

To: Warden and Members of County Council

From: Director of Community Planning

Review of A Place to Grow and Provincial Policy Statement

RECOMMENDATION

1. That the Director of Community Planning, in consultation with other County staff as required, prepare and submit the County of Oxford's formal comments in response to the Provincial consultations on the Review of A Place to Grow and Provincial Policy Statement, and other related ERO postings, as generally outlined in Report No. CP 2022-413;
2. And further, that Report No. CP 2022-413 be circulated to the Area Municipalities for information.

REPORT HIGHLIGHTS

- Along with consultation on Bill 23, the *More Homes Built Faster Act* the Province has also commenced a review of A Place to Grow (APTG) and the Provincial Policy Statement (PPS). This consultation is being undertaken as part of a series of postings on the Environmental Registry of Ontario (ERO), with aggressive commenting deadlines of December 30, 2022.
- This report builds from CP 2022-407 and provides an overview of the various legislative amendments currently being considered through the review of APTG and PPS and changes to natural heritage protection and natural hazard regulations under the Conservation Authorities Act, among others.
- This report summarizes the key areas of focus for the County's proposed response to these Provincial consultations and outlines some of the preliminary proposed responses.

Implementation Points

The recommendations contained in this report will have no immediate impacts with respect to implementation. However, a number of the proposed legislative changes and other actions would have significant implications for the local implementation of land use planning, environmental and heritage protections, and various other matters and, as such, may require potential review and/or update of various County and Area Municipal policies, processes and standards.







Financial Impact

If enacted, a number of the proposed legislative and regulatory changes identified in this report could have significant financial impacts for the County and Area Municipalities, including the need for additional staffing and other resources. An initial assessment of these financial impacts is provided in report CS 2022-49 (included on the December 14 agenda).

Communications

Communication is proposed to be through the inclusion of this report on the County Council agenda and related communications and circulation to the area municipalities.

Strategic Plan (2020-2022)

					
WORKS WELL TOGETHER	WELL CONNECTED	SHAPES THE FUTURE	INFORMS & ENGAGES	PERFORMS & DELIVERS	POSITIVE IMPACT
		3.ii. 3.iii.	4.i. 4.ii.		

DISCUSSION

Background

On October 25, 2022, the Province initiated consultation with respect to a range of legislative changes, policies and other actions being considered or proposed as part of the second phase of their 2022 housing supply action plan (i.e. More Homes for Everyone Plan) and associated *More Homes Built Faster Act* (Bill 23), which received royal assent on November 28, 2022.

