

BOARD OF DIRECTORS MEETING

Friday, January 18, 2019
CVC Administration Office
1255 Old Derry Road, Mississauga, ON

MEMBERS

T. (Tom) Adams
J. (John) Brennan
S. (Stephen) Dasko
J. (Johanna) Downey
A. (Ann) Lawlor
M. (Matt) Mahoney
M. (Martin) Medeiros
M. (Michael) Palleschi
G. (Grant) Peters
K. (Karen) Ras
R. (Ron) Starr

Pages

1. ELECTION OF OFFICERS

The following are excerpts from the CVC Administrative By-Laws:

"7. The election of the Chair/President and one or more Vice-Chairs shall be held annually at the inaugural meeting in accordance with the authority's procedures for the election of officers."

The CVC Administrative By-Laws state further:

"Voting shall be by secret ballot and no Members may vote by proxy...

The Acting Chair shall advise the Members that the election will be conducted in accordance with the Act as follows:

- a. The elections shall be conducted in the following order:
 - i. Election of Chair/President, who shall be a Member of the Authority
 - ii. Election of one or more Vice-Chairs, who shall be Members of the Authority."
- b. The Acting Chair shall ask for nominations to each position;

- c. Only current Members of the authority who are present may vote;
- d. Nominations shall be called three (3) times and will only require a mover;
- e. The closing of nominations shall require both a mover and seconder;"

1.1 **APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER TO CONDUCT THE ELECTION OF THE CHAIR**

Recommended Resolution:

RESOLVED THAT Deborah Martin-Downs, CAO be appointed to conduct the election of the 2019 Chair.

1.2 **APPOINTMENT OF SCRUTINEERS**

Two non-voting attendees of the meeting will be appointed to act as Scrutineers for the Election of Officers.

Recommended Resolution:

RESOLVED THAT the following persons be appointed as Scrutineers for the Election of Officers:

- 1) Jeff Payne
- 2) Gary Murphy, MCIP, RPP

THAT all ballots be destroyed following the election in the event of a vote by ballot.

1.3 **ELECTION OF CHAIR OF THE AUTHORITY**

1.4 **ELECTION OF VICE-CHAIR OF THE AUTHORITY**

2. **APPROVAL OF AGENDA**

Recommended Resolution:

RESOLVED THAT the agenda be approved as distributed.

3. **DECLARATIONS OF CONFLICT OF INTEREST**

4. **MINUTES OF PREVIOUS MEETING**

Recommended Resolution:

RESOLVED THAT the minutes of the 532nd meeting of the Credit Valley Conservation Authority held December 14, 2018 be approved.

5. **PRESENTATIONS AND DELEGATIONS**

5.1 **PRESENTATION: CVC A YEAR IN REVIEW**

A video highlighting CVC's achievements in 2018 will be shown to members.

6. PRESENTATION OF STAFF SERVICE AWARDS

CAO Deborah Martin-Downs and Directors will present 40 staff with long-term service awards.

7. PRESENTATION OF STAFF RECOGNITION AWARDS

CAO Deborah Martin-Downs and Directors will present the 2018 staff recognition awards to recipients.

Spirit Award

- Lindsey Jennings
- Adam Wilford

Leadership Award

- Jessica Malone
- Stephanie Wilson
- Terri LeRoux

Innovation Award

- Neelam Gupta, Tim Kuntz, Alex Pluchik, David Columbus and Michael Thorpe
- Roger Tharakan and Rizwan Khurshid

Collaboration Award

- David Orr, Evan Orme, Dave Brown, Sam Ferguson, Adam Slessor, Charlie Brady, Mark Thompson, Victoria Edwards, Joana Marques, Olivia Bakowski, Brian Kristy, Jamie Williams, Kourtney Partington, Kimberley Holt-Behrend, Rosanna O’Blenis, Eric Baldin, Jesse de Jager, Scott Cafarella, Bill Lidster, Maureen Pogue, Sandy Camplin, Julia Kole, Meghan McIntosh, Sharlene Hardwar, Jeff Milliken, Carter Zelem, Sullivan Neilsen, Alyssa Heimbecker, Lauren Linseman, Stephen Baker, Jessica Kehoe, Jonathan MacMull, Dave Wells and Shannon Seahra

Excellence Award

- Bernadeta Szmudrowska, Julie McManus, Kyle Menken, Kyle Vander Linden, Bill Trenouth, Cassie Schembri
- Baljit Seran, Yasmine Slater, Aaron Day, Joshua Campbell, John Sinnige, Christina Kovacs, Laura Rundle, Loveleen Clayton, Aviva Patel, Suzie Losiak, Marlene Ferreira, Renee Brock

Employee Recognition Committee Award of Distinction

- Devin Crathern

8. **APPOINTMENT OF MEMBERS AND OFFICERS OF CREDIT VALLEY SOURCE PROTECTION AUTHORITY**

Recommended Resolution:

RESOLVED THAT appointed members and officers of Credit Valley Conservation Authority are duly appointed as members and officers of the Credit Valley Source Protection Authority (CVSPA).

