



Board of Directors Meeting Agenda

Thursday, June 1, 2023

This page intentionally left blank.

Board of Directors Meeting

Thursday, June 1, 2023 at 6:00 p.m.

This meeting will be held in person for the Board of Directors and designated, limited staff only.

The public may view the meeting live on HCA's You Tube Channel:
<https://www.youtube.com/user/HamiltonConservation>

1. **Call to Order** – Santina Moccio
2. **Declarations of Conflict of Interest**
3. **Approval of Agenda**
4. **Delegations**
5. **Consent Items for Applications, Minutes and Correspondence**
 - 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses Page 1
 - 5.2. Approval of Board of Directors Minutes – May 4, 2023 Page 5
6. **Foundation Briefing** Foundation Chair – Jennifer Stebbing
7. **Member Briefing**
8. **Business Arising from the Minutes**
 - 8.1. HCA Land Acknowledgement – Lisa Burnside Page 15
9. **Reports from Budget & Administration Committee and Conservation Advisory Board**
10. **Other Staff Reports/Memorandums**

Reports to be approved

 - 10.1. Pausing HCA Mandatory COVID-19 Vaccination Verification and Testing Policy – Lisa Burnside Page 17

10.2. 2022 Reserve Funds Balances & Budget Surplus Reserves Allocation	– Scott Fleming	Page 19
10.3. ERO Posting Provincial Planning Statement Review	– Scott Peck	Page 21
10.4. Appointment of Enforcement Officer – Jeffrey Tweedle	– Mike Stone	Page 39

Memorandums to be received

10.5. Watershed Conditions Report	– Jonathan Bastien	Page 41
10.6. Conservation Areas Experiences	– Bruce Harschnitz	Page 45

11. New Business

12. In-Camera Items

13. Next Meeting – Thursday, July 6, 2023 at 6:00 p.m.

14. Adjournment

Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer

**RECOMMENDED
& PREPARED BY:** T. Scott Peck, MCIP, RPP, Deputy Chief Administrative
Officer/Director, Watershed Planning and Engineering

Mike Stone, MCIP, RPP, Manager, Watershed Planning,
Stewardship & Ecological Services

DATE: June 1, 2023

RE: Summary Enforcement Report
Development, Interference with Wetlands and Alterations to
Shorelines and Watercourses Regulation 161/06

HCA Regulation applications approved by staff between the dates of April 27, 2023 and May 19, 2023 are summarized in the following Summary Enforcement Report (SER-6/23).

RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-6/23 as information.

This page intentionally left blank.

HAMILTON REGION CONSERVATION AUTHORITY

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

May 19, 2023

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, June 01, 2023

The proposed works are subject to Ontario Regulation 161/06, and in particular Section 2, Subsection (1).

SUMMARY ENFORCEMENT REPORT SER 6/23

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
SC/F,C,A/23/27	17-Apr-23	27-Apr-23	10		9 Wendakee Dr Lot 4, Concession BF Stoney Creek	Construction of an in-ground pool and associated landscaping in a regulated area of Lake Ontario.	Approved subject to standard conditions.
F/F,C,A/22/61	23-Aug-22	08-May-23	135		355 Rock Chapel Rd Lot 20, Concession 2 Flamborough	Construction of Phases 2 and 3 of the development, which include a 1,800 square metres grow room addition on the south side of the existing building, four building additions totaling 3,345 square metres for storage space at the north end of the development, and an Aquatic Wetland System (AWS) for the treatment and re-use of building operations wastewater, in a regulated area of Borer's Creek.	Approved subject to standard conditions.
A/F,C,A/23/34	24-Apr-23	10-May-23	67		998 Mineral Springs Rd Lot 38, Concession 1 Ancaster	Rehabilitation of Bridge 111 in a regulated area of Sulphur Creek.	Approved subject to standard conditions.

HAMILTON REGION CONSERVATION AUTHORITY

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

May 19, 2023

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, June 01, 2023

The proposed works are subject to Ontario Regulation 161/06, and in particular Section 2, Subsection (1).

SUMMARY ENFORCEMENT REPORT SER 6/23

SC/C/23/36	03-May-23	12-May-23	13		37 Windemere Rd Lot 2, Concession BF Stoney Creek	Construction of an attached garage, in a regulated area of Lake Ontario.	Approved subject to standard conditions.
F/F,C,A/23/28	17-Apr-23	16-May-23	34		100 5th Conc Rd E Lot 11, Concession 4 Flamborough	Integrity dig to inspect the condition of the existing pipeline in a regulated area of Borer's Creek.	Approved subject to standard conditions.

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

May 4, 2023

Minutes of the Board of Directors meeting held on Thursday, May 4, 2023 at 6:00 p.m., at the HCA main office, 838 Mineral Springs Road, in Ancaster, and livestreamed on YouTube.

PRESENT:

Santina Moccio – in the Chair	
Dan Bowman	Craig Cassar
Jim Cimba	Susan Fielding
Cynthia Janzen	Maria Topalovic
Alex Wilson	Maureen Wilson

Jennifer Stebbing – Foundation Chair

REGRETS: **Brad Clark, Matt Francis**

STAFF PRESENT: **Jonathan Bastien, Lisa Burnside, Grace Correia, Gord Costie, Scott Fleming, Matt Hall, Scott Peck, Jaime Tellier, and Nancy Watts**

OTHERS: **Melanie Duggard – Grant Thornton**
Marianne Love – ML Consulting

Note: For clarity, the minutes are recorded in the order they originally appeared on the agenda.

1. Call to Order

The Chair called the meeting to order and welcomed everyone present. The Chair recognized and reflected on the passing of former Board member, Jim Howlett. Jim dedicated seventeen years to HCA, serving on the Board of Directors, including as Chair and Vice-Chair. He also served on various advisory boards and committees. Condolences were expressed to his family and friends.

2. Declarations of Conflict of Interest

The Chair asked members to declare any conflicts under the Board's Governance Policy. There were none.

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda.

BD12, 3184

MOVED BY: Susan Fielding

SECONDED BY: Maria Topalovic

THAT the agenda be approved.

CARRIED

4. Delegations

There were none.

5. Consent Items for Applications, Minutes and Correspondence

The following consent items were adopted:

- 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 5.2. Approval of Board of Directors Minutes – April 6, 2023
- 5.3. Approved February 9, 2023 Conservation Advisory Board Minutes
– for receipt only
- 5.4. Approved March 16, 2023 Budget & Administration Committee Minutes
– for receipt only

6. Foundation Briefing

Jennifer Stebbing reported on the following:

The Foundation received a total of \$21,894 in new donations from April 1st to April 30th 2023. They break down as follows:

- \$11,234 to the Area of Greatest Need Fund
- \$6,050 to the Environmental Education Fund
- \$2,500 to the Memorial Bench Fund

The remaining \$2,110 was directed to various projects, including Dundas Valley Trails Fund, Tribute Tree Fund, Dundas Valley CA Fund and the Land Securement Fund.

This brings the fiscal year-to-date fundraising total to \$129,262.

The Foundation's Annual General Meeting of members will take place next week. Staff have begun work on the Annual Report which will be circulated in July.

BD12, 3185

**MOVED BY: Susan Fielding
SECONDED BY: Alex Wilson**

THAT the Foundation Briefing be received.