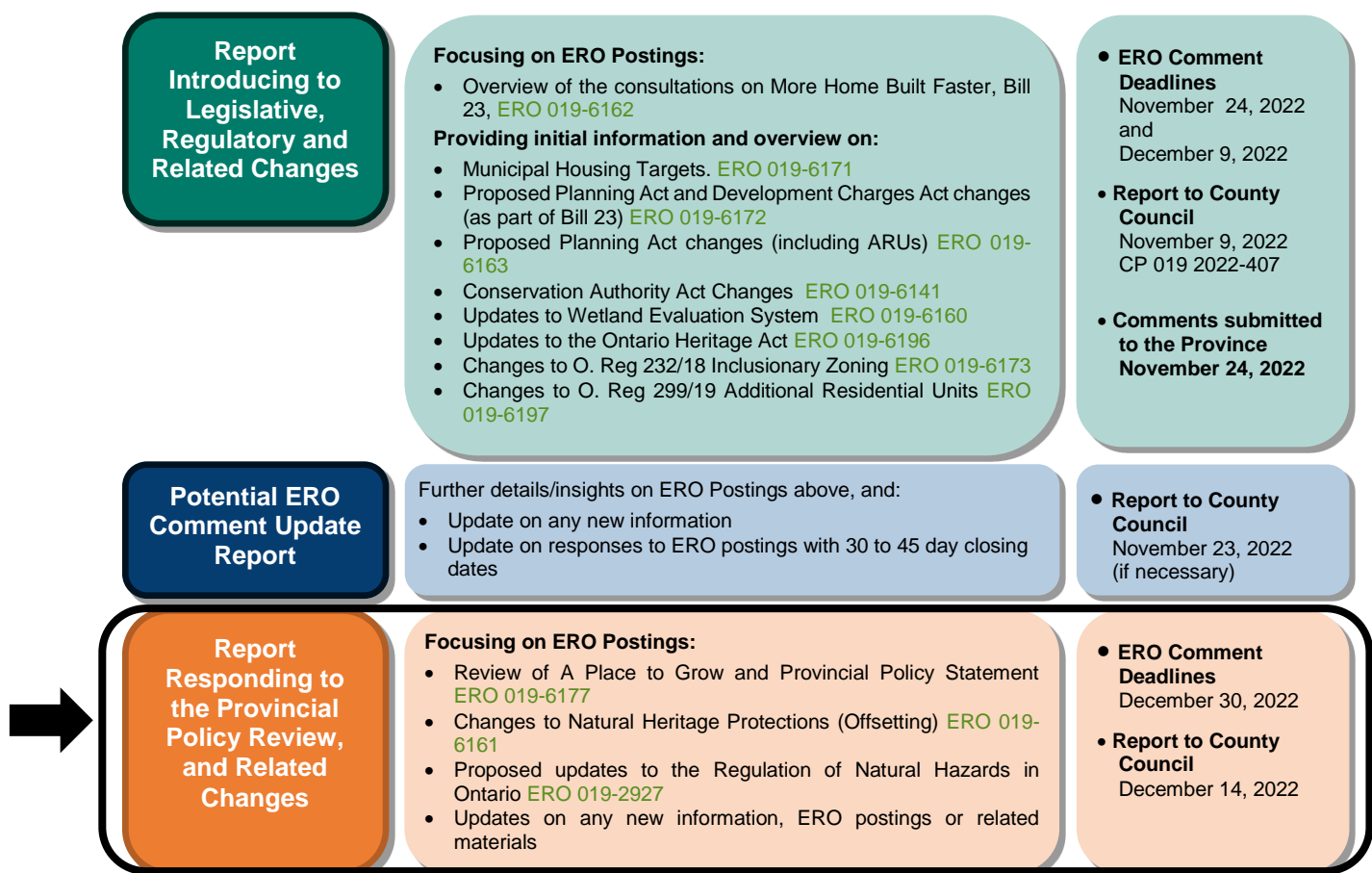
This consultation process was initiated through a series of postings on the Environmental Registry of Ontario (ERO).

According to the Province's consultation materials, the current postings are intended to comprise the next phase of 'Housing Supply Action Plans' that the Province has been utilizing to implement the various recommendations in the Provincial Housing Affordability Task Force's report, which was released earlier this year. A summary of the key legislative and other changes introduced through the previous phases (i.e. More Homes for Everyone Act and related Housing Supply Action Plan) was provided to Council earlier this year through report CP 2022-180.

It is noted that the County and various other municipalities, public bodies and organizations submitted comprehensive comments and suggestions in response to the previous phases of the Province's housing supply action plan consultations. However, it does not appear that the Province made any substantial changes or adjustments to the proposed legislation or associated regulations in response to the feedback provided.

The consultation on the current postings represents the first, and likely only, opportunity to review and provide feedback on the specific changes being proposed and/or considered by the Province as part of their Phase 3 Housing Supply Action Plan.

The focus of this report will be on providing Council with the preliminary proposed responses to the consultations regarding the a review of A Place to Grow, Growth Plan for the Greater Golden Horseshoe (APTG) and the Provincial Policy Statement (PPS), along with several other related ERO postings. The following graphic provides a summary of the various ERO postings to date and how staff are intending to keep Council apprised of the proposed changes and related comments and concerns.



Commentary

An overview of the key areas for proposed response to the Province on the changes being considered and/or proposed with respect to the APTG and PPS and to natural heritage protections and the regulation of natural hazards is provided below.

1. Review of A Place to Grow and Provincial Policy Statement (ERO 019-6177)

The Province is proposing to integrate the PPS and APTG into a new province-wide planning policy instrument that they have indicated is intended to:

- Leverage the housing-supportive policies of both policy documents;
- Remove or streamline policies that result in duplication, delays or burden the development of housing;
- Ensure key growth management and planning tools are available where needed across the province to increase housing supply and support a range and mix of housing options;
- Continue to protect the environment, cultural heritage and public health and safety; and
- Ensure that growth is supported with the appropriate amount and type of community infrastructure.

