



County of Brant Council Report

To: To the Mayor and Members of County of Brant Council
From: Jennifer Boyer, Manager of Policy Planning
Date: December 20, 2022
Report #: RPT-0711-22
Subject: *Bill 23, More Homes Built Faster Act, 2022* – Legislative Update and Comments
Purpose: For Information and Direction

Recommendation

- 1) That report RPT-0711-22 regarding an overview of *Bill 23, More Homes Built Faster Act, 2022* be received; and
- 2) That report RPT-0711-22 and attached comments be forwarded onto the Province of Ontario on *Bill 23, More Homes Built Faster Act, 2022* and the associated consultations posted on the Environmental Registry and Ontario Regulatory Registry as appropriate; and
- 3) That the County of Brant request that the Province of Ontario commit to an enhanced municipal consultation process such as by establishing technical working groups with municipalities, Indigenous communities, and other stakeholders on further proposed policy changes as part of *Bill 23, More Homes Built Faster Act, 2022*; and
- 4) That report RPT-0711-22 be shared with the two Conservation Authorities having jurisdiction within the County of Brant, and
- 5) That report RPT-0711-22 be shared with the Ontario Professional Planners Institute.
- 6) That Council directs staff to translate this report into a resident facing communication that specifically relates the impact to the residents, and
- 7) That the County's treasurer be directed to summarize the implications of *Bill 23* at an upcoming budget presentation.

Executive Summary

Ontario's population will grow by more than two million people by 2031. The Province has confirmed that Ontario is in a housing crisis and is taking bold action to advance the plan to build 1.5 million homes over the next 10 years.

The Province recently released proposed legislative and regulatory changes under *Bill 23, More Homes Built Faster Act, 2022* on amendments to *the Planning Act, R.S.O. 1990, c. P.13, the Development Charges Act, 1997, S.O. 1997, c. 27, the Conservation Authorities*

Act, R.S.O. 1990, c. C.27, the Ontario Land Tribunal Act, 2021, S.O. 2021, c.4, Sched. 6, as well as several other pieces of legislation.

On November 22, 2022, Development Services presented RPT-0517-22 to Council, in which Council directed staff to forward comments to the Province on the proposed changes. Comments were submitted through the Environmental Registry of Ontario (ERO).

Subsequent to the November 22nd Council Report, the Province extended several commenting deadlines from November 24, 2022 to December 9, 2022. On November 29, 2022, [Bill 23, More Homes Built Faster Act, 2022 in Third Reading and received Royal Assent](#) (Attachment 1). Some provisions are immediately in force, while others will not come into effect until January 1, 2023, until proclaimed by the Lieutenant Governor at a later date, or until such time that the implementing regulation is in place.

This report provides a synopsis of the approved changes to date, in force dates, and implications to the County (Attachment 2). Watson & Associates Economists Ltd. continues to support the County of Brant and has provided correspondence outlining the changes and potential impacts (Attachment 3).

Other commenting timeframes related to larger policy proposals, are still due by December 30, 2022. Larger policy proposals included a review of:

- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (A Place to Grow) and the Provincial Policy Statement (PPS).
- Conserving Ontario's Natural Heritage.
- Proposed regulatory updates related to natural hazards pertaining to the role of Conservation Authorities.

Staff have conducted a detailed review of larger policy proposals as detailed in (Attachments 4, 5 and 6). Given that the proposed policy changes could have major implications for land use planning in the County, including the County's New Official Plan, staff are seeking direction from Council to submit formal comments to the Province.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Strategic Priority 2 – Effective Communications

Strategic Priority 5 - Healthy, Safe and Engaged Citizens

Impacts and Mitigation

Social Impacts

There are many provisions in *Bill 23* that are expected to create more housing in an efficient manner. As-of-right permissions for three residential units per lot, in the fully serviced areas of Paris and St. George, should result in additional rental units including potential income support for home owners. Exempting residential development of up to 10 units from Site Plan Control will result in an efficient approval process to create more homes. Further changes to Site Plan Control, which the County may no longer review for architectural control, could reduce processing times and costs for applications.

Due to changes that no longer require public meetings for Plans of Subdivisions and prevent third-party *Ontario Land Tribunal* appeals on Consents and Minor Variances, there will be reduced opportunities for County of Brant residents to be involved in development application decisions. It will be important for the County to incorporate public comments as part of the development application review and decision process at the municipal level.