9. **APPOINTMENTS TO CONSERVATION ONTARIO**

Recommended Resolution:

RESOLVED THAT the following members be appointed to Conservation Ontario for 2017.

Designate: Chair

Alternate: Vice Chair

Second Alternate: Chief Administrative officer; and further

THAT Conservation Ontario be advised of these appointments.

10. **STATUTORY HOLIDAY SCHEDULE**

Recommended Resolution:

RESOLVED THAT the following list of Statutory Holidays be endorsed by the CVC Board of Directors:

2019 STATUTORY HOLIDAYS

- *New Year's Day - Tuesday, January 1, 2019*
- *Family Day - Monday, February 18, 2019*
- *Good Friday - Friday, April 19, 2019*
- *Easter Monday - Monday, April 22, 2019*
- *Victoria Day - Monday, May 20, 2019*
- *Canada Day - Monday, July 1, 2019*
- *Civic Holiday - Monday, August 5, 2019*
- *Labour Day - Monday, September 2, 2019*
- *Thanksgiving - Monday, October 14, 2017*
- **Christmas Day - Wednesday, December 25, 2019*
- **Boxing Day - Thursday, December 26, 2019*
- **New Year's Day - Wednesday, January 1, 2020*

**based on approval of Administrative Office Holiday Closure.*

11. **ADMINISTRATIVE OFFICE HOLIDAY CLOSURE**

Recommended Resolution:

RESOLVED THAT Credit Valley Conservation administrative offices will close Wednesday, December 25, 2019 to Wednesday, January 1, 2020 inclusive, based on the following holiday schedule:

- Wednesday, December 25 - Statutory Holiday (Christmas Day)
- Thursday, December 26 - Statutory Holiday (Boxing Day)
- Friday, December 27 - Paid Floater Day
- Monday, December 30 - Paid Floater Day
- Tuesday, December 31 - **Vacation or Lieu Day**
- Wednesday, January 1, 2020 - Statutory Holiday (New Year's Day)

12. NEW BUSINESS STAFF REPORTS

12.1 DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES & WATERCOURSES APPLICATIONS

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Attached as Schedule 'A' are Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses applications, pursuant to Ontario Regulation 160/06, as approved by staff and presented for members' information.

Recommended Resolution:

RESOLVED THAT the Development, Interference with Wetlands, and Alterations to Shorelines & Watercourses applications, pursuant to Ontario Regulation 160/06, as approved by staff, be received and appended to the minutes of this meeting as Schedule 'A'; and further

THAT the staff approvals for each application be endorsed.

12.2 BILL 66 COMMENTS TO ENVIRONMENTAL REGISTRY OF ONTARIO

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A report on the above mentioned subject as submitted by Gary Murphy, Director, Planning and Development Services is included in the agenda package as Schedule 'B'.

Recommended Resolution:

WHEREAS the Province of Ontario has posted the proposed amendments to the Planning Act as part of Bill 66, the Restoring Ontario's Competitiveness Act, for public comment on the Environmental Registry of Ontario (ERO); and

WHEREAS if enacted Bill 66 amends various provincial statutes including the Planning Act. Schedule 10 of Bill 66 empowers municipalities to pass open for business planning by-laws aimed at facilitating major new development in order to create employment and in doing so also exempts these bylaws from complying with various provincial environmental protections and land use

controls, including the Greenbelt Act and the Clean Water Act;

THEREFORE BE IT RESOLVED THAT the report entitled “Bill 66 Comments to Environmental Registry of Ontario” be received and appended to the minutes of this meeting as Schedule ‘B’.

THAT the CVC Board of Directors endorses the comments attached as Schedule ‘B’, Appendix 1 to be sent to the Environmental Registry of Ontario by Monday, January 20, 2019.

THAT the CVC Board of Directors expresses its concern for the proposed environmental rollbacks contained in Schedule 10 of Bill 66 and encourages the government to consult with CVC staff to find other ways to achieve their objectives for reducing red-tape without risking the health and safety of Ontarians; and further

THAT this report be forwarded to all municipalities, the Minister of Economic Development, Job Creation and Trade, Minister of Municipal Affairs and Housing, Minister of Natural Resources and Forestry and the Minister of Environment, Conservation and Parks as well as all MPPs in the watershed.