The intended outcome of this review is to determine the best approach to enable municipalities to accelerate the development of housing and increase housing supply (including rural housing), through a more streamlined, province-wide land use planning policy framework.

The PPS is the primary policy document for providing provincial direction on land use planning and related decision making across the Province. In some areas (e.g., Greater Golden Horseshoe), the PPS is also overlain by provincial growth plans which provide more specific and/or detailed provincial direction on land use matters for a particular geographic area (e.g., APTG).

The current PPS, 2020 has evolved considerably from the original 1996 document through regular reviews and updates (i.e. approx. every 5 years) that involved extensive and meaningful consultation with and input from municipalities (including extensive input from the Oxford County on many key policy areas) and other stakeholders. As a result, the current PPS policies have had the benefit of being informed and improved by years of municipal input, practical application and experience, and OMB/LPAT and legal decisions. As such, the current PPS policies are, for the most part, concise, responsive, and effective and generally enable and support the achievement of local planning and community objectives in Oxford.

In terms of APTG, it is important to note that the policies in that document do not currently apply to the County of Oxford or most other municipalities in South Western Ontario (i.e. only to municipalities within the Greater Golden Horseshoe). As previously noted, APTG provides additional and/or more detailed policy direction than the PPS with respect to a number of planning matters, such as;

- Prescribing growth allocations and targets for overall growth (people and jobs), as well as identifying and prescribing ‘urban growth centers’, built boundaries, and greenfield areas with more specific sub-targets and densities. Growth allocations are prescribed to the upper-tier municipalities which then disseminate how growth will occur between and among area municipalities while achieving all of the various targets and requirements.
- Establishing more detailed growth targets for “Major Transit Station Areas (MTSAs)”, which also enables a greater range of planning tools (e.g. inclusionary zoning) for these areas.

- Planning for large-scale development in greenfield areas, including through secondary plans, must be informed by a subwatershed plan or equivalent, which includes master planning for related infrastructure including water, waste water and stormwater management and various other matters (i.e. natural heritage considerations etc.).
- Prescribing a natural heritage system and agricultural system (including mapping), and more detailed policies and requirements for these systems, including for greater protection, mitigation measures, and refinement opportunities.
- Implementation to achieve “conformity” with the requirements of APTG is also prescribed with a deadline which upper tier municipalities are required to meet. The last deadline was July 1, 2022, and the plan is also to be reviewed on a 10 year cycle, similar to the PPS (and was last reviewed in 2019).

It is noted that the PPS review cycle was recently increased from 5 to 10 years at the request of municipalities. The intent was that this would provide the provincial policy stability and certainty necessary to allow for:

- the Province to focus on completing the various implementation guidelines and other tools that municipalities have previously requested to assist them with implementation of the policies; and
- municipalities to focus their limited resources on developing and implementing effective local policy approaches and other tools to implement the PPS policies and complete other projects to achieve their various planning objectives.

Therefore, it is unclear why the Province has decided to initiate another comprehensive review of the PPS and APTG, when both documents were just comprehensively reviewed and updated within the last 3 years. A key concern is that such a review may scale back some of the critical provincial policy direction that supports municipalities in the development of complete, liveable and sustainable communities, efficient use of land and infrastructure, protection of natural and cultural resources and other key matters, without substantively improving the ability of the Province or municipalities to increase the supply or affordability of housing.

Further, it is noted that the Province’s ‘freezing’ of decisions on various Official Plan updates across the Province (including the County’s agricultural policy updates) and continued changes to Ontario’s planning system (i.e. Bill 109, Bill 23, PPS and CA changes, yearly housing supply action plans etc.) is creating unnecessary uncertainty and, in many cases, actually disrupting and/or delaying the essential planning and implementation that is already being undertaken by municipalities to enable and support growth and ‘building more homes’ in the Province. At the same time, municipalities are still awaiting many long requested Provincial guidance documents and other tools necessary to help facilitate the efficient and effective implementation of the provincial policies that are already in place.

That said, it is recognized that there is always room for improvement. As such, planning staff have been working to identify specific PPS policy areas where potential refinements could potentially assist the Province and municipalities in achieving their housing and related objectives. Planning staff are of the opinion that any revisions to the PPS should be limited in scope and clearly focused on the objective of increasing housing supply and affordability, while at the same time ensuring they do not in any way undermine or compromise other key planning objectives (e.g. protecting prime agricultural areas and the environment, building complete, livable communities etc.).

