



LONG POINT REGION CONSERVATION AUTHORITY STAFF REPORT

Date: November 2, 2022 File: 1.2.1.3

To: Chair and Members
LPRCA Board of Directors

From: General Manager/Secretary Treasurer, LPRCA

Re: **Bill 23 and Legislative and Regulatory Proposals
affecting Conservation Authorities**

Recommendation:

THAT the LPRCA Board of Directors receives the Staff Report on Bill 23 and directs staff to submit comments on the Environmental Registry of Ontario (ERO) postings by the due dates for the concerns specific to Long Point Region Conservation Authority.

Strategic Direction:

Strategic Direction #1 – Protect People & Property from Flooding & Natural Hazards
Strategic Direction #2 – Deliver Exceptional Services & Experiences
Strategic Direction #4 – Organizational Excellence

Background:

On October 25, 2022, the Province of Ontario introduced Bill 23, the *More Homes Built Faster Act* and posted several Legislative, Regulatory and Policy proposals on the Environmental Registry of Ontario (ERO) website for public comment. The Schedule 2 of the Bill and several of the postings directly affect Conservation Authorities.

Staff have participated in virtual meetings with the Ministry of Natural Resources and Forestry (MNR) and with Conservation Ontario (CO) over the past week to discuss how the proposals might affect LPRCA. Discussions will continue through the comment periods.

The attached Summary presents a summary of the posted Legislative, Regulatory and Policy proposals that affect Conservation Authorities, along with the ERO number, the due date for comments and the key changes that are proposed. The Summary highlights concerns that staff have identified to date. Staff recommend that the highlighted concerns be included in comments submitted to the Province through the ERO postings.

Prepared by:

Approved and submitted by:

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Summary of posted Legislative, Regulatory and Policy proposals that affect Conservation Authorities

Posting	Timeline	ERO Number	Description/Impact/Comments
<p>Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0</p>	<p>October 25 – November 24, 2022 (30 Days)</p>	<p>019-6141</p>	<ul style="list-style-type: none"> Changes to the CA Act to enable a new Section 28 regulation for CA permitting (see comments under ERO 109-2927 below) Enables the exemption of development authorized under the Planning Act from requiring a CA permit Concern: There is little detail or indication in the CA Act proposal where this enabling provision might be used in future regulation Municipal plan review services restricted to natural hazards (flood, erosion & drought) regardless of CA/municipal agreements Concern: Municipalities need to be able to request and have agreements with CAs for services they want Enables Minister to freeze CA fees at specified CAs (no info on who or why, may or may not include LPRCA) Requiring CA lands inventory, due Dec 31, 2024, to identify lands suitable for (housing) development; streamlines CA severances and land disposition; Minister can specify a portion of proceeds to be used for core mandate (Category 1) programs and services
<p>Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill X - the proposed More Homes Built Faster Act, 2022)</p>	<p>October 25 – November 24, 2022 (30 Days)</p>	<p>019-6163</p>	<ul style="list-style-type: none"> CAs can only be party to planning related OLT appeals on matters related to natural hazards
<p>Proposed Updates to the Ontario Wetland Evaluation System</p>	<p>October 25 – November 24, 2022 (30 Days)</p>	<p>019-6160</p>	<ul style="list-style-type: none"> The concept of wetland complexes is removed Wetland evaluations are proposed to be done by trained OWES evaluators without MNRF consultation or approval. LPRCA staff are reviewing the proposed OWES changes to understand their impact on flooding, drought and agricultural water supply in the LPRCA watershed.
<p>Proposed Changes to Ontario Regulation 299/19: Additional Residential Units</p>	<p>October 25 – December 9, 2022 (45 Days)</p>	<p>019-6197</p>	<ul style="list-style-type: none"> Proposal to allow “Additional residential units” as-of-right, except legal non-conforming uses such as existing houses in hazard lands Concern: As proposed, the regulation would allow additional residential units as-of-right where there are legal conforming uses in flood prone areas including Vienna, Long Point, Turkey Point, Simcoe, Waterford, Port Dover, Selkirk. Municipal Emergency Response should be concerned if density increases in flood prone areas.

Posting	Timeline	ERO Number	Description/Impact/Comments
<p>Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario</p> <p>Section 28 Regulation Proposal</p>	<p>October 25 – December 30, 2022 (66 Days)</p>	<p>019-2927</p>	<ul style="list-style-type: none"> ● Proposal to make one new Section 28 regulation (instead of one per CA) ● Definitions confirmed and new – consistent with definitions LPRCA uses ● For control of flooding, erosion, dynamic beaches, and hazardous soils and bedrock; removes pollution and conservation of land from regulation ● The applicable flood standards for determining flood hazard lands are not proposed to change from the standards outlined in current CA regulations. ● Concern: The LPRCA regulatory flood standard was changed from the Regional Storm (Hurricane Hazel) to the 100-year Flood with Ministerial approval in 1987. We need clarification that the current LPRCA regulatory flood standard will not be changed. If LPRCA’s regulatory flood standard reverts to the Regional Storm in the new regulation, the regulated area in the LPRCA watershed will expand significantly. ● Proposes to regulate within 30 m of a wetland, now 120 m ● Proposes to exempt some low-risk activities; 12 listed. In addition to those that LPRCA already exempts under its current policies and protocols, proposes to exempt some off-line farm ponds. ● Staff will identify 2020-22 permits that would no longer be required and report on potential fee revenue impacts ● Proposes to impose shorter turnaround times for permits
<p>Review of A Place to Grow and Provincial Policy Statement</p>	<p>October 25 – December 30, 2022 (66 Days)</p>	<p>019-6177</p>	<ul style="list-style-type: none"> ● Province is planning to review the Provincial Policy Statement (PPS) including a proposal to streamline and clarify Section 3.1 natural hazards (flooding and erosion) policies ● Concern: There is no information on how the natural hazards policies will be streamlined and clarified
<p>Conserving Ontario’s Natural Heritage</p>	<p>October 25 – December 30, 2022 (66 Days)</p>	<p>019-6161</p>	<ul style="list-style-type: none"> ● Province is considering a policy to enable off-setting to compensate for loss of natural heritage features and functions. ● Reviewing comments from other CAs who are familiar with off-setting policies; use of the off-setting tool will also affect CA permitting around wetlands.