13. **CORRESPONDENCE/INFORMATION ITEMS DISTRIBUTED TO MEMBERS**
14. **NOTICES OF MOTION**
15. **OTHER BUSINESS**
16. **QUESTION PERIOD**
17. **MEETING ADJOURNED**

**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO
SHORELINES & WATERCOURSES APPLICATIONS (STAFF APPROVED, FOR BOARD OF
DIRECTORS' ENDORSEMENT)**

A) APPLICATION # 16/333 REVISED

OWNER:

AGENT: Neil J. McDonald Architect Inc.

PROPERTY LOCATION: 86 Confederation Street
Part Lot 21, Concession 9
Town of Halton Hills

APPLICATION: Development in the floodplain of the Credit River to facilitate the reconstruction of a single family dwelling with a second storey addition and a non-habitable attached garage, non-habitable screened in porch and deck.

WARD: H 2

B) APPLICATION # 18/113 REVISED

OWNER:

AGENT:

PROPERTY LOCATION: 1470 Queen Street West
Part Lot 23, Concession 4 WHS
Town of Caledon (Alton)

APPLICATION: Development in the Regulated Area to facilitate the reconstruction of an existing residence and the construction of a new septic system and shed. Note: no driveway is included as part of this permit.

WARD: C 1

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**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO
SHORELINES & WATERCOURSES APPLICATIONS (STAFF APPROVED, FOR BOARD OF
DIRECTORS' ENDORSEMENT)**

C) APPLICATION # 18/116 REVISED

OWNER:

AGENT:

PROPERTY LOCATION: 7041 25 Side Road
Part Lot 26, Concession 2
Town of Halton Hills

APPLICATION: Development in the Regulated Area to facilitate the construction of a driveway, septic tank replacement, addition to an existing dwelling and a sunroom addition to an existing accessory building.

WARD: H 1

D) APPLICATION #: 18/292

OWNER:

AGENT:

PROPERTY LOCATION: 1067 Fourth Street
Part Lot 8, Concession 2 SDS
City of Mississauga

APPLICATION: Development in the floodplain of Serson Creek to facilitate the construction of a detached garage.

WARD: M 1

**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO
SHORELINES & WATERCOURSES APPLICATIONS (STAFF APPROVED, FOR BOARD OF
DIRECTORS' ENDORSEMENT)**

E) APPLICATION #: 18/350

OWNER:

AGENT: Solda Pools

LOCATION: 62 Cumberland Drive
Part Lot 2, Range 1 CIR
City of Mississauga

APPLICATION: Development in the Regulated Area to facilitate the construction of a proposed inground swimming pool, associated pool equipment, concrete spa, concrete deck, stone retaining wall and steps.

WARD: M 1

F) APPLICATION #: 18/355

OWNER: Town of Halton Hills

AGENT:

LOCATION: 509 Main Street
Part Lots 20 & 21, Concession 10
Town of Halton Hills (Glen Williams)

APPLICATION: Development in the Regulated Area for the purpose of installing new lighting, electrical cabinets and trenching conduit associated with the existing baseball diamond.

WARD: H 2

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**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO
SHORELINES & WATERCOURSES APPLICATIONS (STAFF APPROVED, FOR BOARD OF
DIRECTORS' ENDORSEMENT)**

G) APPLICATION #: 18/373

OWNER:

AGENT:

LOCATION: 15 Isabella Street
Part Lot 27, Concession 6 WHS
Town of Caledon

APPLICATION: Development in the Regulated Area to facilitate the construction of a garage and retaining wall.

WARD: C 2

H) APPLICATION #: 18/376

OWNER: Enbridge Gas Distribution Inc.

AGENT:

LOCATION: Premium Way
Part Lot 5, Range 2 CIR
City of Mississauga

APPLICATION: Development in the floodplain of the Credit River to facilitate the construction of a gas line.

WARD: M 7

**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO
SHORELINES & WATERCOURSES APPLICATIONS (STAFF APPROVED, FOR BOARD OF
DIRECTORS' ENDORSEMENT)**

I) APPLICATION #: 18/379

OWNER: Enbridge Gas Distribution Inc.

AGENT:

LOCATION: 35 Credit Road
Part Lot 31, Concession 3 WHS
Town of Caledon

APPLICATION: Development in the floodplain of the Credit River to facilitate the construction of a gas line.

WARD: C 2

J) APPLICATION #: 18/370

OWNER: CertainTeed Gypsum Canada Inc.