Summary of Preliminary Proposed PPS/APTG Comments

The following is a high level summary of some of the key comments Planning staff are currently proposing be submitted to the Province in response to the review of the PPS/APTG:

i) General

- That the current 'shall be consistent with' test in the PPS be maintained.
- That the majority of the existing 2020 PPS policies are working well and should be maintained unchanged, except for those potential policy changes specifically identified in the County's submission. This targeted approach will ensure the provincial policy certainty and stability necessary for municipalities to continue to proceed with the implementation of key measures (i.e. Official Plan and zoning updates, secondary planning and servicing strategies, planning for infrastructure, process improvements etc.) to achieve their housing and other objectives, while also identifying specific policy revisions that could further assist municipalities in the creation of additional housing.
- The Province should strive to provide legislative and policy stability in land use planning system together with increased implementation support, so that municipalities can focus on completing the necessary land use and infrastructure planning required to sustainably accommodate forecasted growth. With some exceptions (e.g. as noted in the comments provided), the legislation and policies already in place provide the support and flexibility necessary to accommodate a sufficient supply and range of housing, it simply requires time and resources to fully implement. Unfortunately, the numerous and frequent changes to planning legislation and policies over the past several years have diverted limited municipal resources and focus away from implementation. Having insufficient time and stability to properly implement changes, and to monitor and assess the uptake or impact of the changes, creates inefficiency, unexpected consequences, and uncertainty for municipalities and the development industry.
- Re-iterate the County's previous requests for the Province to complete various new and/or updated technical and/or implementation guidelines to assist municipalities in more consistently and efficiently implementing the current provincial policy direction.
- That the Province release a 'tracked change' copy of any proposed PPS policy revisions and provide sufficient time (i.e. minimum 90 days) for detailed review by and consultation with municipalities on the proposed changes.

ii) Residential Land Supply

Settlement Area Boundary Expansions

- The County strongly supported the increase in the planning horizon from 20 to 25 years (was actually a change requested by Oxford), as it provided the necessary flexibility to undertake comprehensive planning (i.e. to better ensure efficient use of infrastructure and services and build complete communities) and address land supply constraints and challenges, particularly in smaller urban and/or rural municipalities.

That said, Oxford has also long taken a relatively unique and dynamic approach to growth management/settlement expansions, which is to strive to maintain a relatively continuous 25 year supply of growth land to accommodate forecasted growth in each area municipalities. This is accomplished through regular (i.e. 5 year) growth forecast updates, ongoing land supply monitoring, and initiation of individual Official Plan Amendment (OPA) processes for settlement expansions (i.e. not waiting to undertake all expansions at once as part of a Provincially approved OP review process), where deemed appropriate. In our experience, this approach provides the much needed flexibility to adjust the timing of the process to accommodate local circumstances (i.e. timing and direction of municipal boundary adjustments, availability of servicing capacity etc.), make efficient use of limited staffing and financial resources, and more quickly react to changes in growth land need. As such, promoting this same approach elsewhere (i.e. for other smaller urban/rural municipalities like Oxford) would also allow other municipalities in the Province to more dynamically respond to their growth land needs.

As such, the Province should ensure that any PPS updates and associated implementation guidelines provide the necessary flexibility to enable and/or support Oxford's approach.

- Provide additional flexibility for small/limited settlement expansions to facilitate 'good planning' in smaller rural communities without the need to undertake a full 'comprehensive review' (e.g. for one time, minor rounding of and/or 'squaring off' of rural clusters/hamlets, to accommodate new and/or expanding rural employment uses that would be more appropriate to locate in a settlement etc.).

Employment Area Conversions

- Provide additional direction on how provincially and/or regionally significant employment areas are to be identified, so that it is clear which employment lands are protected from conversion to other uses and which could potentially be considered for re-development to residential use, where appropriate.

Housing Mix

- Clarify PPS references with respect to 'market need/demand' for housing to ensure it does not support housing forms that may be desired by the market (i.e. large single detached lots, woodland lots etc.), but would undermine key planning objectives (e.g. planning for sustainable communities, protecting agricultural and natural resources etc.).

