its land ownership to provide natural hazard protection and natural heritage preservation
- Lands are often acquired through a variety of ways including private or public funders and if identified for purposes of ecological conservation and protection should remain untouched

#### *Key Recommendations*

- Maintain the current principle that protects wetlands and requires development to avoid interference with these features to ensure the mitigative benefits of wetlands are maintained in the long term
- Offsetting should only ever be considered under very specific circumstances as an absolute last resort and where it would achieve net environmental gains
- Maintain the Ministry (MNRF's) role in terms of approval and oversight of the Ontario Wetland Evaluation System.
- Clear policies are required to protect conservation lands and land use should only be considered for housing in exceptional circumstances

Conservation Authorities provide cost-effective, timely, professional expertise in areas such as engineering, environmental planning, and natural heritage on behalf of municipalities through service agreements with each participating municipality in our watershed. We are on the ground meeting with landowners and engaging the development community on solutions to perceived barriers and finding innovative ways to foster growth within the municipalities we serve.



We are concerned the proposed changes will download additional responsibilities to municipalities which in turn will pressure staffing capacity, politicize internal expertise, and impact taxpayers to support implementation; all of which impede progress towards supporting residents and growing communities sustainably.

Thank you for the opportunity to provide comments.

Respectfully yours,

A handwritten signature in black ink that reads "Paul McAuley".

Paul McAuley  
Chair, Cataraqui Conservation

Cc: Mr. Ric Bresee, M.P.P., Hastings—Lennox and Addington  
Honourable Steve Clark, Minister of Municipal Affairs and Housing & M.P.P.,  
Leeds, Grenville, Thousand Islands and Rideau Lakes  
Honourable Doug Ford, Premier of Ontario  
Mr. John Jordan M.P.P., Lanark—Frontenac—Kingston  
Honourable David Piccini, Minister of Environment, Conservation and Parks  
Mr. Ted Tsu M.P.P., Kingston and the Islands  
Cataraqui Conservation Board Members  
Cataraqui Conservation Municipal CAOs / Clerks  
Conservation Ontario