CARRIED

7. Member Briefing

7.1. 2022 Auditors Report

Melanie Duggard presented a summary of the 2022 auditor's report and answered the members' questions. No matters of concern were identified. The audit resulted in a clean and unqualified opinion.

BD12, 3186

**MOVED BY: Dan Bowman
SECONDED BY: Cynthia Janzen**

THAT the 2022 Auditor's Report be received.

CARRIED

7.2. Audited Financial Statements

Scott Fleming provided an overview of the 2022 audited 12-month financial statements for HCA and Confederation Beach Park and answered the members' questions.

BD12, 3187

**MOVED BY: Susan Fielding
SECONDED BY: Jim Cimba**

THAT the 2022 Audited Financial Statements for Hamilton Conservation Authority and Confederation Beach Park be approved.

CARRIED

8. Business Arising from the Minutes

There was none.

9. Reports from Budget & Administration Committee and Conservation Advisory Board

9.1. Conservation Advisory Board – April 13, 2023
(Recommendations)

9.1.1. CA 2311 Watershed-based Resource & Conservation
Area Management Strategies Development

Dan Bowman brought forward the report from the Conservation Advisory Board.

BD12, 3188 MOVED BY: Dan Bowman
SECONDED BY: Cynthia Janzen

THAT the Conservation Advisory Board recommends to the Board of Directors:

THAT the Board of Directors endorse the approach for the completion of the strategies and plans required in Ontario Regulation 686/21 as detailed in the report titled “Ontario Regulation 686/21 – Required Strategies and Plans”, dated April 13, 2023.

CARRIED

9.1.2. CA 2312 Project Technical Advisory Committee – Responsibilities &
Member Approval for Insurance Requirements

Dan Bowman brought forward the report from the Conservation Advisory Board.

BD12, 3189 MOVED BY: Dan Bowman
SECONDED BY: Maria Topalovic

THAT the Conservation Advisory Board recommends to the Board of Directors:

THAT to meet annual insurance coverage requirements, the responsibilities of the Project Technical Advisory Committee for the Hamilton and Halton Watershed Stewardship Programs be approved as identified in this report; and further

THAT the members on the Project Technical Advisory Committee be appointed for a three-year term, from April 1st, 2023 to March 31, 2026.

CARRIED

9.2. Budget & Administration Committee – April 20, 2023
(Recommendations)

9.2.1. BA 2308 Information Technology (IT) Modernization Strategy

Scott Fleming provided an overview of the report brought forward from the Budget & Administration Committee.

BD12, 3190 MOVED BY: Alex Wilson
SECONDED BY: Maria Topalovic

THAT the Budget & Administration Committee recommends to the Board of Directors:

THAT the IT Modernization Strategy in Appendix A of this report dated April 20, 2023 be approved and further;

THAT funds from the 2022 budget surplus be allocated to IT infrastructure improvements in the amount \$212,000.00 to fund and expediate additional 2023 IT enhancements that have been identified.

CARRIED

9.2.2. BA 2309 Section 28 Hearings Schedule

Lisa Burnside provided an overview of the report brought forward from the Budget & Administration Committee.

BD12, 3191

MOVED BY: Jim Cimba

SECONDED BY: Cynthia Janzen

THAT the Budget & Administration Committee recommends to the Board of Directors:

THAT Section 28 hearings be scheduled on a day separate from regular board meetings and further;

THAT Section 28 hearing dates for the remainder of 2023 be designated on alternate months from the Conservation Advisory Board, those dates being Thursday May 11, Thursday July 13, Thursday September 14, and Thursday November 9, 2023, beginning at 6pm.

CARRIED

10. Other Staff Reports/Memoranda

10.1. Tar & Chip Road Resurfacing Project – Tender Results

Matt Hall presented a summary of the report and answered the members' questions.

A correction to the recommendation in the staff report was noted, the total cost was corrected from \$202,179.95 to \$202,468.88.

BD12, 3192

MOVED BY: Dan Bowman

SECONDED BY: Craig Cassar

THAT the construction tender for the 2023 Tar & Chip Road Resurfacing project, be awarded to Cornell Construction Ltd. for a total cost of \$202,468.88 which includes a contingency sum and HST.

CARRIED

10.2. Watershed Conditions Report

Jonathan Bastien presented a summary of the memorandum and answered the members' questions.

BD12, 3193**MOVED BY: Alex Wilson
SECONDED BY: Maureen Wilson****THAT the memorandum entitled Watershed Conditions Report be received.****CARRIED****10.3. Conservation Areas Experiences Update**

Gord Costie provided a summary of the memorandum and answered the members' questions.

BD12, 3194**MOVED BY: Dan Bowman
SECONDED BY: Cynthia Janzen****THAT the memorandum entitled Conservation Areas Experiences Update be received.****CARRIED****11. New Business**

There was none.

12. In-Camera Items**BD12, 3195****MOVED BY: Susan Fielding
SECONDED BY: Maria Topalovic****THAT the Board of Directors moves *in camera* for matters of law, personnel and property.****CARRIED**

During the *in camera* session, one personnel, one negotiation containing confidential financial information, and one personnel and operations matter were discussed.

**12.1. Confidential Report – BA/Apr 01-2023
(Personnel Matter)**

Lisa Burnside provided a summary of the report regarding a personnel matter and answered the members' questions.

BD12, 3196

**MOVED BY: Dan Bowman
SECONDED BY: Jim Cimba**

THAT the confidential report entitled BA/Apr 01-2023 be approved and remain in camera.

CARRIED

12.2. Confidential Report – BA/Apr 02-2023

(Negotiation containing confidential financial information)

Scott Fleming and Gord Costie provided a summary of the report regarding a negotiation matter containing confidential financial information and answered the members' questions.

BD12, 3197

**MOVED BY: Alex Wilson
SECONDED BY: Susan Fielding**

THAT the confidential report entitled BA/Apr 02-2023 be approved and remain in camera.

CARRIED

12.3. Confidential Presentation and Recommendations – BD/May 01-2023

Lisa Burnside and Gord Costie provided a presentation regarding a personnel and operations matter and answered the members' questions.

BD12, 3198

**MOVED BY: Maureen Wilson
SECONDED BY: Jim Cimba**

THAT the confidential presentation entitled BD/May 01-2023 be approved and remain in camera.

CARRIED

BD12, 3199

**MOVED BY: Dan Bowman
SECONDED BY: Maria Topalovic**

THAT the Board of Directors moves out of closed session.

CARRIED

13. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, June 1, 2023 at 6:00 p.m. at the HCA Main Administration Office – Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

14. Adjournment

On motion, the meeting adjourned.

Scott Fleming
Secretary-Treasurer

This page intentionally left blank.

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

MEETING DATE: June 1, 2023

RE: Indigenous Land Acknowledgement Endorsement

STAFF RECOMMENDATION

THAT the Board of Directors endorse the following Land Acknowledgement for HCA:

The HCA joins in stewardship of lands and waters with Indigenous Peoples who have cared for them since time before memory. We acknowledge that the land on which we gather, and the HCA watershed, is part of the Treaty Lands and Territory of the Mississaugas of the Credit First Nation and traditional territory of the Haudenosaunee.