AGENT: Sajecki Planning Inc.

LOCATION: 2424 Lakeshore Road West
Part Lots 33 & 34, Concession 4 SDS
City of Mississauga

APPLICATION: Development in the Regulated Area to facilitate the construction of a rear addition (343.9m²) to the existing building.

WARD: M 2

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**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO
SHORELINES & WATERCOURSES APPLICATIONS (STAFF APPROVED, FOR BOARD OF
DIRECTORS' ENDORSEMENT)**

K) APPLICATION #: 18/381

OWNER:

AGENT:

LOCATION: 29 Stewarttown Road
Part Lot 16, Concession 7
Town of Halton Hills

APPLICATION: Development in the Regulated Area for the purpose of connecting a sanitary service line to the existing dwelling.

WARD: H 2

L) APPLICATION #: 18/264

OWNER: Region of Peel

AGENT: RV Anderson

LOCATION: Alton Village Streetscaping Improvements
Part Lot 23, Concession 3 WHS
Town of Caledon

APPLICATION: Development in a Regulated Area to facilitate construction of municipal works including road reconstruction, stormwater management infrastructure and water main and associated grading.

WARD: C 1

**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO
SHORELINES & WATERCOURSES APPLICATIONS (STAFF APPROVED, FOR BOARD OF
DIRECTORS' ENDORSEMENT)**

M) APPLICATION #: 18/100 REVISED

OWNER:

AGENT:

LOCATION: 21271 Main Street
Part Lot 30, Concession 3 WHS
Town of Caledon

APPLICATION: Development in the Regulated Area for the purpose of constructing a single family dwelling, garage, rear porch, driveway and septic system.

WARD: C 1

N) APPLICATION #: 18/077 REVISED

OWNER: Hydro One Inc.

AGENT: City of Mississauga

LOCATION: 1109 Lakeshore Road East (Hydro Corridor)
Part Lot 7, Concession 2 SDS
City of Mississauga

APPLICATION: Development in the Regulated Area to facilitate the construction of a new pedestrian trail.

WARD: M 1

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**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO
SHORELINES & WATERCOURSES APPLICATIONS (STAFF APPROVED, FOR BOARD OF
DIRECTORS' ENDORSEMENT)**

O) APPLICATION #: 18/311
OWNER: Community Living North Halton
AGENT: Community Living North Halton
LOCATION: 15597 Clayhill Road
Part Lot 27, Concession 10
Town of Halton Hills
APPLICATION: Development in the Regulated Area for the purpose of new parking areas and associated grading.
WARD: H 2

P) APPLICATION #: 18/386
OWNER:
AGENT: Slagter Construction Ltd.
LOCATION: 520 Main Street
Part Lot 21, Concession 10
Town of Halton Hills
APPLICATION: Development in the floodplain and Regulated Area to facilitate the replacement of a septic tank.
WARD: H 2

**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO
SHORELINES & WATERCOURSES APPLICATIONS (STAFF APPROVED, FOR BOARD OF
DIRECTORS' ENDORSEMENT)**

Q) APPLICATION #: 18/367
OWNER: City of Mississauga
AGENT: Valdor Engineering Inc.
LOCATION: 305 Mississauga Valley Blvd (Cooksville d/s of Central Pkwy E)
Part Lot 14, Concession 1 NDS
City of Mississauga
APPLICATION: Development in a Regulated Area and alteration to a
watercourse to facilitate repair works to the channel of
Cooksville Creek.
WARD: M 4

R) APPLICATION #: 18/202
OWNER: City of Mississauga
AGENT: Planmac Engineering Inc.
LOCATION: Willow Lane Culvert
Part Lot 11, Concession 3 WHS
City of Mississauga
APPLICATION: Development in a Regulated Area to facilitate remediation of a
culvert.
WARD: M 11

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**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO
 SHORELINES & WATERCOURSES APPLICATIONS (STAFF APPROVED, FOR BOARD OF
 DIRECTORS' ENDORSEMENT)**

S) APPLICATION #: 19/001

OWNER: Region of Peel

AGENT:

LOCATION: Rhonda Valley and Acala Cres
 Part Lot 14, Concession 1 NDS
 City of Mississauga

APPLICATION: Development in a Regulated Area to facilitate replacement of
 watermains and storm sewers.

WARD: M 4

T) APPLICATION #: 18/303

OWNER:

AGENT: Hickory Dickory Decks

LOCATION: 1081 Kos Boulevard
 Part Lot 26, Concession 2 SDS
 City of Mississauga

APPLICATION: Development in the Regulated Area to facilitate the
 construction of a 22' x 14' and 16' x 14'9" deck.