- Similar to the APTG, provide more specific provincial policy direction with respect to minimum density and unit mix targets for fully serviced settlement areas to ensure more consistency in the efficient use of land and infrastructure across the Province. Further, encourage all municipalities to identify urban growth centres (i.e. downtowns) and other key intensification areas (i.e. nodes and corridors, significant transit hubs etc.) with more specific minimum density and unit mix requirements where appropriate, and provide Provincial support for such measures (e.g., limit rights of appeal, use of inclusionary zoning, implementation guidelines etc.).
- Continue to support the alignment of affordable housing targets with Housing and Homelessness Plans and provide additional clarity on the definitions and criteria for affordable housing and attainable housing (i.e., to align with the Bill 23 changes)
- Ensure the policies provide the necessary land use basis for municipalities to specifically plan for, maintain, and require housing based on tenure (i.e., rental vs. ownership), where deemed necessary or appropriate to address local housing needs.

iii) Growth Management

- Some Residential Land Supply comments outlined above are also related to Growth Management
- Maintain and, where possible, strengthen the current PPS policy direction with respect to:
 - directing growth to fully serviced settlements (i.e. to ensure efficient use of land, services and infrastructure and support complete, sustainable communities) and limiting growth in other areas; and
 - ensuring new development has a compact form and mix of uses and densities that ensure the efficient use of land, infrastructure and public service facilities.
- Eliminate or clarify the 'regional market area' concept, so that it does not unduly restrict the ability of a particular local municipality within an upper tier municipality (i.e. regional market area) from designating additional residential growth, simply because another municipality in that upper tier municipality may have excess residential growth land.

iv) Environmental and Natural Resources

Agriculture (also includes comments on Rural Housing)

The province's stated goal for the review of the agricultural policies is to continue to protect prime agricultural areas, while also increasing flexibility to enable more residential development in rural areas that minimizes negative impacts to farmland and farm operations.

In this regard, staff have a number of comments as follows:

- The most effective means of enabling more residential development in rural areas, while not negatively impacting agriculture, is to accommodate such development in fully serviced settlement areas (i.e. Serviced Villages) and through minor infilling and minor rounding out within existing partially and privately serviced settlement areas (also see comments with respect to minor settlement expansions under Residential Land Supply).

This approach is already generally supported by the PPS policies. However, to ensure this it is consistently applied (i.e. that all municipalities are efficiently utilizing and protecting agricultural land), the Province should require that all rural municipalities have at least one fully serviced settlement with sufficient land supply and servicing capacity to accommodate their forecasted residential growth (including establishing minimum densities for such growth as previously noted) and further clarify that the expansion of existing privately/partially serviced settlement boundaries to accommodate residential growth is not generally be permitted.

- Maintain current limitations on new non-farm rural residential lot creation (as such development is an inefficient use of land and can hinder/conflict with agricultural operations). However, one reasonable exception that could potentially be considered would be to allow for the severance of an existing farm dwelling from a lot containing two or more dwellings that have existed as of a certain fixed date (i.e. pre 1996, to prevent house harvesting) without the need for a farm consolidation, provided certain criteria can be met (i.e. servicing, access, MDS, construction of further dwellings is prohibited etc.)
- To complement the above approaches, the Province could also consider:
 - Minor updates to the lot creation policies to allow for the splitting of existing, small (i.e. <2.5 ac), non-farm residentially zoned lots in agricultural areas. This would allow for more efficient use of existing non-agricultural land and increase the supply of housing in rural areas, with no loss of agricultural land and limited, if any, additional impact on agricultural operations.
 - Clarifying that the establishment of additional residential units (ARUs) may be permitted on lots located outside of rural settlements (i.e. on rural residential lots and farms), subject to appropriate locational (i.e. within or in close proximity to the principal dwelling), scale (i.e. maximum floor area etc.) and other criteria (i.e. servicing). If appropriately implemented (e.g. as per Oxford's draft ARU policies) this measure, combined with ARUs in rural settlements, could serve to substantially increase rural housing opportunities while also supporting the needs of farm families (i.e. facilitate elder and/or child care etc.), with limited to no additional impact on agricultural operations.
 - Point out the innovative policies the County recently developed to protect and support agriculture and provide a range of rural economic development opportunities (i.e. agricultural related uses, on-farm diversified uses, rural entrepreneurial uses etc.) as a model for Province. Further, request that the Province expedite their approval of those policies and offer to work directly with the Province to develop further policies and other tools to further support such innovative policy approaches.