As an organization, we are committed to learning about the shared history and experiences of Indigenous Peoples in Canada and creating relationships based on respect, trust and friendship. In our shared gratitude for every aspect of the natural world, may we create a lasting legacy now and for future generations.

STAFF COMMENT

The development of Land Acknowledgement for HCA has been a six-month process beginning with the Land Acknowledgement Working Group engaging with Cambium Indigenous Professional Services for guidance, training and collaboration to develop a Land Acknowledgement particular to the HCA.

As previously noted to the Board, the Land Acknowledgment Working Group incorporated four key purposes and priorities that were identified as part of our process with Cambium Indigenous Professional Services:

- Recognizing and honouring the original occupants that were here before European contact
- Indicating our commitment to supporting meaningful relationships with Indigenous members
- Acknowledging the duty to learn about the historical and ongoing impacts of colonialism on Indigenous people
- Recognizing and respecting Indigenous Peoples beliefs about the land, and leaving it in better shape for future generations

Discussion with the Haudenosaunee was undertaken as part of the process. Outreach and engagement with the Mississaugas of the Credit First Nation was also undertaken to gain further perspectives and input. Collectively, the Land Acknowledgment being brought forward for endorsement incorporates shared knowledge to support and represent best thinking, intent and action with a focus on creating and maintaining long-term relationships and also recognizing treaty and traditional territory holders. It reflects input from both the Haudenosaunee and the Mississaugas of the Credit First Nation.

The LA Working Group for HCA is now bringing forward the Land Acknowledgement as noted in the recommendation, for endorsement.

Once endorsed, Board meetings will begin with the reading of the Land Acknowledgment and will be launched internally to staff and noted on the HCA website.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Organizational Excellence**
 - Initiatives – Identify opportunities to engage the community, adjacent landowners and Indigenous Peoples

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

MEETING DATE: June 1, 2023

RE: Pausing HCA Mandatory COVID-19 Vaccination Verification and Testing Policy

STAFF RECOMMENDATION

THAT the HCA pause the Mandatory COVID-19 Vaccination Verification and Testing Policy; including

- (a) new staff (full time, contract, casual, volunteers, students) as a condition of employment with Hamilton Conservation Authority; and further;**
- (b) That the Director of Human Resources & Wellness amend the Policy accordingly, effective June 1, 2023**

STAFF COMMENT

HCA implemented its Mandatory COVID-19 Vaccination Verification and Testing Policy in September 2021.

The Policy was amended in February 2022 that any current unvaccinated staff would have until April 18, 2022 to provide proof of full vaccination or an approved human rights or medical exemption, at which time any failure to do so would result in their termination of employment with HCA.

Our policy noted that it would be reviewed and updated as required over time. Given that the Ministry of Health information and guidelines have evolved throughout the pandemic, and taking into consideration that other municipalities and conservation authorities have paused vaccination mandates, staff believed that it was an appropriate time to review the HCA policy. In light of the above, staff are recommending that HCA pause its policy.

This page intentionally left blank.

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

**RECOMMENDED
And PREPARED BY:** Scott Fleming, Director of Finance and Central Support
Services

MEETING DATE: June 1, 2023

RE: 2022 Reserve Funds Balances & Budget Surplus Reserves
Allocation

STAFF RECOMMENDATION

THAT the Board of Directors approve the creation of two new reserve funds, one for the Fifty Point Wetland project as well as another for Climate Change Initiatives; and further

THAT the allocation of the 2022 operating surplus \$1.68M be directed as follows:

- \$900,000 to the Fifty Point Wetland reserve,
- \$493,000 to the East Mountain (Saltfleet) reserve,
- \$212,000 to the Records Management & IT reserve (previously approved),
- \$75,000 to the Climate Change Initiative reserve.

	2022 Opening	2022 Transactions	2022 Operating Surplus	2022 Closing
a. Construction Capital and Major Maintenance projects	\$ 2,661	\$ (960)	\$ -	\$ 1,701
b. Watershed Engineering projects	1,156	(558)	-	598
c. Fifty Point wetland	-	-	900	900
d. East Mountain wetland construction/land acquisition funds	5,790	(4,147)	493	2,136
e. General land acquisition funds	2,000	(500)	-	1,500
f. Major equipment replacement funds	500	(160)	-	340
g. Westfield FOW & endowment fund	242	5	-	247
h. Seasonal operating shortfall	3,200	-	-	3,200
i. Protection Human resources fund	500	-	-	500
j. Legal issues	300	-	-	300
k. Unscheduled capital	1,000	(300)	-	700
l. Climate Change Initiatives	-	-	75	75
m. Records management & IT	270	-	212	482
	<u>\$ 17,619</u>	<u>\$ (6,620)</u>	<u>\$ 1,680</u>	<u>\$ 12,679</u>

Descriptions:

- a. Inroads made into the carryforward list
- b. Completed Christie Lake Dam Safety Measures, work on Lake Ontario Shoreline Management Plan and Red Hill Floodplain Mapping
- c. New reserve created for Fifty Point Wetland
- d. Milestone with the construction of the first wetland and purchase of property
- e. Payment processed for the purchase of land in Puslinch
- f. Maintaining reserve to replace major construction equipment when needed
- g. Regular projects rolled into (a) above allowing isolation of endowment fund and Friends of Westfield
- h. No change to operating reserve
- i. Maintain for HR issues. Will be used for job evaluation project to be implemented July 1, 2023
- j. Maintain for unexpected legal challenges
- k. Reserve for capital items unanticipated, completed Fifty Point Boat Launch Ramp
- l. New reserve set aside to support climate change initiatives throughout organization
- m. Maintain for software purchases / storage requirements / IT infrastructure

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer CAO

RECOMMENDED & PREPARED BY: Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer/Director, Watershed Management Services
Mike Stone, MCIP, RPP, Manager, Planning, Stewardship and Ecological Services

MEETING DATE: June 1, 2023

RE: ERO #019-6813 Posting – Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument

STAFF RECOMMENDATION

THAT the comments as detailed in Appendix “C” of the report titled “ERO #019-6813 Posting – Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument regarding ERO# 019-6813” dated June 1, 2023 be approved; and further,

THAT HCA staff be directed to submit the approved comments to the Provincial Land Use Plans Branch as detailed in the posting 019#6813.

BACKGROUND

The Province has released two posting on the Environmental Registry of Ontario. The first posting (ERO #019-6821- Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4 and 6 of Bill 97 – the proposed Helping Homebuyers, Protecting Tenants Act, 2023)) proposes the following:

- to delay the requirements for a municipality to refund zoning by-law and site plan application fees so it only applies to applications submitted after July 1, 2023;

- to create a regulation where site plan control could be used for residential development of 10 units or less;
- to allow individuals to appeal an interim control by-law and to extend the period for appeals;
- to provide the Minister of Municipal Affairs and Housing with the authority to exempt certain subsequent approvals required to establish uses permitted by Minister's zoning orders from having to align with provincial plans or policies.

Comments on this ERO posting were due May 6, 2023. HCA staff did not provide comments on this posting. However, Conservation Ontario did comment on the posting in a letter dated May 5, 2023 (see Appendix "A"). HCA staff support the comments provided by Conservation Ontario. This information regarding ERO 019-6813 is provided as background and context for the continuing significant changes the provincial government is making to the planning framework in Ontario in support of its housing objectives.