WARD: M 2

TO: The Chair and Members
of the Board of Directors,
Credit Valley Conservation

SUBJECT: **BILL 66 COMMENTS TO ENVIRONMENTAL REGISTRY
OF ONTARIO**

PURPOSE: **To seek endorsement from the CVC Board of Directors for
comments to be sent in response to an Environmental
Registry of Ontario posting regarding Bill 66.**

BACKGROUND:

On December 6, 2018, the Government of Ontario announced that Bill 66, *Restoring Ontario's Competitiveness Act, 2018* had undergone first reading by the Legislature. The Act will include 30 actions and "along with regulatory changes, eliminate red tape and burdensome regulations so businesses can grow, create and protect good jobs." Bill 66, if it becomes law, will introduce amendments involving a number of ministries to a variety of statutes including and most notable being the *Planning Act*.

The proposed changes to the *Planning Act* and a proposed draft regulation were posted on the Environmental Registry of Ontario on December 6th for a commenting period of 45 days to end on January 20, 2019. Prior to the first reading of the Bill, there was no pre-consultation with Conservation Ontario or any individual conservation authority.

The changes to the *Planning Act* would introduce a new economic development tool intended to remove planning barriers and allow municipalities to act quickly and attract major employment opportunities. The province's stated goal is to facilitate obtaining provincial approvals so that construction will be able to start within one year.

A new Section 34.1 of the *Planning Act* will allow municipalities to create a new type of zoning by-law called an "Open-for-Business planning by-law" (OFB-PBL). Regulations that will be forthcoming will provide more details as to the purpose of the OFB-PBL. As it stands now, an OFB-PBL will be permitted where the primary purpose of the by-law is to facilitate new major employment uses.

Our understanding of the intent of Bill 66, and Schedule 10 in particular, is that an approved OFB-PBL would have the effect of exempting applications under the *Planning Act* from having to be consistent with the Provincial Policy Statement (2014). It would also exempt applications from having to conform to policies in a number of other provincial Acts, such as the *Clean Water Act*, the *Great Lakes Protection Act*, the *Greenbelt Act* and the *Oak Ridges Moraine Conservation Act*, among others. Of note is the assertion by the Premier during the election to "protect the Greenbelt in its entirety,"

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which is now included in the Bill 66 legislation that would allow municipalities to by-pass the *Greenbelt Act*.

On December 14, 2018 a report entitled “Bill 66 and the Implications for Conservation Authorities” was presented to the CVC Board of Directors and Resolution #99/18 passed stating:

THEREFORE BE IT RESOLVED THAT the report entitled *Bill 66 and the implications for Conservation Authorities* be received and appended to the minutes of this meeting as Schedule “G”; and

THAT this report form the basis of CVC’s comments to Conservation Ontario who will be coordinating a response to the Environmental Registry of Ontario posting of Bill 66, and

THAT CVC staff will bring final CVC’s comments to the January 18th Board of Director’s meeting to be endorsed for submission to the Environmental Registry of Ontario.

CVC staff comments to Conservation Ontario were provided at the deadline of January 9th. The comments attached as Schedule ‘B’, Appendix 1 incorporate the comments in the report of December 14, 2018 and the staff comments provided to Conservation Ontario. The deadline for commenting to the Environmental Registry of Ontario (ERO) is Monday, January 20, 2019.

ANALYSIS:

The proposed changes to the *Planning Act* have significant implications for CVC’s role in fulfilling its mandate and its role as a commenting agency under the *Planning Act*, as a regulator delegated to represent the provincial interest on natural hazards under the *Conservation Authorities Act* and to perform the powers and duties of a drinking water source protection authority under the *Clean Water Act, 2006*.

Bill 66 proposes a new OFB-PBL process, which would enable municipalities to:

1. request to remove applications for employment purposes from *Planning Act* requirements,
2. remove the requirement for consistency with the Provincial Policy Statement, and
3. remove the conformity requirements to major pieces of environmental legislation, including the *Clean Water Act*, the *Great Lakes Protection Act*, the *Greenbelt Act* and the *Oak Ridges Moraine Conservation Act*.

The key concerns highlighted in the attached draft comments are as follows:

- Public health risks from overriding significant threat policies of the *Clean Water Act* without the addition of appropriate safeguards;
- Public health and safety risks from overriding natural hazards provisions of the Provincial Policy Statement without the addition of appropriate safeguards; and

- Creating confusion for stakeholders by allowing matters to proceed outside of the LPAT process and long established processes related to public notification and consultation under the *Planning Act*. This could include the potential for costly litigation outside of the LPAT process.