Environmental Impacts

Creating policies that change the Ontario Wetland Evaluation System without oversight from the Ministry of Natural Resources and Forestry, may result in less wetlands being classified as provincially significant and greater loss of wetlands in Ontario. New permissions for removal of natural areas subject to environmental offsetting, is expected to result in more natural areas being proposed for removal. Provincially significant wetlands have had long standing policy protections in which development and site alteration have been prohibited; new policies could mean that they are no longer afforded permanent protection. While a net gain approach is proposed, it could take decades to achieve a net gain, as in the case of forests, new trees are not ecologically equivalent to mature trees removed.

County staff have conducted a detailed review of larger policy changes, such as the integration of A Place to Grow and the PPS, from an environmental lens. Where opportunities arise, staff will continue to provide input on responsible development that protects the natural features and supports safe and responsible development approvals.

Economic Impacts

By expanding Development Charge exemptions, excluding expenses, and establishing a phase-in period, it is expected that *Bill 23* will see increased subsidization of development infrastructure costs by the tax levy. A financial impact analysis will be undertaken to assess the County's development charges and parkland dedication revenue losses directly resulting from *Bill 23*. Once an analysis has been completed staff will provide a summary to Council of the annual financial impact of *Bill 23* on the County. These changes could further negatively impact the County, local economy, and residents, as they come at a time of recovery from the COVID-19 Pandemic, higher inflation, and borrowing costs. At this time the province is not proposing to offset any revenue losses resulting from *Bill 23*.

Wetlands provide many benefits including economic benefits related to maintaining the quality and quantity of water on groundwater, which is essential for safe drinking water for humans, wildlife habitat and fish habitat. Allowing environmental offsetting and reducing the setback regulated by conservation authorities for wetlands could have unintended economic impacts caused by impacts to groundwater that are costly to repair.

Additional staff expertise may be required related to the review and implementation of environmental offsetting, wetland evaluations, and reviewing impacts of development on the quality of water of streams and wetlands.

Changes to provincial policies through the integration of A Place to Grow with the PPS into one document, if implemented, will likely require significant staffing resources and additional public consultation to update the New Official Plan to ensure conformity with new policies. However, it is anticipated that the integration of these two provincial documents will result in a streamlined review of development applications.

Increased opportunities for additional residential units (ARU's), to be built faster, and create more development income, strengthening the County of Brant tax base.

Report

Background

Tabled on October 25, 2022, as *Bill 23, More Homes Built Faster Act, 2022*, the Province is moving forward with proposed changes to legislation, regulations, policy and other matters as part of the *More Homes, Built Faster: Ontario's Housing Supply Action Plan 2022-2023*. The stated intent of these changes are to reduce red-tape by streamlining the development process to create more housing.

The Royal Assent of *Bill 23* and larger policy proposals are summarized below with greater detail provided in Attachments to this report.

Bill 23 Receives Royal Assent on November 29, 2022

On November 29, 2022, [Bill 23, More Homes Built Faster Act, 2022 was passed in Third Reading and received Royal Assent](#). The approved *Bill 23* is attached to this Report.

After public hearings and debate, the Standing Committee proposed numerous revisions. Key changes approved as part of the final *Bill* are as follows:

- Third-party appeals to the Ontario Lands Tribunal (OLT) will continue to be permitted for Official Plan and Zoning By-Law Amendments. However, third-party appeals will not be permitted for Minor Variances or Consents.
- Previously *the Planning Act* did not permit Official Plan and Zoning By-Law's to be amended within the first 2 years of approval. The intent was to recognize and prevent changes to the new policy. This prohibition is no longer in force. As a result, once the County approves a new Official Plan, applicants could immediately apply for an Official Plan Amendment.
- Site Plan Control changes were proposed to restrict a municipality's ability to comment on exterior elements such as architectural design and landscaping. Site Plan Control is a tool that may be used to require green energy elements to reach net zero. Concerns were raised, and as a result, changes were made to allowing application of:
 - Matters related to green roofs;
 - Building construction requirements related to environmental conservation, where permitted, under the *Building Code Act*;
 - Exterior elements related to health, safety, accessibility or sustainable design.
- For the phase-in of Development Charges (DC's) over the first 4 years, the initial *Bill* was proposed to apply to existing DC By-Laws passed on or after June 1, 2022. The revised provisions now apply to DC By-Laws passed on or after January 1, 2022.