The second posting relates to the Provincial Policy Statement (PPS) and the A Place to Grow policies (ERO 019-6813). The PPS (2020) and A Place to Grow (2019) both provide comprehensive, integrated, whole-of-government policy direction on land use planning matters and aim to support the achievement of liveable communities, a thriving economy, a clean and healthy environment and social equity, improving the quality of life for all Ontarians. The PPS is issued under the *Planning Act* and is the primary provincial land use planning policy document, applying across Ontario. A Place to Grow is a growth plan issued under the *Places to Grow Act, 2005* and provides a more detailed framework for where and how growth should be accommodated in the Greater Golden Horseshoe.

The province initially undertook a review of these policy documents in the Fall of 2022 through ERO # 019-6177 with consultation taking place for that proposal between October 25, 2022 to December 30, 2022. The HCA provided comments on this posting in a letter dated December 15, 2022 (see Appendix "B").

Flowing from the 2022 review and as noted above, the Province has posted a new integrated provincial policy instrument for public comment (ERO #019-6813). The proposed Provincial Planning Statement combines policies from the PPS and A Place to Grow to support the province's continued achievement of housing objectives. The consultation period for this is April 6, 2023 to June 5, 2023.

STAFF COMMENT

HCA staff have undertaken a review of the proposed Provincial Planning Statement as well as information provided by Conservation Ontario and other conservation

authorities. Attached as Appendix “C” are HCA staff comments on the province’s consultation questions. Our comments reflect the following themes:

- Existing PPS natural hazard policy directions are maintained;
- Additional references to mitigating impacts of a changing climate (climate change) and coordinating with conservation authorities (as appropriate and where they exist);
- Maintain existing policies from A Place to Grow related to ‘requiring’ subwatershed studies and undertaking watershed planning to inform infrastructure, stormwater, water resource system and comprehensive planning for ‘large and fast-growing municipalities’;
- Accelerate the development and release of technical guides and guidelines to support provincial policy implementation and to improve consistency, predictability and efficiencies for planning and development approvals – in particular, for natural heritage, water resource and natural hazard related policies; and
- Additional comments will be provided when the province releases proposed Natural Heritage related policies for consultation.

Overall, the proposed changes represent a significant shift in how planning, and planning for growth in particular, will be carried out. The new policy framework will require a less rigorous approach for considering growth. While the Natural Heritage policies to be included in the new PPS remain under review and are not yet available, in general, there is a weakening of the provisions/requirements related to natural hazards and the environment, as references to these considerations have either been removed in other policy sections or wording regarding how such policies are to be considered has been changed from direction (‘shall’) to discretionary (‘should’, ‘encouraged’).

STRATEGIC PLAN LINKAGE

HCA’s Strategic Plan 2019 – 2023 outlines its major strategic priority areas and related initiatives for advancing HCA’s Vision to provide a healthy watershed for everyone. HCA implements a wide variety of programs to fulfill this mandate, including programs and services for natural hazards and natural heritage. The Water Management priorities of the HCA will be maintained with the proposed changes to the PPS. As the Natural Heritage section of the PPS has not been released, the impacts to the Natural Heritage Conservation strategic priorities are not known.

AGENCY COMMENTS

N/A

LEGAL/FINANCIAL IMPLICATIONS

N/A

CONCLUSIONS

The proposed Provincial Planning Statement is a single, integrated provincial planning policy instrument combining the PPS (2020) and A Place to Grow. It is open for consultation until June 5, 2023 and the comments as outlined in Appendix 'C' will be forwarded to the Province subject to Board of Directors approval. It is noted that the province has not yet released proposed policies related to Natural Heritage. When these policies are posted, staff will review and advise the Board at that time.

Appendix 'A'



May 5, 2023

Ministry of Municipal Affairs and Housing (MMAH)

Submitted via email: PlanningConsultation@ontario.ca

Re: Conservation Ontario's Comments on "Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 – the proposed Helping Homebuyers, Protecting Tenants Act, 2023)" (ERO #019-6821)

Thank you for the opportunity to provide comments on "Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 – the proposed Helping Homebuyers, Protecting Tenants Act, 2023)". Conservation Ontario is the network for Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the comments submitted by individual CAs.

As part of the "Helping Homebuyers, Protecting Tenants: Ontario's Housing Supply Action Plan April 2023" the Province has introduced Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*. If passed, Schedule 6 of the Bill proposes various amendments to the *Planning Act* to provide measures to increase housing supply to reach the goal of building 1.5 million homes by

2031. Schedule 6 includes six substantive proposed changes including fee refund provisions; consequential changes to support implementation of the *More Homes Built Faster Act*; Regulation-Making Authority for Site Plan Control for 10 Units or Less; Appeals of Interim Control By-Laws; New Authority for Minister's Zoning Orders; and Ministerial Authority to Require Development Agreements. Conservation Ontario provides the following comments on select aspects of the proposal.

1. Fee Refund Provisions

Conservation Ontario supports the proposal to delay requirements for Municipalities to refund zoning by-law and site plan application fees so that it only applies to applications submitted on or after July 1, 2023. This will allow additional time for CAs and Municipalities to continue dialogue and refinement of roles and responsibilities through the Memorandum of Understanding (MOU) process further to the changes brought about through Bill 229, Bill 109, and Bill 23.

2. Regulation-Making Authority for Site Plan Control for 10 Units or Less

Conservation Ontario also supports the proposal to create regulation-making authority to prescribe specific circumstances where site plan control could be used for residential developments of 10 units or less. Of particular interest is the complementary proposal (ERO#019-6822) to prescribe any part of a parcel of land that is located within 120 metres of a shoreline for site plan control. Site plan control provides planning authorities with greater ability to regulate detailed site design such as setbacks and the location of buildings and to receive expert feedback from CAs through the planning process. This change will help to strengthen Ontario's approach to keeping people and property safe from the impacts of flooding and other natural hazards, and protection of drinking water sources.

3. New Authority for Minister's Zoning Orders

Schedule 6 also contains proposed amendments that would provide the Minister of Municipal Affairs and Housing (MMAH) with the authority to exempt certain subsequent approvals required to establish uses permitted by Minister's zoning orders (MZO) from having to align with policy statements, provincial plans or Official Plans. Conservation Ontario has concerns with this proposal, particularly as it relates to the protection of sources of drinking water and the risk of natural hazards. As proposed, the proposal may have unintended consequences of undermining the protection of sources of drinking water and creating conflict with the *Clean Water Act*.

By exempting certain approvals required to establish uses permitted by MZO from provincial policy and other requirements, the Province would not benefit from CAs' experience in managing the risks associated with natural hazards. A failure to adequately apply these policies

may have the unintended consequence of increasing risk and liability for the Province and Municipalities.

For over 75 years, CAs developed significant expertise in hazard management; something the Province relies on to make sound planning decisions. Conservation Authorities fulfill a critical role in providing expert guidance to Municipalities and to the Province to ensure consistency with provincial natural hazard policies and regulatory issues under Section 28 of the *Conservation Authorities Act*.