As currently proposed, these changes to the *Planning Act* significantly diminish our ability to achieve our mandate particularly within our jurisdiction where growth pressures are significant, and the need to protect drinking water, sensitive lands, and aquatic and natural heritage resources is great. At present, it is unclear what criteria municipalities would have to meet before seeking approval to adopt this new economic development tool. The proposed authorization for an OFB-PBL uses only the single test of present day job creation (50 or 100 jobs per population of less or greater than 250,000, and the types of jobs are not defined) as the rationale for waiving an assessment that includes other equally important considerations. Without the comprehensive tests afforded by the various pieces of identified legislation and regulations, there could be inadvertent, undesirable and long term impacts on the site itself, as well as to adjacent and downstream properties, in the short term or over time. These impacts may include flooding, groundwater contamination, loss of critical habitat function or linkages, and the loss of productive agricultural lands that provide important environmental functions.

By any objective standard, the well founded and scientifically derived provisions in the *Clean Water Act* and the hazard protection policies and regulations of the province are not red-tape or burdensome regulations. They are vitally important safeguards that must remain in full force to protect drinking water supplies and public safety. As Justice O'Connor noted in the findings from the Walkerton Inquiry, land use planning can play an important role in the protection of surface and groundwater and that a multi-barrier approach is necessary to prevent further such incidents. The Provincial Policy Statement and associated legislation establish just that – a preventative approach coupled with other policy and regulations.

If red-tape reduction and facilitation of employment land approvals is truly the impetus for this piece of legislation, CVC contends that there are better ways to achieve this result including delegating/streamlining the number of environmental agencies charged with providing comments and approvals, updated and consistent guidance from the province, and meaningful consultation to seek input from those engaged in the approvals process.

CAs have demonstrated continuous improvement in our individual approval processes over the last decade and will continue to do so. We have shown a willingness to work with all our partners in the delivery of services that meet their needs. Our engagement in a consultation process with the province over red tape reduction would yield ideas and options to improve service delivery and identify legislative impediments to the timely approval of development lands.

The environment and the economy are linked and one cannot be sacrificed for the benefit of another. Ontario has always sought a balance – ensuring that the health, safety and well-being of its residents are considered along with the economic progress of the province. Schedule 10 of Bill 66 represents an unprecedented and unjustified

rollback of current legal requirements that were enacted to protect water supplies, natural heritage and agricultural production.

RECOMMENDED RESOLUTION:

WHEREAS the Province of Ontario has posted the proposed amendments to the Planning Act as part of Bill 66, the Restoring Ontario's Competitiveness Act, for public comment on the Environmental Registry of Ontario (ERO); and

WHEREAS if enacted Bill 66 amends various provincial statutes including the Planning Act. Schedule 10 of Bill 66 empowers municipalities to pass open for business planning by-laws aimed at facilitating major new development in order to create employment and in doing so also exempts these bylaws from complying with various provincial environmental protections and land use controls, including the Greenbelt Act and the Clean Water Act;


THEREFORE BE IT RESOLVED THAT the report entitled "Bill 66 Comments to Environmental Registry of Ontario" be received and appended to the minutes of this meeting as Schedule 'B'.

THAT the CVC Board of Directors endorses the comments attached as Schedule 'B', Appendix 1 to be sent to the Environmental Registry of Ontario by Monday, January 20, 2019.

THAT the CVC Board of Directors expresses its concern for the proposed environmental rollbacks contained in Schedule 10 of Bill 66 and encourages the government to consult with CVC staff to find other ways to achieve their objectives for reducing red-tape without risking the health and safety of Ontarians; and further

THAT this report be forwarded to all municipalities, the Minister of Economic Development, Job Creation and Trade, Minister of Municipal Affairs and Housing, Minister of Natural Resources and Forestry and the Minister of Environment, Conservation and Parks as well as all MPPs in the watershed.

Submitted by:



Gary Murphy RPP
 Director, Planning and Development Services

Recommended by:



Deborah Martin-Downs
Chief Administrative Officer

Environmental Registry of Ontario
ERO Number – 013-4239

New Regulation under the Planning Act for Open-For-Business Planning Tool

On December 6, 2018 the Minister of Economic Development, Job Creation and Trade introduced Bill 66, *Restoring Ontario's Competitive Act, 2018*. The Bill contains amendments to various Acts, most notably to the *Planning Act* and related provisions in a number of other Acts.

The proposed Bill 66 amendments to the *Planning Act* and concepts for an implementing regulation were posted on the Environmental Registry of Ontario (ERO) on December 6, 2018 for a commenting period of 45 days ending January 20, 2019.