Policy Proposal - Review of A Place to Grow and Provincial Policy Statement

The Ministry of Municipal Affairs and Housing (MMAH) is undertaking a housing-focused policy review of A Place to Grow and the PPS. It is posted on the ERO as [019-6177: Review of A Place to Grow and Provincial Policy Statement](#).

The Ministry is seeking feedback on how to create a streamlined province-wide land use planning document that would enable municipalities to approve housing faster and increase the supply and diversity of housing.

Currently, the PPS, issued under the authority of the *Planning Act*, is the primary provincial planning tool, which applies to all of Ontario. A Place to Grow was developed in 2005, intended to create more specific policy direction focused on the Greater Golden Horseshoe.

The current provincial land use planning framework has been developed over the last three decades. Due to ongoing updates to policies, the current system is complex, with overlapping policies that are similar but often contradictory and difficult to interpret. Integrating A Place to Grow with the PPS is intended to simplify the planning process.

The Province is seeking feedback on core elements related to residential land supply, attainable housing supply and mix, growth management, environment and natural resources, community infrastructure, and a streamlined planning framework. In addition, the ERO proposed five questions to generate feedback.

Attachment 4 includes details on the core areas of review and discussion topics, and an analysis conducted by policy planning.

Policy Proposal - Conserving Ontario's Natural Heritage

In support of Ontario's commitment to build housing, the province is seeking feedback on a discussion paper entitled "Conserving Ontario's Natural Heritage." It is posted on the ERO as [019-6161: Conserving Ontario's Natural Heritage](#).

While it is recognized that natural heritage areas provide many benefits, conserving natural heritage has become challenging due to development pressures, climate change impacts on natural areas, and other threats that isolate and threaten preservation of wetlands, woodlands, and wildlife habitat.

Natural heritage conservation, as part of development, is primarily based on direction provided in the PPS and A Place to Grow. Protections vary greatly from prohibiting development in significant wetlands, to permissions in settlement areas for features such as significant woodlands subject to demonstration of no negative impacts, to policies outside of settlement areas that prohibit new development in or within 30 metres of certain features. Due to policies in the PPS, natural areas are particularly susceptible to development pressure within settlement areas.

The current provincial policy context does not contain provisions that require environmental offsetting, if natural areas are approved for development. For example, if part of a significant woodland is removed there is no requirement for replacement trees. Many Canadian provinces have developed offsetting policies for wetlands. Similarly, in Ontario some conservation authorities have developed policies that provide for removal of non-significant wetlands, subject to offsetting ecological and/or hydrological impacts.

A discussion paper has been provided to generate feedback on offsetting development pressures on wetlands, woodlands, and other wildlife habitat. To support this proposal, the Ministry of Natural Resources and Forestry is considering developing a policy that would require a net positive impact. The intent is to reverse the trend of natural heritage loss in Ontario.

The province is seeking feedback on what the County supports or disagrees with, and on recommendations that would support the growing need for housing while protecting and

benefiting from the important role that natural areas provide to our community. Attachment 5 includes details on information contained in the discussion paper, and an analysis conducted by Senior Environmental Planning staff.

Policy Proposal - Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario

In support of Ontario's commitment to build housing, the province is seeking feedback on a discussion paper on natural hazards. It is posted on the ERO as [019-2927: Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario](#).

The proposal focuses on regulatory changes to implement updates to the *Conservation Authorities Act*, and which are intended to streamline development approvals by providing a consistent approach to the review of natural hazards. For example, the ministry is proposing to make a single regulation for all conservation authorities which would replace the 36 separate regulations for each individual conservation authority.

A discussion paper has been released to seek feedback on providing a streamlined and consistent approach to natural hazards, such as:

- Notifying and consulting with the public on any significant changes to regulated mapping.
- Reducing lands regulated adjacent to significant wetlands from 120 metres to 30 metres.
- Consistent definitions for wetlands, hazardous lands, and watercourses.
- Maintaining the existing regulation of erosion hazard limits associated with river valleys.
- Exempting low-risk activities from permitting requirements if certain requirements are met.
- Limiting conditions an authority may require as part of a permit.
- Providing mapping that illustrates where permitting applies.