This preventative approach is recognized for making Ontario a leader in the management of natural hazards; something that contributes to the prosperity of Ontarians and is service CAs are uniquely positioned to provide. As identified in Ontario's Special Advisor on Flooding Report to Government, "An Independent Review of the 2019 Flood Events in Ontario", on page 62:

Provincial policies have been shown to reduce capital and operating costs associated with managing flooding and other natural hazards, reducing pressure on provincial and municipal infrastructure debts. The existing policies have been estimated to reduce costs associated with ongoing flood and natural hazard management,... by 20 to 80% depending on differences in urban density and property values.

These policies have been credited with keeping losses associated with flooding in Ontario lower than losses seen in other Canadian provinces. Responsibility for keeping development out of floodplains is a shared responsibility between municipalities (enforced through municipal planning) and conservation authorities (enforced through regulations made under Section 28 of the *Conservation Authorities Act*).

These policies will be increasingly valuable in protecting Ontarians from flooding and other natural hazards. Losses associated with flooding and other natural hazards continue to increase because of increasing property values and income levels, urbanization, ongoing loss of wetlands and other green infrastructure, and the increasing frequency and intensity of extreme rainfall events. As these losses rise, so does the value of Ontario's floodplain and broader hazard management policies.

Should the Province proceed with the new authority for MZO's, Conservation Ontario recommends that provisions to manage the risks of natural hazards and to safeguard sources of drinking water are included. Specifically, these should enable comments from CAs within the timeframes requested by the MMAH on applications or other matters under the *Planning Act* as it relates to the risk of certain natural hazards and protection of sources of drinking water.

Once again, thank you for the opportunity to provide comments on "Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 – the proposed Helping Homebuyers, Protecting Tenants Act, 2023)".

Conservation Authorities and the government of Ontario have a strong track record working in partnership to safely direct development outside of areas at risk due to natural hazards and to protect sources of drinking water. Conservation Ontario and the CAs remain committed to working with the Province, Municipalities, and other partners in support of increasing the overall supply and diversity of housing types in Ontario while maintaining strong protections for public health, safety, and the environment. Please contact me to discuss these comments to ensure, together, that we can meet our shared objectives in a timely, cost-effective, and efficient manner.

Sincerely,

Angela Coleman

Angela Coleman
General Manager

c.c.: All Conservation Authorities' CAOs/General Managers

Appendix 'B'

December 15, 2022

By Mail and Email – growthplanning@ontario.ca

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch
23rd Floor, Suite 2304
77 Bay Street
Toronto, Ontario
M7A2J3

Dear Sir/Madam:

**Re: Review of A Place to Grow and Provincial Policy Statement
Environmental Registry of Ontario Number 019-6177**

Thank you for the opportunity to provide comments on the above noted proposal.

Introduction

The Hamilton Conservation Authority (HCA) is a local community-based environmental organization established under the Conservation Authorities Act. We utilize our expertise and knowledge and an integrated and ecologically sound environmental approach to manage natural resources on a watershed basis. We protect communities from flooding and erosion, provide flood forecasting and warning services, operate 3 dams for flood control purposes, provide planning review and permitting services, conserve and restore local ecosystems, manage over 11,000 acres of natural hazard and natural heritage lands and contribute to the quality of life in our communities.

The HCA enjoys a positive working relationship with our partner municipalities that enables the HCA to provide our watershed knowledge and expertise on planning issues related to natural hazard and natural heritage issues in an integrated watershed- based manner. The changes proposed in Bill 23 removes our ability to provide natural heritage advice to a municipality and also removes our ability to consider natural heritage issues for permits with the removal of “conservation of land” and “pollution” as issues to be considered for permit applications. These are just some examples of the negative consequences from Bill 23 as currently written.

Bill 23 proposes measures to support the government’s interest in increasing housing supply, and reducing perceived policy, process, approval and financial barriers to development and housing construction. With this approach as outlined in Bill 23, the HCA is concerned that the government is undermining the overall objective of the provincial land use planning framework that seeks to consider and balance the full range of economic, social and environmental considerations and priorities.

ERO 019-2927 Comments

The Province through the Ministry of Municipal Affairs and Housing is undertaking a review of A Place to Grow and the Provincial Policy Statement. Comments are requested on how to create

a streamlined province-wide land use planning policy framework that enables municipalities to approve housing faster and increase housing supply.

The Provincial Policy Statement (PPS) has been in effect in the Province of Ontario in different versions since 1996, whereas A Place to Grow was implemented after the initial PPS document. The purpose and intent of these documents is to “provide comprehensive, integrated, whole-of-government policy direction on land use planning matters including growth management, housing, economic development, infrastructure planning and investment, protection and management of aggregate, natural and cultural resources and protection of public health and safety”. The PPS has been reviewed and updated a number of times since its initial approval, with the last update in 2020, to ensure that it is current and effective.

The PPS is certainly a recently reviewed and updated document. This, together with A Place to Grow represents a current and effective provincial land use policy framework that guides municipalities and agencies responsible for planning and development decisions. It is not evident why this existing framework needs to be streamlined or how it may be considered to be hindering housing in the Province. Undertaking a major review of provincial policy driven by the singular objective of increasing housing supply is concerning and may undermine other provincial policy interests and planning objectives.

This proposal related to the PPS and A Place to Grow combined with other proposals related to Bill 23 will have the effect of weakening the provincially led land use policy framework, undermining many years of progressive policy development in Ontario that provides for a balanced approach to achieving the full range of social, economic and environmental policy objectives and planning outcomes. The policy changes being considered are expected to have a particularly negative impact on natural heritage resources. In this regard, we do not believe there is a need to merge the documents as the current Provincial planning framework is effective and balanced in guiding land use planning and infrastructure decisions.

In regard to the questions in the ERO posting, we offer the following:

1. What are your thoughts on the proposed core elements to be included in a streamlined province-wide land use policy instrument?

If a new document is implemented, the core elements seem appropriate. However, we note that direction in the current PPS related to Watershed-Scale Planning, Natural Heritage and Water Resource protection, Natural Hazard Policy and policies related to climate change should be carried forward and included in the new instrument.

2. What land use planning policies should the government use to increase the supply of housing and support a diversity of housing types?

The HCA defers a response to this question to our municipal partners at the City of Hamilton and Township of Puslinch.

3. How should the government further streamline land use planning policy to increase the supply of housing?

As it relates to environmental policy, there have not been updates to the Natural Heritage Reference Manual or with respect to Natural Hazards (current information supports the 1996/7 PPS and was last published in 2001 but dates from the 1980's/early

1990's era). Both up-to-date guidance and continued implementation support would provide more of a return than a policy re-write. If, as proposed, a new provincial planning policy instrument is issued, comprehensive, and precise implementing guidance should be provided concurrently with the issuance of the new policy instrument.

4. What policy concepts from the Provincial Policy Statement and A Place to Grow are helpful for ensuring there is a sufficient supply and mix of housing and should be included in the new policy document?

While the HCA defers any detailed response to this question to our municipal partners at the City of Hamilton and Township of Puslinch, in our view the Provincial Policy Statement already contains policies that allow for an appropriate supply and mix of housing. Any changes to the existing framework should ensure that existing policies designed to promote healthy, liveable and safe communities are maintained.