Comments provided below have been endorsed by the Credit Valley Conservation (CVC) Board of Directors on January 18, 2019 to be sent directly to the ERO. The Credit Valley Board is also the Credit Valley Source Protection Authority established under the *Clean Water Act, 2006*.

CVC is one of 36 conservation authorities which are local watershed management agencies, mandated to ensure the conservation, restoration and responsible management of Ontario's water, land and natural habitats through programs that balance human, environmental and economic needs. Like other conservation authorities, CVC derives its authority from the *Conservation Authorities Act* and regulates development and interference with wetlands, shorelines and watercourses pursuant to Section 28 of the Act. CVC also provides planning and technical advice to planning authorities to assist them in fulfilling their responsibilities regarding natural hazards, natural heritage and other relevant policy areas pursuant to the *Planning Act*.

The Credit Valley Conservation Authority, under subsection 4(2) or section 5 the *Clean Water Act, 2006* is required to exercise and perform the powers and duties of a drinking water source protection authority.

It is within this context, CVC provides the following comments.

A new Section 34.1 of the *Planning Act* is proposed, which would give new by-law making powers to lower-tier municipalities. Subject to approval by the Minister of Municipal Affairs and Housing, municipalities would be able to pass an "Open-for-business planning by-law" (OFB-PBL). These new Section 34.1 by-laws would override existing land use policy and controls contained in the *Planning Act* and other legislation including Provincial Policy Statements, Provincial Plans, Drinking Water Source Protection Plans, Official Plans, Zoning by-laws and Site Plan Control. Section 34.1 by-laws would be similar to a site-specific zoning by-law in that they would regulate land use and the erection, location or use of buildings or structures for a specific development site and certain conditions to approval could be imposed. Passage of such a by-law may be subject to satisfaction of criteria that may be prescribed by the Minister of Municipal Affairs and Housing.

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2) As currently drafted, a Section 34.1 by-law could be enacted anywhere in a municipality without regard for any existing land uses, environmental hazards, features, constraints or established land use planning. The only scoping or conditions would be established by the Minister of Municipal Affairs and Housing. However, there is no requirement that the minister provide any scoping or conditions. Neither the minister nor the municipality is required to conduct any consultation to determine what might be appropriate scoping or limitations to a Section 34.1 by-law prior to enactment.

3) Further, Subsection 34.1 (6) of the proposed amendment would exempt a Section 34.1 by-law from every fundamental land use planning requirement that would otherwise be applicable. The following table summarizes the critical land use planning requirements related to CVC's regulatory and policy interests that are proposed for exemption:

Proposed Exemptions under Subsection 34.1 Open for Business By-law	CVC response
Subsection 3 (5) of the <i>Planning Act</i>	This section is fundamental to the land use planning system and requires land use and development decisions to be consistent with the PPS and to conform to provincial land use plans.
Section 24 of the <i>Planning Act</i>	<p>Requires public works (roads and servicing infrastructure) and the enactment of by-laws to be undertaken in conformity with a municipal Official Plan (OP). This section gives legal effect to Official Plans and requires that decisions made conform to OPs.</p> <p>By excluding Section 24, development could occur which does not conform to an Official Plan and in particular does not comply with the OPs environmental policies.</p>
Section 34 (10.0.0.1) to (34) of the <i>Planning Act</i>	<p>This section provides a process that includes pre-consultation, public meetings, notification, appeal rights, etc. to the passing of zoning by-laws.</p> <p>Responsible for the provincial interest in relation to protecting people and property from natural hazards (flooding and erosion), CAs rely on these provisions to provide the policy and technical input into the passage of zoning by-laws with rights of appeal.</p>
Section 36 of the <i>Planning Act</i>	Provides for holding provisions in zoning