Natural Heritage

- It is noted that the need to review this policy area does not appear to be supported by the Province's stated goal of increasing housing supply, as the protection of natural heritage resources is not generally a significant obstacle to the creation of housing and is critical to the long term health and sustainability of our communities and the Province.
- As such, the current natural heritage policy direction in the PPS should be maintained and, if anything, strengthened. It is critical that the Province continue to require a systems based approach to natural heritage and water resources that ensures that the diversity and connectivity of natural heritage systems is maintained, enhanced or restored and that these systems include linkages between and among natural heritage features, surface water features and groundwater features.
- That said, planning staff are of the opinion that there are opportunities to streamline the processes and timelines for natural heritage planning approvals without putting natural heritage systems at risk and are confident that such opportunities can be identified through fulsome engagement with a range of experts in land use and environmental planning, including qualified County and area municipal staff. See related comments below in Section 2 – Conserving Ontario's Natural Heritage.

Natural and Human Made Hazards

- Significant recommendations to update and overhaul the technical standards and approaches for flood-prone areas coming from the Province's 2020 Flood Strategy, which are intended to help ensure an avoidance-first approach to managing the impacts of flooding, and avoiding greater risks and long-term costs in light of more extreme and changing weather patterns. Accordingly, the County is suggesting that the Province first advance the changes to the technical approaches to flood management in Ontario, including consultation and engagement with municipalities and conservation authorities as part of this approach, before undertaking policy updates to streamline and clarify policy direction for development in natural hazard areas, such as flood plains, within Provincial policy.

Aggregates

- The PPS should provide clearer direction on the need for the cumulative impacts of multiple aggregate operations in an area to be considered and addressed.
- The proper rehabilitation of aggregate extraction sites represents one of the greatest opportunities to take coordinated action to improve the natural environment in Oxford and many other areas of the Province. As such, the Province should work closely with affected municipalities to develop clear and supportive PPS policies and comprehensive rehabilitation strategies for aggregate extraction that identify and maximize opportunities to restore and enhance the natural heritage system, where appropriate.

v) Community Infrastructure

Infrastructure Supply and Capacity

- Reiterate the County's previous concerns (e.g. construction and operational standards, potential for County to be ordered to assume operation of such systems if future issues arise etc.) with allowing the use of private communal systems for new development.
- The need for further Provincial direction and support for undertaking master servicing plans to support long term integrated growth and infrastructure planning.
- Provide clearer direction and support municipalities to regulate development on private water and wastewater services in order to ensure such servicing will be sustainable over the long term and have no negative impacts (either individually or cumulatively). This may include updated implementation guidelines and clear authority to regulate minimum lot size, type of systems permitted, monitoring requirements, securities etc.

School Capacity

- As Schools are essential to the development of complete communities, planning for school facilities needs to be more directly integrated with planning for growth in all larger, growing communities, not just 'high growth' communities as identified by the Province.

2. Conserving Ontario's Natural Heritage – Offsetting (ERO 019-6161)

The Province is also seeking feedback on how Ontario could offset development pressures on wetlands, woodlands, and other natural wildlife habitat, as the Ministry of Natural Resources and Forestry (MNRF) is considering developing an offset policy. The Province has indicated that the intent of an offset policy would be to require a net positive impact on these features and help reverse the decades-long trend of natural heritage loss in Ontario through a [discussion paper](#).

Ecological offsetting is an approach wherein natural features are permitted to be removed (in whole or in part) as part of land use decisions and are 'offset' or 'compensated' by creation of new natural heritage features, with the goal of at least matching the area, biodiversity, ecological, and hydrological functions provided by the feature being removed.

Planning staff note that offsetting programs typically have a number of challenges and complexities (e.g. inability to recreate functions being removed, loss of genetic diversity and biodiversity, poor implementation or little to no oversight, undervaluing of features being removed) which require careful consideration in the design of offsetting policies, program design and criteria, as well as in the administration, implementation and monitoring of successes and failures of the offsetting projects to improve outcomes over time.