5. What policy concepts in the Provincial Policy Statement and A Place to Grow should be streamlined or not included in the new policy document?

We reiterate our comments contained in the body of this letter. The PPS is a recently reviewed and updated document. This, together with A Place to Grow represents a current and effective provincial land use policy framework that guides municipalities and agencies responsible for planning and development decisions. It is not evident why this existing framework needs to be streamlined or how it may be considered to be hindering housing in the Province. This proposal related to the PPS and A Place to Grow combined with other proposals related to Bill 23 certainly will have the effect of weakening the provincially led land use policy framework as well as weakening protections for natural heritage resources. In this regard, we do not believe there is a need to merge the documents as the current Provincial planning framework is effective and balanced in guiding land use planning and infrastructure decisions through municipal plan conformity.

Thank you again for the opportunity to comment on ERO 019-6177. Should you have any questions regarding HCA's comments, please do not hesitate to contact the undersigned at scott.peck@conservationhamilton.ca or at (905)525-2181, ext.130.

Yours truly,



T. Scott Peck, MCIP/RPP
Deputy CAO/Director, Watershed Management Services

TSP/tsp

This page intentionally left blank.

Appendix 'C'

General Comments

1. **What are your thoughts on the policies that have been included from the PPS and A Place to Grow in the proposed policy document, including the proposed approach to implementation?**

Section 2.3 Settlement Areas and Settlement Area Boundary Expansions

- The proposed changes would eliminate the requirement for a municipal comprehensive review (MCR) for settlement area expansions, and that overall the process for consideration of growth/expansion is less rigorous and comprehensive than under existing policies. Current 2020 PPS policies generally require MCR for settlement area boundary expansions, including consideration of public health and safety and the natural environment. This is not being carried forward in the new Provincial Planning Statement. We could recommend MCR be carried forward, or as a minimum, inclusion of hazards and environment in the new policy framework to provide for a more comprehensive and balanced approach to considering expansions.
- Section 2.2.8 of the Growth Plan outlines policies for Settlement Area Boundary Expansions. Policy 2.2.8.3 requires planning authorities to determine the feasibility of proposed boundary expansions based on the application of all policies within the Growth Plan, including ensuring that the proposed expansion would be planned and demonstrated to avoid, or if avoidance is not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system, including the quality and quantity of water. This policy is not proposed to be brought forward into the proposed planning instrument. To provide consistency with existing and proposed policies related to using the watershed as the meaningful scale for integrated and long-term planning, the HCA recommends that existing policy 2.2.8.3 from the Growth Plan be included in section 2.3.4 of the proposed planning instrument (Settlement Areas and Settlement Area Boundary Expansions) for “large and fast-growing municipalities”.

Section 2.9 Energy Conservation, Air Quality and Climate Change

- The HCA is supportive of the proposed policy 2.9 (b) requiring planning authorities to reduce greenhouse gas emissions and prepare for the impacts of a changing climate by incorporating climate change considerations in the planning and development for stormwater management systems. We are further supportive of the proposed policy 2.9 (d) which promotes the use of green infrastructure, low impact development and active transportation to protect the environment and improve air quality.
- It is noted that policy 1.8.1 (g) from the PPS 2020 “*maximize vegetation within settlement areas, where feasible*” is not proposed to be brought forward into the proposed planning instrument. While the proposed planning instrument would require planning authorities to

consider approaches which promote green infrastructure, the PPS 2020 policy requiring maximizing vegetation within settlement areas (where feasible) provides a strengthened approach to establishing or maintaining vegetative cover on the landscape. The HCA recommends that the existing policy be carried forward, such that the proposed Section 2.9 policies continue to recognize the important contribution of natural vegetation to support energy conservation, air quality, and mitigation for impacts of a changing climate and extreme weather events such as flooding.

Section 3.6 Sewage, Water and Stormwater

- The HCA is pleased to note the proposed policy 3.6.8 (g) which would require planning for stormwater management to “align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale”.
- It is noted that policy 2.2.1(i) in the PPS 2020 is not proposed to be carried forward, which requires planning authorities to protect, improve or restore the quality and quantity of water by “ensuring stormwater management practices minimize stormwater volume and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces”. While proposed policy 3.6.8 (b) would require planning for stormwater management to “minimize, or where possible, prevent increases in contaminant loads”, the reference to minimizing stormwater volume is not proposed to be incorporated. Minimizing stormwater volume should remain a priority policy for the provincial government to ensure planning authorities have regard to increased volumes which may contribute to flooding in developed areas from stormwater flows. As such, we recommend that proposed policy 3.6.8 (c) be amended to read “minimize, or where possible, prevent increases in stormwater volumes and contaminant loads”.
- Currently, Growth Plan policies within Section 3.2.6 (Water and Wastewater Systems) and 3.2.7 (Stormwater Management) require municipal water, wastewater, and stormwater master plans to “be informed by watershed planning or equivalent”. These policies are not proposed to be brought forward into the proposed planning instrument; however, a new policy (4.2.3) is proposed which states that “municipalities are encouraged to undertake watershed planning to inform planning for sewage and water services and stormwater management, and the protection, improvement or restoration of the quality and quantity of water”. The HCA supports the proposed reference to undertaking watershed planning to inform planning for public infrastructure. It is noted however that the shift in language from the Growth Plan which requires municipalities (“large and fast-growing”) to have plans informed by a watershed plan, or equivalent, to encouraging watershed planning for all municipalities may result in major public infrastructure planned without consideration to broader watershed impacts. To support the Province’s streamlined, coordinated and comprehensive approach to public infrastructure planning, and to maintain consistency with existing and proposed policies for using the watershed as the ecologically meaningful scale for integrated and long-term planning (see proposed policies 3.6.8(g) and 4.2.1(a)), the HCA recommends that the existing policies from 3.2.6 and 3.2.7 of the Growth Plan regarding watershed planning be carried forward for “large and fast-growing municipalities”. Encouragement of watershed planning for all other municipalities is strongly supported.

Section 4.2 Water

- The HCA is pleased to note the policies in section 4.2.1 which are proposed to be carried forward into the new planning instrument. Particularly, the HCA supports policies 4.2.1 (a) and (b) which ensure that planning authorities protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning, and that authorities will minimize potential negative impacts, including cross-jurisdictional and cross-watershed impacts. The HCA notes that the Province is proposing to remove the requirement for planning authorities to evaluate and prepare for the impacts of a changing climate to water resource systems at the watershed level (PPS 2020 policy 2.2.1 (c)). Recognizing the Province's existing standard of requiring watershed planning to be the basis for infrastructure, stormwater, water resource and comprehensive planning for "large and fast-growing municipalities" through the Growth Plan policies, and for consistency with both existing PPS 2020 and the proposed planning instrument policies, the HCA recommends the 'watershed planning' policy direction in the proposed 4.2.3 be improved by:
 - Requiring "large and fast-growing municipalities" to undertake watershed planning, as per the existing Growth Plan policies while continuing to encourage all other municipalities to undertake watershed planning;
 - Retaining PPS 2020 policy 2.2.1 (c) to ensure planning authorities protect, improve or restore water quality and quantity by evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;
 - Including references that one of the purposes of watershed planning is to prepare for the impacts of a changing climate, along with informing "planning for sewage and water services and stormwater management, and the protection, improvement or restoration of the quality and quantity of water".; and,
 - Including references to partnerships with CAs to undertake watershed planning, as appropriate and where they exist.
- The HCA is supportive of the proposed policy 4.2.1 (e) which is proposed to be brought forward into the proposed planning instrument from the PPS 2020, with amendment. The policy is proposed to be expanded, such that planning authorities must protect, improve or restore the quality and quantity of water by implementing restrictions on development and site alteration to protect all drinking water supplies and designated vulnerable areas. Within the PPS 2020, this policy was restricted to the protection of all **municipal** drinking water supplies. The amendments to this policy would ensure all sources of drinking water and designated vulnerable areas across the province are protected from development and site alteration.