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	<p>by-laws. Holding by-laws are used frequently to ensure that technical matters related to CAs roles are addressed prior to the removal of the “H” (obtaining a permit from CVC prior to the “H” being removed on lands zoned floodplain).</p>
<p>Section 39 of the <i>Clean Water Act, 2006</i></p>	<p>Gives legal effect to Drinking Water Source Protection plans by requiring planning and development decisions conform to significant drinking water threat policies and requiring that planning and development decisions have regard to any Drinking Water Source Protection Plan.</p> <p>CVC is a drinking water Source Protection Authority and with TRCA and CLOCA make up the CTC. The CTC Source Protection Plan has Significant Drinking Water Threat policies that apply to land use decisions. The exclusion of Section 39 means that an OFB By-law could approve development that may threaten surface water and groundwater sources used as municipal drinking water systems.</p>
<p>Section 20 of the <i>Great Lakes Protection Act, 2008</i></p>	<p>Ensures that planning and development decisions conform with Great Lakes protection initiatives. Not requiring a shoreline project to conform to any protection initiatives would mean less environmental protection for the Great Lakes.</p>
<p>Section 7 of the <i>Greenbelt Act, 2005</i></p>	<p>Requires planning and development decisions made under the <i>Planning Act</i> to conform to the Greenbelt Plan. Excluding Section 7 would allow large scale development in the Protected Countryside which also identifies lands within a Greenbelt Natural Heritage System.</p> <p>Environmental protection could be compromised if development were permitted by an OFB By-law in the Protected Countryside and/or the Greenbelt Natural Heritage System. Major Employment uses are directed to Settlement Areas where there is a fixed urban boundary yet there is no distinction between Protected Countryside and</p>

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	Settlement boundaries in the Bill.
Section 7 of the <i>Oak Ridges Moraine Conservation Act, 2001</i>	Section 7 requires planning and development decisions to conform to the Oak Ridges Moraine Conservation Plan which provides policies which protect the ecological and hydrological integrity of the moraine. As with the Greenbelt Plan development is directed to settlement areas in order to protect agricultural lands, hydrologic features and natural heritage systems.
Subsection 14 (1) of the <i>Places to Grow Act, 2005</i>	Section 14 requires a decision under the <i>Planning Act</i> to conform with the Growth Plan for the Greater Golden Horseshoe. As with other provincial plans, the Growth Plan provides for environmental protection and directs development to rural and urban settlement areas.

4) It is understood that the minister could establish conditions to the approval of a Section 34.1 by-law that might re-establish some of the policy direction contained in the fundamental planning requirements set out in the table above. However, that would be undertaken at the complete discretion of the minister in the absence of any legislated obligation on the minister to consult the public or agencies with technical and site-specific knowledge such as conservation authorities.

5) Section 34.1, as currently drafted, automatically exempts critical public health and safety provisions related to drinking water source protection, land use policies that direct new development away from flooding and erosion natural hazards, including areas that would be unsafe for people in the event of a natural disaster and basic environmental protections for natural heritage including wetlands, woodlands, valleylands and watercourses. The section is very broad, provides the minister with unchecked discretion, and should be re-drafted to require the minister to apply all relevant health and safety and environmental protection policies, as a condition to any approval of a Section 34.1 by-law.

6) Some suggestions to be incorporated in the Bill and/or the associated regulation are:

- The consideration of use of an OFB-PBL should be geographically limited to existing designated employment lands with access to full municipal sewer and water services and proximity to 400 series highways and/or other major transportation corridors.
- The province should require consistency with the PPS, *Clean Water Act*, and area specific plans in the proposed regulation to ensure the CA mandate for protection from natural hazards is implemented through an OFB-PBL application, a process that has been developed over decades of consultation and application of legislation to minimize risk to people, life and property in Ontario.

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- If the recommendation above is not pursued in full, CVC recommends including in the regulation of “prescribed criteria” for an OFB-PBL application, the following minimum requirements to demonstrate that public health and safety issues will be addressed:
 - Remove the *Clean Water Act* from Schedule 10;
 - Appropriate considerations are incorporated to development and redevelopment decisions, to ensure new natural hazards from flooding and erosion are not created and existing hazards not aggravated, including review and sign off by the local CA prior to Ministerial endorsement;
 - Include requirements that no development or site alterations take place within a 30 metre setback from key natural heritage features and key hydrologic features; and
 - That sites be pre-screened by a municipality, with approval from the local CA, to ensure the development feasibility of the proposal in relation to the physical characteristics of the site, so that public health, safety and natural hazard technical issues can be addressed appropriately on the site to meet provincial standards and that permits can ultimately be issued.
- Allow for field verification of limits of the Greenbelt applying some criteria to ensure its continued integrity while allowing for boundary modifications that are rational from a land-use planning and environmental perspective.

7) The province should engage stakeholders, including CA's, in a consultation process over red tape reduction that would yield ideas and options to improve service delivery and identify legislative impediments to the timely approval of development lands.

In conclusion, CVC does not support Bill 66 as currently drafted and it would appear from an environmental perspective, this Bill to eliminate red tape and burdensome regulations, may not speed up the process and could lead to further environmental degradation that will have long term implications for the province. CVC maintains that there are other mechanisms that can be helpful to the streamlining of approvals that will be easier to implement and may have a greater chance of broad implementation among municipalities.