



Municipality of North Grenville

To:	COUNCIL	Meeting Date: 2021/1/12
Subject:	Conservation Authorities and Municipal Operations	Report No: PD-002-2021
Prepared by:	Amy Martin, Acting Director of Planning and Development	File No: C7-PD

RECOMMENDATION(S)

THAT Council receive this report [PD-002-2021 – Conservation Authorities and Municipal Operations] for information purposes concerning the impacts of Bill 229, amending the *Conservation Authorities Act*, on the Municipality's operational and administrative functions.

EXECUTIVE SUMMARY

Purpose

To identify impacts to the Municipality's operational and administrative services regarding the proposed changes to the *Conservation Authorities Act* of Bill 229.

Key Findings

- Proposed changes to the *Conservation Authorities Act* will impact the Municipality's operational and administrative functions.
- Bill 229 would scope down the services provided by Conservation authorities to three core areas: natural hazards, conservation and management of lands owned by the Conservation Authority and duties under the *Clean Water Act*.
- Additional services would require agreements between the Municipality and the local Conservation Authorities.
- Bill 229 provides that the Minister can issue a permit or overturn a Conservation Authorities decision to not issue a permit politicizes the process and provides no validity to a scientific evidenced based decision-making process.
- Future regulations made by the Province that impacts the funding and service costs for a Conservation Authority could negatively affect service levels. Reduction in service levels would negatively impact the development review process, including:
 - causing delays in issuing Section 28 permits due to reduced funding (administrative impact);
 - requiring municipalities to contract out technical expertise for development review or bring these services in house (operational impact)
- Reducing the enforcement abilities of Conservation authorities would create additional operational and administrative costs on the Municipality. Operationally this would require the Municipality to hire an Enforcement Officer to address matters outside of the mandated scope of

Conservation Authorities (e.g., alteration to Significant Wetlands or environmental features identified by the Municipality/Province).

Financial Implications

- Future regulations by the Province could increase or decrease the Municipal levy
- Reduction in services would require the Municipality to obtain additional resources (e.g., personnel or contracted services) to provide technically expertise
- Requiring agreements for additional services would create associated legal costs (preparation of agreements, review etc.).

BACKGROUND

Conservation Authorities play an important role within Municipal operations and administration. The mandate of Conservation Authorities includes undertaking watershed-based programs to protect people and property from flooding and other natural hazards, and to conserve natural resources for economic, social, and environmental benefits.

Conservation Authorities review development applications, undertake projects to monitor and control natural hazards such as flooding and droughts, and conserve nature by protecting important natural features such as Provincially Significant Wetlands.

They also provide monitoring services, data collection, reporting (e.g., forest cover, wetland hydrology) and stewardship programs (e.g., tree planting, shoreline restoration).

ANALYSIS

Conservation Authorities provide a watershed approach to manage natural hazards and sensitive environmental features. For North Grenville, the Conservation Authorities provide an additional lens for development application review. This includes matters such as development within a floodplain, stormwater management for larger developments (including subdivisions and Institutional/Commercial/Industrial development) and ensuring minimal impact to natural receptors such as wetlands and waterways.

North Grenville works with the Rideau Valley Conservation Authority (RVCA) and the South Nation Conservation Authority (SNCA) to provide environmental planning and environmental engineering services. Administrative and operational services include but are not limited to:

- Planning Application Review (e.g., Site Plan, Zoning Amendments, Minor Variances, Plans of Subdivision)
- Technical Reviews (e.g., Stormwater Management Reports, Geotechnical)
- Source Water Protection (Mississippi-Rideau Source Water Protection)
- Building Permit Review (within regulatory area)
- Enforcement (illegal alteration of significant environmental features)

The Province is proposing changes to the *Conservation Authorities Act* that would impact the administration and operational relationship between conservation authorities and municipalities. Some of the proposed changes include:

- Removal of conservation authorities as a public body under the *Planning Act*
- Ministerial authority to modify or override a Section 28 Permit issued by a conservation authority

- Appeal mechanism for the non-issuance of a Section 28 Permit to the Local Planning Appeal Tribunal (LPAT)
- Agreements are required for programs and services to further the conservation, restoration, development, and management of natural resources outside of the services mandated by the Province.
- The Province can create regulations to stipulate the fees that Conservation Authorities charge for their services and prescribe how Municipal levies are calculated.

The most recent version of Schedule 6 which shows the proposed changes to the *Conservation Authorities Act* is attached.

Strategic Alignment

Strategic Focus Area 1: Sustainable, Strategic Growth (Goal 4: Environmental Stewardship)

- Outcome: To protect our water sources and waterways by partnering with local Conservation Authorities to review the impact from development on local waterways.