While not part of the regulatory proposal, as part of the discussion paper, the province is seeking advice on exempting development approved under the *Planning Act* (e.g. Plan of Subdivision containing hazardous lands) from also having to acquire additional approval as part of a permit under the *Conservation Authorities Act*.

Attachment 6 includes details on information contained in the discussion paper, and an analysis conducted by Senior Environmental Planning staff.

Analysis

Overall, *Bill 23, More Homes Built Faster Act, 2022*, narrows the housing discussion to one of quantity and diminishes the critical role municipalities play in providing for quality and support for growth at a local community level. The approved and remaining proposed changes could lead to unintended consequences and implementation confusion. For example, higher taxes may be required to offset development charges, resulting in increased housing costs for all. Natural areas may become more prone to development subject to environmental offsetting, in lieu of finding creative solutions such as developing stronger environmental policies and focusing on redeveloping areas that are already disturbed.

Additional staff resources will be required to update the Official Plan, Zoning By-Law and related planning processes. Ongoing amendments may continue to be required, dependent

on the amount of legislation and regulatory changes. Expertise may be required on wetland evaluations and environmental offsetting. Continued education and learning will be required for all staff and the public on changes to legislation and policies, including the refined roles of conservation authorities.

With respect to policy changes proposed on provincial land use planning, natural heritage and natural hazards, more time is required to digest and discuss such significant changes that will have a long-term impact on communities. While the County supports a streamlined planning process, comprehensive consultation should be undertaken to ensure the interests of all stakeholders are taken into consideration.

Policy planning has conducted a high-level review of the proposed policy changes and it is recommended that the responses attached to this report be forwarded to the province as the County's feedback on the applicable ERO postings.

Given the implications to the County, it is further recommended that the County of Brant requests that the province commit to an enhanced municipal consultation process, such as by establishing technical working groups with municipalities, Indigenous communities, and other stakeholders on proposed policy changes as part of *Bill 23*.

Next Steps

County of Brant staff will continue to provide updates to Council on proposed changes resulting from *Bill 23* that impact County resources accordingly.

The policy team will continue to analyze and implement planning tools necessary to respond to approved changes that are in-force, such as new exemptions on Site Plan Control for residential use and as-of-right permissions for three residential units per property.

It is unclear at this time how the proposed changes will impact the County's Draft New Official Plan. Staff have not yet received an update from the Ministry of Municipal Affairs and Housing (MMAH) on the County's Draft New Official Plan. Staff continue to connect with MMAH London to receive updates. Continued emphasis will be placed on incorporating legislative changes as the New Official Plan project moves forward.

Attachments

1. Bill 23 as approved through Royal Assent
2. Summary of Changes Approved and Implications of *Bill 23*
3. Watson and Associates Supporting Information, Nov. 29, 2022
4. County Response on *A Place to Grow* and *Provincial Policy Statement*
5. County Response on Conserving Ontario's Natural Heritage
6. County Response on Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario.

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- 2. Darryl Lee, Interim Chief Administrative Officer
- 3. Senior Management Team (General Managers - all)
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- 5. Mat Vaughan, Director of Development Planning
- 6. Stacey Ellins, Director of Parks and Recreation
- 7. Meghan Hunter, Manager of Parks and Forestry

By-law and/or Agreement

By-law Required No

Agreement(s) or other documents to be signed by Mayor and /or Clerk No



County of Brant Feedback on:

Updates to the regulation of development for the protection of people and property from natural hazards in Ontario

ERO Posting #019-2927; Comment period open until December 30, 2022

Discussion Topics

The ministry is proposing to make a single regulation to ensure clear and consistent requirements across all conservation authorities.

- The County of Brant supports the consolidation of the regulations pertaining to 36 conservation authority into one regulation as it will provide a consistent approach to regulating hazards.

The proposed regulation would focus permitting decisions on matters related to the control of flooding and other natural hazards, and the protection of people and property.