Section 4.3.2.5 Permitted Uses and Section 4.3.3.1 Lot Creation and Lot Adjustments

- For Agricultural areas, Section 4.3.2.5 propose to permit two additional dwellings subordinate to the principal dwelling unit while Section 4.3.3.1 permits up to 3 new residential lots to be created. Beyond the potential impacts to maintaining viable agricultural lands and the rural landscape, this proposal has the potential to negatively impact natural hazard lands as well as natural heritage features in these rural agricultural areas. Consideration should be given to not permitting this approach and maintaining the existing policy from the 2020 PPS.

Section 5.2 Natural Hazards

- The HCA strongly supports the proposed retention of natural hazard policy direction from the PPS 2020. Retention of these policies is vital to ensure the Province's continued commitment to high standards for the protection of public health and safety from the risks of natural hazards.
- The HCA is pleased to note that text previously part of the preamble for Section 3.0 in the PPS 2020 is proposed to form a new general policy for natural and human-made hazards in the proposed planning instrument (proposed policy 5.1.1). This proposed approach will strengthen requirements to ensure that development is directed away from areas of natural or human-made hazards where "there is an unacceptable risk to public health or safety or of property damage" and will ensure development does not "create new or aggravate existing hazards".
- A new general policy is proposed which states that "planning authorities shall identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial guidance" (5.2.1). The HCA is supportive of this proposed policy, with amendment, to ensure continued coordination with other planning and development related instruments, such as Section 28 of the *Conservation Authorities Act* and associated regulations. This policy should be modified to include reference to "collaborating with conservation authorities, where they exist". Such an amendment would be consistent with Recommendation #3 from the "Independent Review of the 2019 Flood Events in Ontario" Report. As previously noted, it is recognized and appreciated that details in the proposed "Vision" section regarding natural hazards requires "the Province, planning authorities and conservation authorities to work together", however, further details regarding collaboration with CAs would provide additional clarity for the proposed Natural Hazards policies.

Section 6.2.1 Coordination

- The HCA is pleased to note that the Province is proposing to largely maintain policy 1.2.1 from the PPS 2020 (now proposed policy 6.2.1) which states a "coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities...", including coordination of water, ecosystem, shoreline, watershed and Great Lakes related issues, as well as natural and human-made hazards. Many of these elements are inter-related and as such a coordinated approach is required to ensure all concerns or issues can be addressed efficiently and effectively by the Province or planning authorities.
- Proposed policy 6.2.1 outlines a list of entities who may be involved in this coordinated approach; however, it is noted that CAs are not explicitly mentioned. Given their role in providing expert guidance to planning authorities and to the Province to ensure consistency with provincial natural hazard policies, as well as their regulatory role under Section 28 of the *Conservation Authorities Act*, Conservation Ontario recommends this section be amended to ensure CAs are identified as being involved in this coordinated approach.

2. What are your thoughts on the proposed policy direction for large and fast-growing municipalities and other municipalities?

Through review of the proposed planning instrument, we note that existing Growth Plan policies related to requiring subwatershed studies and watershed planning (or equivalent) to inform infrastructure, stormwater, water resource and comprehensive planning are not proposed to be carried forward into the proposed planning instrument. These existing policies provide critical and consistent policy direction for “large and fast-growing municipalities” (or parts thereof outside of the Greenbelt) when planning for growth in a comprehensive manner. It is noted that the Province is proposing to *encourage* municipalities to undertake watershed planning to inform planning for sewage and water services, stormwater management and the protection, improvement or restoration of the quality and quantity of water (proposed policy 4.2.3). “Encourage” rather than “require” represents a significant departure from the Province’s commitment and well established existing/proposed policies related to requiring the use of the watershed as the meaningful scale for integrated and long-term planning and requiring watershed planning to support comprehensive planning.

As recommended above, the policies related to requiring subwatershed studies and watershed planning (or equivalent) from the Growth Plan should be carried forward for “large and fast-growing municipalities” in the proposed planning instrument. Proposed policies to encourage watershed planning should be maintained for other municipalities (e.g., small / medium) – recognizing it may not be relevant or feasible for all municipalities province-wide to undertake these comprehensive exercises.

3. What are your thoughts regarding the proposed policies to generate housing supply, including an appropriate range and mix of housing options?

The HCA has not provided any comments in response to this question.

4. What are your thoughts on the proposed policies regarding the conservation of agriculture, aggregates, natural and cultural heritage resources?

It is understood that the natural heritage policies and related definitions remain under consideration by the Province. The HCA will review these policies and definitions and provide additional comments once available for public consultation. We do note however that natural heritage policies are critical to a comprehensive PPS. It is suggested that the PPS should not be approved until such time as these policies have been developed, consulted on incorporated into the PPS.

5. What are your thoughts on the proposed policies regarding planning for employment?

The HCA has not provided any comments in response to this question.

6. Are there any other barriers to, or opportunities for, accelerating development and construction (e.g., federal regulations, infrastructure planning and approvals, private/public partnerships for servicing, provincial permitting, urban design guidelines, technical standards, zoning, etc.)?

The HCA continues to recommend that technical support and implementation guidance from the Province should be provided to assist with accelerating development and construction approvals. The provision of comprehensive and up-to-date implementation guidance would support a predictable, consistent, and streamlined process.

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy CAO/Director,
Watershed Planning & Engineering

PREPARED BY: Mike Stone, MCIP, RPP, Manager, Watershed Planning,
Stewardship & Ecological Services

MEETING DATE: June 1, 2023

RE: Appointment of Jeffrey Tweedle as Enforcement Officer

STAFF RECOMMENDATION

THAT the HCA Board of Directors appoint Jeffrey Tweedle, Conservation Planner, as an Enforcement Officer for the purpose of enforcement of *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the *Conservation Authorities Act, R.S.O. 1990*.

BACKGROUND

Jeffrey Tweedle was recently hired as a Conservation Planner for the Hamilton Conservation Authority. The Conservation Planner has responsibilities related to the administration and enforcement of *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). This includes reviewing and processing permit applications, attendance at site inspections, and compliance monitoring and enforcement. Under Section 10 of *Ontario Regulation 161/06*, an Authority may appoint officers for the purpose of enforcing the regulations.

STAFF COMMENT

HCA's Conservation Planners have responsibilities related to the administration and enforcement of HCA's Regulation, including conducting site visits, undertaking

compliance monitoring and inspections, responding to legal inquiries, and supporting court proceedings and prosecutions when necessary. Appointment of HCA's Conservation Planners as Enforcement Officers under *Ontario Regulation 161/06* provides staff with the necessary authorities to carry out their job duties.