Overall the County is not opposed to the Province working closely with municipalities and other public and private sector partners to develop minimum standards/policy requirements for an offsetting policy. That said, the current discussion paper fails to acknowledge the complexity, challenges and costs in managing and implementing the re-creation of ecosystems, let alone through municipal planning approvals spread across the Province and at a multitude of scales. There is also a very real risk that an offsetting policy could set precedents for the removal of

wetlands, woodlands, and wildlife habitat, irrespective of significance and result in accelerating not only the loss of natural heritage, but also biodiversity, as well as the loss of essential carbon sinks and sequestration functions that these ecosystems provide and are necessary to achieve greenhouse gas reduction goals. The concern is that off-setting does not just become synonymous for 'pay to pave' and will ensure that legitimate and effective off-setting occurs and only in very limited and appropriate circumstances and does not simply become the default option for new development.

Planning staff also note that municipalities and their conservation authority counterparts can already implement offsetting measures for natural heritage features and areas within the existing natural heritage policies and requirements under the PPS, 2020, in certain circumstances. In particular, to help address the loss of features and areas which do not meet the criteria to be 'significant' under the PPS, or in situations where development is otherwise permitted within natural heritage features and areas and it results in their removal (in whole or in part). These circumstances already provide sufficient opportunities for offsetting considerations and to evaluate and address the challenges associated with offsetting approaches.

It is also noted that offsetting programs and undertakings are likely to require additional municipal resources (e.g. staff) with multi-disciplinary backgrounds, and are not typically "quick" solutions to get development approved or to implement as part of planning approvals. As such, should the Province mandate offsetting into provincial policy, it should be understood that establishing legitimate and effective offsetting solutions for natural heritage loss may actually slow down the processing of development applications, which seems counter intuitive to 'getting more homes built faster'.

Staff have also identified additional concerns and gaps with respect to the Province's proposed approach for developing an offsetting framework, including:

- The Province's concept of 'net gain' should ensure that no loss of extent or area, as well as both quality and function, in order to help ensure a reasonable result of net gain for biodiversity as well;
- The principle of avoidance first needs to be clearly established to ensure that offsetting is only used as a last step after other options to avoid and mitigate any impacts on natural heritage are considered;
- The design and implementation of a biodiversity offset should be well a documented process informed by sound science;
- There should be clear limits as to where offsetting is not an option (e.g. offsetting should not be permitted for Provincially Significant Wetlands or any other 'significant' natural heritage feature or area where development would not be permitted currently under the 2020 PPS).
- The Province should include requirements for the location of offsets to be as close to the location of the feature as necessary. This is in order to ensure that municipalities and subwatersheds with high growth pressures do not suffer from further reductions in natural cover, loss of biodiversity, or functional losses in the performance of ecosystems (i.e. flood attenuation); and

- The Province should not permit “banking” or “cash in lieu” frameworks for offsetting based on the valuation of features, as these systems consistently undervalue the ecological goods and services provided by features, fail to consider the full costs (including monitoring and adaptive management) for feature creation, and do not ensure that suitable alternative lands are available for these purposes and that they can be secured for the long term).
- 3. Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario - ERO 019-2927**

It is understood that the Province is proposing to create a regulation governing the activities that require permits under the Conservation Authorities Act (CAA), and that the proposed regulation would focus permitting decisions on matters related to the control of flooding and other natural hazards and the protection of people and property, and that this is also to implement a recommendation from the Province’s 2020 Flooding Strategy.

As part of the ERO posting the Province is also consulting on streamlining rules for development, and to improve the coordination between Conservation Authority (CA) permitting and municipal planning approvals, potentially through a future regulation.

With respect to the proposed changes to under Section 28 of the CAA, staff note the following:

- The Province is proposing a group of activities to “streamline” approvals (i.e. proponents may need to submit/register information with the CA prior to engaging in an activity, but wouldn’t be subject to a ‘review process’. Many of the activities proposed for streamline may be minor enough to not necessarily require building permits for structures (subject to scale), and as such the County supports aligning or streamline these types of approvals.
- The County shares concerns identified by CAs regarding proposed updates to the definition of “watercourse” from an identifiable depression in which water regularly or continuously flows, to a defined channel having a bed, and banks or sides. This change in definition eliminates regulation of headwater areas and smaller tributaries which typically lack a clearly defined channel (bed, bank and sides), and are important sources of water to support fish habitat, maintain water quality and hydrological functions. These headwater areas can also be important areas of recharge for municipal drinking water supplies. As such, the Province should not exclude headwater features from the definition of ‘watercourse’ in the regulation.
- The proposed regulation would also establish requirements for a process for CAs to develop complete application frameworks, and establishes minimums with respect to complete application requirements for CA permits. The County supports the concept of complete application requirements as a means to ensure submissions include all required information for faster review and processing of applications. The Province should also clarify that applicable permit fees could be collected as part of a complete application.