- The County of Brant recommends that municipalities continue to have the option through an agreed upon memorandum of understanding to use the expertise of conservation authorities on matters such as conservation of land, pollution of land, and natural heritage and water resource planning that would not fall under their core mandate.
- Focusing the role of conservation authorities on natural hazards could have unintended consequences that does not result in faster decision making. The proposed changes could result in duplication of roles between conservation authorities and municipalities, with municipalities having to retain additional expertise. Having experts at the watershed level that municipalities may share, avoids the need for each municipality having to retain their own expert. Where municipalities require peer review due to lack of expertise and are unable to rely on conservation authorities, additional time may be required to coordinate the review of development applications. With labour shortages in many disciplines, municipalities could have difficulty acquiring the necessary expertise to ensure that development occurs in a sustainable manner.
- There is considerable overlap between natural hazards, and natural heritage and water resource features, areas, and systems. Wetlands are considered a natural hazard, a natural heritage

feature, and a hydrologic feature. If a conservation authority is already confirming wetland boundaries for the purposes of natural hazards and has ecologists qualified in the Ontario Wetland Evaluation System, it makes sense for conservation authorities to also review for significance and wildlife habitat. Currently, conservation authorities also play a key role in reviewing stormwater management with respect to water quality and quantity impacts on wetlands. Requiring municipalities to review for natural heritage and conservation authorities to review for natural hazards will result in duplicate roles with each organization will need their own expert, at a higher cost to the development industry and/or tax payers, which could in turn result in higher housing costs. The County recommends having the option to continue with the current system whereby municipal levies may be pooled throughout a watershed to hire wetland experts at the conservation authority.

- Trees and woodlands help to stabilize steep slopes and prevent erosion. Natural areas mitigate risks to flooding, as vegetation absorbs water and slows down surface water flows. Where natural features are removed, it results in increased sediment to streams, which may negatively impact water quality and quantity, fish habitat and drinking water. Historically, conservation authorities have been able to review for natural hazards in addition to pollution and conservation of land, resulting in an efficient process. Conservation authorities should be able to review for conservation of land and natural heritage, where removal of features could impact natural hazards. Research should be provided as part of the discussion paper on the co-relation of preservation of natural heritage features to natural hazards prevention. Eliminating this role from conservation authorities and preventing the abilities of municipalities to enter into memorandums of understanding will require duplicate roles with additional staffing expertise at the municipal level.
- The County is concerned about the diminished role of conservation authorities in watershed and subwatershed planning. As conservation authorities are watershed based and monitor the watershed, it makes sense for conservation authorities to lead watershed and subwatershed planning. Financial resources could be pooled between municipalities to fund important studies. Small municipalities often don't have staffing or financial resources to complete watershed and subwatershed planning. Having these studies completed in advance of development would streamline the process while helping to ensure sustainable development.

Defining wetlands and hazardous lands and development activity as per the existing definitions in the *Conservation Authorities Act*. Updating the definition of 'watercourse' from an identifiable depression to a defined channel having a bed, and banks or sides.

- The County supports having consistent definitions for all conservation authorities.
- To provide for consistent interpretation, the County recommends that definitions in the *Conservation Authorities Act* and associated regulations be consistent with definitions in provincial land use planning documents such as the Provincial Policy Statement (PPS) and A Place to Grow. Currently, the definition of development is significantly different, resulting in a different review process and different recommendations on conservation authority permits versus *Planning Act* applications. The definition of development in the *Conservation Authorities Act*

includes the construction, reconstruction, erection or placing of a building or structure of any kind, whereas under the PPS it means the creation of a new lot, a change in land use or the construction of buildings and structure requiring approvals under the *Planning Act*. Under the *Conservation Authorities Act* development does not include the creation of a new lot. Accordingly, a conservation authority could support lot creation in a floodplain based on the *Conservation Authorities Act*, which would be contrary to the *Planning Act*.

- The definition proposed for hazardous lands is less detailed than that provided in the PPS. As such, it could be open to wide interpretation, resulting in a different review of a planning application versus a permit under the *Conservation Authorities Act*.

Updating “other areas” in which the prohibitions on development apply to within 30 metres of all wetlands.