STRATEGIC PLAN LINKAGE

HCA's Strategic Plan 2019 – 2023 outlines its major strategic priority areas and related initiatives for advancing HCA's Vision to provide a healthy watershed for everyone. HCA implements a wide variety of programs to fulfill this mandate, including programs to manage water resources and protect people and property from natural hazards. Administration of HCA's regulation (Ontario Regulation 161/06) contributes to the achievement of these program objectives and HCA's Strategic Plan more generally.

AGENCY COMMENTS

Not Applicable

LEGAL/FINANCIAL IMPLICATIONS

Not Applicable

CONCLUSIONS

Appointment of Jeffrey Tweedle as an Enforcement Officer is required in order for him to fulfill the requirements of the Conservation Planner position with HCA to administer HCA's Regulation, and for implementing Provincial and HCA policy more generally.

Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer / Director, Watershed Management Services

PREPARED BY: Jonathan Bastien, Water Resources Engineer

MEETING DATE: June 1, 2023

RE: Watershed Conditions Report

SYNOPSIS

During the period of April 24th 2023 to May 23rd 2023, there were no observations or reports of significant watercourse flooding events or Lake Ontario shoreline flooding events.

Currently, there are no significant watercourse flooding, public safety concerns, or Lake Ontario shoreline flooding. Current flows ranged from at baseflow conditions to elevated but below adopted thresholds for significant public safety concerns.

Current flows are near to above long-term average monthly flows for May at the three Spencer Creek gauges. Ancaster Creek at Wilson Street flows are currently below average. Red Hill Creek at Barton Street flows are currently significantly below average.

That said, the average monthly flows for May so far have been above long-term average monthly flows for May at the three Spencer Creek gauges. Monthly flows in Ancaster Creek at Wilson Street have been near average. Monthly flows in Red Hill Creek at Barton Street have been slightly below average.

The Lake Ontario mean daily water level averaged across the entire lake is currently about 33 cm above average for this time of year.

Current Christie Lake and Valens Lake levels are within the preferred summer operating levels.

The most recent drought assessment indicated that normal conditions are an appropriate overall characterization of the watershed.

There are no significant rainfall events (+20 mm in a day) forecasted for the watershed over the next 2 weeks, at this time. In the next 9 days, no significant Lake Ontario shoreline flooding is expected, at this time. HCA staff will continue to undertake monthly drought assessments, and coordinate with the Hamilton Low Water Response Team as required if drought conditions are identified.

CURRENT WATERSHED CONDITIONS – May 23rd, 2023

Current Flows in Major Area Watercourses

There are no observations, reports, or expectations of significant watercourse flooding or significant public safety concerns at this time. Current flows are at baseflow conditions in Ancaster Creek at Wilson Street and in Red Hill Creek at Barton Street. Flows are elevated but below adopted thresholds for significant public safety concerns in Upper Spencer Creek at Safari Road, in Middle Spencer Creek at Highway 5, and in Lower Spencer Creek at Market Street.

Current flows in Upper Spencer Creek at Safari Road are 146% of the long-term average monthly flows for May (considered above average). Middle Spencer Creek at Highway 5 flows are currently 122% (considered slightly above average). Lower Spencer Creek at Market Street flows are currently 93% (considered near average). Ancaster Creek at Wilson Street flows are currently 64% (considered below average). Red Hill Creek at Barton Street flows are currently 26% (considered significantly below average).

The average monthly flows for May so far in Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, and Lower Spencer Creek at Market Street have been 144%, 144% and 135% respectively (considered above long-term average monthly flows for May). Monthly flows in Ancaster Creek at Wilson Street have been 95% (considered near average). Monthly flows in Red Hill Creek at Barton Street have been 73% (considered slightly below average).

Current Lake Ontario Water Levels

At this time, there are no observations, reports or expectations of significant Lake Ontario shoreline flooding. The Lake Ontario mean daily water level in the Hamilton area was 75.41 m IGLD85 as of yesterday. The Lake Ontario mean daily water level averaged across the entire lake (75.37 m IGLD85 as of yesterday) is about 33 cm above average for this time of year.

Current Storages in HCA Reservoirs

Current Christie Lake levels (771.32 ft) are within the preferred summer operating levels (771.0 to 771.5 ft).

Current Valens Lake levels (275.42 m) are within the preferred summer operating levels (275.25 to 275.45m).

Current Soil Conditions

The surface and root-zone soils are currently considered dry to moist.

RECENT STORM EVENTS

During the period of April 24th 2023 to May 23rd 2023, there were no observations or reports of significant watercourse flooding events or Lake Ontario shoreline flooding events.

RECENT WATERSHED LOW WATER CONDITIONS

The most recent drought assessment (including data up to April 30) indicated that normal conditions are an appropriate overall characterization of the watershed. This was the fourth consecutive recent monthly assessment that indicated normal conditions.

FORECASTED WATERSHED CONDITIONS

Watercourse Flooding

There are currently no significant rainfall events (+20 mm in a day) forecasted for the watershed over the next 2 weeks. HCA staff continue to monitor conditions and forecasts routinely. Resultant water levels and flows from currently anticipated rain are not expected to result in significant watercourse flooding.

Lake Ontario Shoreline Flooding

In the next 9 days, no significant Lake Ontario shoreline flooding is expected. According to International Lake Ontario – St. Lawrence River Board information, weather conditions, including temperatures and precipitation, will primarily determine the rate and magnitude of water level fluctuations over the coming weeks. That said, under average or drier conditions, the water level of Lake Ontario is expected to continue a gradual seasonal decline.

Watershed Low Water Conditions

HCA staff will continue to undertake monthly drought assessments, and coordinate with the Hamilton Low Water Response Team as required if drought conditions are identified.

This page intentionally left blank.

Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

PREPARED BY: Bruce Harschnitz, Manager, Conservation Area Services

DATE: June 1, 2023

RE: Conservation Areas Experiences Update

BACKGROUND

HCA provides high quality, diverse conservation areas that promote outdoor recreation, health and well being and strengthen public awareness of the importance of being in or near or conservation areas.

STAFF COMMENTS

- Spencer Gorge Long Weekend Reservation System – The reservation service on long weekends began with the Victoria Day weekend just passed. The reservation service will also be in place for Canada Day (Friday through Monday), Civic Holiday (Saturday through Monday) and Labour Day (Saturday through Monday). The reservation service will transition to seven days a week advanced reservation required for the fall colour period.
- Hamilton Public Health Beach Monitoring Program – The weekly swimming water sampling program of the public waterfronts at Valens Lake, Christie Lake and Confederation Beach Park conducted by Hamilton Public Health began May 23rd. The HCA website has swimming symbols to indicate water quality on each waterfront page that link to the City of Hamilton Safe Beaches site.
- Christie Lake Conservation Area – The Christie Lake disc golf course was host to the annual Christie Lake Spring Fling Disc Golf Tournament organized by the Christie Lake Disc Golf Club. The tournament this year welcomed 244 players

from across Canada and the US and was expanded to two weekends – one for amateurs and one for professionals with a total prize purse of \$10,000. The Christie Lake course has become a highly rated course and site of regular professional level tournaments.