The County has serious concern that the Province is proposing to streamline the conservation authority regulation requirements for flood hazards and the related PPS policies, without also updating the applicable flood event technical standards and natural hazard technical guides used for hazard management purposes, including for municipal planning as well as conservation authority regulatory purposes. As noted in the comments regarding the review of APTG and PPS, the Province’s flood strategy identified significant and major deficiencies in the existing flood standards used within both the PPS and the CAA. The review of these standards needs to be

made a priority given the increasing risks to municipalities, people and property resulting from changing weather patterns and more extreme storm events.

Improved coordination between Conservation Authorities Act regulations and municipal planning approvals

It is understood that the Province is also consulting on how development could be exempt where permitted under the Planning Act from requiring a permit under the Conservation Authorities Act, through a future regulation (that is not yet proposed). The County's response to Bill 23 provided comments pertaining to the main CA Act changes proposed which would create the ability for the Province to propose such a regulation, and more specifically that the Province should:

- Keep all existing natural hazard-related responsibilities with CAs, as they already have the technical knowledge, capacity and resources to implement necessary restrictions and requirements where development is proposed in areas of natural hazards. Existing processes are already established to integrate these requirements and information, and changes to these processes could create further delays in development timelines.
- Look for ways to streamline or establish greater consistencies on permit requirements and conditions that are imposed on CA permits, without downloading responsibilities to municipalities, for development applications, and get input from the existing multi-stakeholder Conservation Authorities Working Group (CAWG) and municipalities on how to do this.
- Consider improving language (through the PPS update) on how natural hazards should be considered through Planning Act requirements and how CAs and municipalities should integrate information into municipal planning documents to achieve this.

Given that the Province has since moved ahead with the Bill 23 changes despite widespread municipal concerns, staff are also suggesting that the Province:

- Only consider the download of natural hazard responsibilities through a regulation where municipalities are willing/interested (indicated by way of a council resolution).
- That interested municipalities should have to demonstrate how they have the technical knowledge, resources and capabilities necessary to implement permits related requirements as part of development approvals, and should also have to agree to assume the increased liability and associated costs which may occur as a result of any exemptions (similar to the MOU which exists between the Province and CAs for this purpose).
- The exemption should also not apply to the removal of wetlands and/or alteration of waterways and/or modification of shorelines, nor should works in areas of steep or unstable soils or bedrock.
- Clarify how permit related conditions could be applied to Planning Act applications such as zoning by-law amendments, which are not subject to conditions of approval. It is currently unclear how permit requirements could be imposed through such applications.
- Clarify what implementation tools the Province expects to be used to ensure that municipalities consistently flag and impose natural hazard requirements in accordance with Provincial standards. Given that the establishment of mapping and the interpretation of the Section 28 regulation is the responsibility of the CAs.

Conclusions

The potential changes to the Provincial Policy Statement and natural heritage and natural hazard planning being considered and/or proposed by the Province through the ERO postings discussed in this report could potentially have a significant impact on land use, infrastructure and environmental planning across the province. Therefore, if such changes are enacted by the Province, the County and Area Municipalities will need to undertake updates to various policies, processes and standards and review related staffing and other resource impacts to ensure the changes can be effectively addressed and implemented in the Oxford context.

Given the extent of the changes being considered and the short review and commenting deadline provided by the Province, County staff are seeking County Council's direction to prepare and submit formal comments to the Province on behalf of the County. It is intended that these comments will be focused primarily on the key policy areas and matters outlined in this report.

County staff will ensure that County Council is kept apprised of any comments submitted to the Province and will continue to monitor the progress of the policy and other changes being proposed, and advise County Council of any relevant changes and/or opportunities for comment on matters that may be of particular interest or concern to the County or Area Municipalities.

SIGNATURES

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