COMMENTS

Conservation Authority Services

Schedule 6 and the proposed changes within the amendment, will impact the administrative and operational function of the Municipality. While the Conservation Authorities are still mandated to provide programs and services related to the risk of natural hazards, conservation and management of lands owned by the Conservation Authority and duties under the *Clean Water Act*, additional agreements will be required for any service outside of this scope.

Scoping down the services provided by the Conservation Authority would significantly impact the holistic ecosystem approach. The data collection, reporting and programming currently provided by the Conservation Authorities would need to be negotiated contractually by individual municipalities, and could lead to an increase in cost for administering these programs.

The loss of data collection, reporting and programming services would require the Municipality to identify other sources for this information, or undertake its own data collection and reporting. This requires greater staff resources and in-house expertise.

Development Review

The removal of Conservation Authorities as a public body under the *Planning Act* could have implications regarding appeals under the *Planning Act*. Although conservation authorities will still maintain their ability to appeal or be added as a third party to an appeal, the scope of the appeal would only address natural hazards. The Municipality relies on the expertise of the Conservation Authorities to identify the impacts of not only natural hazards but sensitive environmental features as well. This would require the Municipality to outsource the review of environmental studies as they pertain to features such as Provincially Significant Wetlands as an example.

The proposed changes will allow for the Minister to issue a Section 28 permit or overturn decisions to not issue a permit by a Conservation Authority. When a development is located within the regulatory area of a Conservation Authority (being land within a flood plain or lands within 120 metres of a provincially significant wetland), a Section 28 Permit is required. Review of development applications are undertaken by many technical experts, including but not limited to geo-technologists, hydrogeologists, biologists, and engineers.

The ecosystem-based approach for development review is rooted in environmental science to ensure the least amount of impact to the natural environment and to protect persons and property from natural

hazards. This is integral to the development review process at the Municipal level. It is not certain if a Ministerial issuance of a permit would provide the Municipality with the technical expertise or evidence-based decision making it requires when issuing development permits or entering into development agreements.

The quality and detail-oriented review of development applications for matters such as floodproofing, stormwater management and environmental impact studies could be further impacted should the Province regulate the service fees for conservation authorities. This could result in a decreased level of service or a gap in technical expertise. From an operational standpoint this may require the Municipality to seek further external review on complex applications that impact natural hazards or sensitive environmental features.

Enforcement

The Municipality relies on conservation authorities to enforce violations under the *Conservation Authorities Act*, such as unauthorized alteration to waterways or significant wetlands. Removing the 'public body' status of Conservation Authority's would restrict their powers to study and investigate and enter onto land throughout the watershed.

Reducing the role of conservation authorities regarding enforcement would shift the burden onto the Municipality. This would create an administrative, operational, and financial burden (including hiring of enforcement officers, legal costs etc.).

EXISTING POLICY/BY-LAW

The following legislation is impacted by the proposed changes:

- *Conservation Authorities Act*
- *Planning Act*

Municipally, the conservation authorities review development applications against the following policy documents:

- *Provincial Policy Statement*
- *United Counties of Leeds and Grenville Official Plan*
- *North Grenville Official Plan*

FINANCIAL IMPACT

This item has been identified in the current budget: Yes ☐ No ☐ N/A **X**

This item is within the budgeted amount: Yes ☐ No ☐ N/A **X**

Staffing implications, as they relate to implementing Council's decision on this matter, are limited to the existing staff complement and applicable administrative policies as approved by Council.

Additional resources may be required for services that are outside of the core mandate as identified within the proposed legislative changes. The Municipal Levy could be further impacted should the Province issue regulations impacting the calculation and collection of Municipal fees.

PUBLIC INPUT

Not Applicable.

INTERNAL/EXTERNAL CONSULTATION

The Director of Legislative Services and Public Works were consulted on this report.

CONCLUSION

The proposed changes of Bill 229 will have an impact on North Grenville's operational and administrative function. North Grenville has maintained strong working relationships with its local Conservation Authorities. Legislatively diminishing the role that conservation authorities have within the development review process and provision of environmental services will have a negative impact.

SIGNATURE

Prepared by:

Original Signed By

Name: Amy Martin

Title: Acting Director of Planning and Development

Reviewed by:

Original Signed By

Name: Heather Babcock-Cormier

Title: Director of Legislative Services/Municipal Solicitor

Submitted for

Council consideration by:

Original Signed By

Name: Gary Dyke

Title: Chief Administrative Officer

ATTACHMENTS

Attachment 1: Schedule 6 – Proposed Changes to *Conservation Authorities Act*.