- The County has concerns with reducing the regulatory area from 120 to 30 metres, particularly with respect to provincially significant wetlands and wetlands that have not been evaluated for significance. The 120 m distance provides an important screening tool for development that could have a negative impact on wetlands. This distance is consistent with the Growth Plan which recommends that a natural heritage and hydrology evaluation be required for development within 120 m of key hydrologic features. Many municipalities use this as a screening tool in their official plans to determine when an Environmental Impact Study may be required.
- More research should be provided on the economic and environmental impacts of the proposed reduction in the regulated area. Wetlands provide economic benefits related to maintaining the quality and quantity of groundwater that is essential for safe drinking water for human, wildlife habitat and fish habitat. Allowing environmental offsetting and reducing the setback regulated by conservation authorities for wetlands from 120 m to 30 m could have unintended economic impacts caused by impacts to groundwater, which will be costly to repair.
- Outside of settlement areas, the Growth Plan requires a minimum vegetation protection zone of 30 metres for new development and site alteration adjacent to wetlands, permanent streams, intermittent streams, and seepages and springs. It is recommended that conservation authority legislation and regulations be consistent with this Growth Plan requirement. The County recommends that a minimum vegetation protection zone of 30 metres be required for new development and site alteration both inside and outside of settlement areas. In recognition of existing development, criteria could be established on permissions for minor additions and low-risk activities. Vegetation protection zones are important for wildlife habitat and to protect the quality and quantity of water in wetlands.
- Having regulations under the *Conservation Authorities Act* pertaining to wetlands that are inconsistent with the Growth Plan, has resulted in confusion and differing opinions on development applications issued by the County and conservation authorities. Consistent policies that protect wetlands based on best practices, is key to implementing a streamlined process.

- Establishing clear regulations on areas where development is prohibited would streamline the process, by focusing development in areas that would not impact natural areas.
- The County has historically relied on the ability of conservation authorities to screen building permits for impacts on wetlands. If approved, municipalities will need time to update their zoning by-laws.

River and stream valley limits which are impacted by erosion hazards.

- The County is unclear on what the regulated area is proposed to be for river and valley systems, such as the Grand River.
- Similar to the above comments on wetlands, legislation and regulations should be consistent with provincial policies and plans. The County recommends minimum setbacks of 30 metres for new development from key hydrologic features. In recognition of existing development, exemptions could be provided for minor addition and low-risk activities.
- The County recommends that minimum setbacks be established from the top of a valley to allow for emergency access and to mitigate risks from erosion hazards. Of concern to the County, are buildings built immediately adjacent to steep slopes, which causes erosion and slope failure, thereby enhancing risks to life and property. As an example, it is the understanding of staff that Conservation Halton specifies a minimum setback of 7.5 metres for minor valley and a setback of 15 m for major valleys, from the top of slope. Providing minimum setbacks mitigates risks with respect to natural hazards, while streamlining development activities, by providing clear direction on where development is not permitted. Within settlement areas, the setback areas are often used for trails, as part of active transportation and contributing to completed communities. Other benefits include protection of a connected natural heritage system and water resource systems, to protect wildlife habitat and the quality and quantity of water while building resiliency to climate change.

Streamlining approvals that would exempt low-risk activities from requiring a permit if certain conditions are met.

- Where low risk activities are permitted, consistent permissions should be provided in the PPS and A Place to Grow. Currently, the PPS states that development and site alteration are not permitted in a floodway. Therefore, where development constitutes a change in land use or buildings requiring authorization under the *Planning Act* (e.g. site plan control), the use would not be permitted. The proposal to permit low-risk activities could be interpreted as being inconsistent with the PPS leading to confusion in interpretation.
- The County supports proposed wording that would not permit many low-risk activities within hazardous land, watercourses and wetlands. To protect vegetation associated with streams and wetlands that enhances water quality and fish and wildlife habitat, it is recommended that vegetation protection zones be established that are science based. For example, How Much

Habitat is Enough by Environment Canada, recommends a 30 metre wide buffer on each side of a stream whereby at least 75% of the area must consist of self-sustaining vegetation.

Requiring Conservation Authorities to request any information or studies needed prior to confirmation of a complete application.

- The County agrees that information and studies, with clear information requirements should be requested early in the development process.
- The province should consider developing terms of reference documents to be used throughout the province such that there are consistent study requirements. Terms of references could be developed specific to the watershed, subwatershed, ecodistrict or ecoregion level. To streamline the process, it would help to have templates for environmental impact studies, stormwater management plans, hydrologic evaluation, slope stability assessments, geotechnical, flood plain delineation etc. Currently, much time review is spent on developing terms of reference for each development proposal and ensuring that adequate information is provided for agencies to review in the context of current legislation and regulations. Further study requirements may vary greatly based on differing municipal or conservation authority requirements.

Limiting site-specific conditions, a conservation authority may attach to a permit for matters dealing with natural hazards and public safety.

- Having a standard set of conditions throughout the province would provide transparency and predictability on costs associated with developing near and/or within hazardous lands.
- The list of site-specific conditions should be expanded to include impacts related the quality and quantity of water on valleys, streams and wetlands. More specifically, it is recommended that conservation authorities be able to continue to review stormwater management, hydrologic evaluations and similar studies with respect to both impacts on water quality and quantity where agreed upon with a municipality.

Service Delivery Standards – Mapping of areas where development or other activities are prohibited

- The County supports the proposal that would require public consultation, where regulated areas are enlarged based on new information. As part of this process, conservation authorities should be required to notify municipalities, such that municipalities can update mapping in official plans and zoning by-laws. Owners and potential purchasers often rely on zoning schedules to determine permissions on their property. Given implications for development, accurate mapping is necessary to create a transparent process and to prevent development in hazardous lands.

- Publicly accessible mapping is an imperative part of identifying and preventing development in hazardous areas. In addition to identifying the regulated boundary, mapping should illustrate the hazard for which the mapping applies. Mapping should illustrate the approximate location of:
 - o Erosion hazards including an erosion access allowance
 - o Flooding hazards
 - o Hazardous sites
 - o Wetlands, seepages and springs
 - o Permanent streams and intermittent streams
 - o Regulation limits
- While mapping has historically focused on erosion and flooding hazards, there appears to be gaps in the identification of hazardous sites. It is recommended that funding be provided to fill this gap.

For Discussion: Improved coordination between *Conservation Authorities Act* regulations and municipal planning approvals.

Bill 23 provides for the ability to exempt development authorized under the *Planning Act* from requiring a permit under the *Conservation Authorities Act*. The exemption would only apply to municipalities set out in the regulation. Exemptions could be subject to certain conditions set out in regulation. Conservation authorities would continue to permit activities not subject to municipal authorization.

The Ministry has not proposed a regulation utilizing this exemption as part of this regulatory proposal, but is requesting initial feedback on how it could be used in the future to streamline the process.

Considerations for the use of this tool include:

- In which municipalities should the exemption apply? How should this be determined?
- Which *Planning Act* authorizations should be required for the exemption to apply?
- Should a municipality be subject to any requirements or conditions where this type of exemption is in place?
- Are there any regulated activities to which this exemption shouldn't apply?

- Currently as part of a subdivision that contains hazardous lands an applicant would need approval of a development application under the *Planning Act* and of a permit under the *Conservation Authorities Act*. This results in duplicate process and potentially municipalities and conservation authorities reviewing and approving different plans.
- The County agrees that development under the *Planning Act* and *Conservation Authorities Act* should be streamlined. Conditions that would be part of a permit could be implemented as part of the municipal planning process. Historically, when conservation authorities did not regulate areas adjacent to slopes and wetlands, they used the planning process to address natural hazards.

- One potential issue is that conservation authority comments may end up not being properly implemented or could be disregarded in the planning process. Political pressure for development could result in development being approved in floodplain areas.
- Another issue is that approving development in flooding and erosion hazards, could create new hazards and aggravate existing hazards beyond the development, such as increased flooding downstream. Accordingly, decisions made by one municipality could result in unintended consequences for another municipality. For this reason, conservation authorities are best equipped to review natural hazards on a watershed basis.
- Checks and balances would need to be in place to ensure conservation authority recommendations are implemented through the planning process. Unintended consequences could be conservation authorities having to appeal decisions to the Ontario Land Tribunal, resulting in additional delays and cost of development.
- One option to deal with differing opinions, is to have an appeal provision for conservation authorities whereby they could appeal municipal decisions to a conservation authority board for that watershed.
- In terms of determining which municipalities this should apply to, one option could be requiring any municipality that is interested in the option, to enter into a memorandum of understanding with the applicable conservation authority. Standard memorandums of agreement could be developed by the Province. The agreements could be reviewed on a yearly basis.