

CENTRAL LAKE ONTARIO CONSERVATION FUND

AGENDA

Tuesday, October 17, 2023

HYBRID MEETING LOCATION: VIRTUAL THROUGH ZOOM (ACCESS DETAILS TO BE PROVIDED)
OR 100 WHITING AVENUE, OSHAWA, AUTHORITY'S ADMINISTRATIVE OFFICE, BOARDROOM

CIRCULATION LIST

Authority	Elizabeth Roy, Chair	Authority	C. Darling, Chief Administrative Officer
Members:	Bob Chapman, Vice Chair	Staff:	B. Boardman, Executive/Accounting Administrator
	Marilyn Crawford		R. Catulli, Director, Corporate Services
	Sami Elhajjeh		J. Davidson, Director, Watershed Planning & Natural Heritage
	Bruce Garrod		L. Hastings, Communications Specialist
	Ron Hooper		D. Hope, Conservation Lands & Education Manager
	Rick Kerr		C. Jones, Director, Planning & Regulation
	Chris Leahy		P. Sisson, Director, Engineering, Field Operations & Education
	Tito-Dante Marimpietri		L.Vaja, Executive Assistant/Health & Safety Administrator/ Recording Secretary
	Ian McDougall		R. Wilmot, Information Management & Technology Manager
	Rhonda Mulcahy		
	John Neal		
	David Pickles		
	Corinna Traill	Others:	
	Steve Yamada		

AGENDA ITEM:

SUPPORTING DOCUMENTS

1. **DECLARATIONS of interest by members on any matters herein contained**
2. **ADOPTION OF MINUTES** of May 16, 2023 pg. F1
3. **AUDITED FINANCIAL STATEMENTS - None**
4. **CORRESPONDENCE**
 - (1) Correspondence from The City of Oshawa pg. F3
Re: Request to Investigate a Durham (Oshawa) Natural Heritage Review Solution
 - (2) Correspondence from The Township of Scugog pg. F5
Re: Changes to the Conservation Authority Act related to Natural Heritage Review
 - (3) Correspondence from The Town of Whitby pg. F7
Re: Review of Natural Heritage Matters Related to Planning Applications
 - (4) Correspondence from The Corporation of the Municipality of Clarington pg. F9
Re: Review of Natural Heritage Matters Related to Planning Applications

Cont'd

- (5) Correspondence from The Town of Ajax pg. F10
Re: Review of Natural Heritage Matters Related to Planning Applications

RECOMMENDATION:

THAT the above correspondence items be received for information.

5. DIRECTOR, PLANNING & REGULATION

- (1) Staff Presentation
- (2) Staff Report # F003-23 pg. F11
Re: Endorsement of the concept of a Not-For-Profit Corporation to Provide Natural Heritage
Planning Advice to Partner Municipalities

6. OTHER BUSINESS

7. ADJOURNMENT

CENTRAL LAKE ONTARIO CONSERVATION FUND

MINUTES NO. 2

Tuesday, May 16, 2023

MEETING LOCATION: HYBRID – Virtual through Zoom and/or in person at 100 Whiting Avenue, Oshawa

Members Present:	Elizabeth Roy – Chair Bob Chapman – Vice Chair Bruce Garrod Ron Hooper Rick Kerr Chris Leahy Rhonda Mulcahy John Neal Steve Yamada	Staff Present:	C. Darling, Chief Administrative Officer A. Cunning, Financial Services Coordinator B. Boardman, Executive/Accounting Administrator R. Catulli, Director, Corporate Services J. Davidson, Director, Watershed Planning & Natural Heritage L. Hastings, Communications Specialist D. Hope, Conservation Lands & Education Manager L. Hastings, Communications Specialist C. Jones, Director, Planning & Regulation D. Moore, Aquatic Biologist P. Sisson, Director, Engineering & Field Operations & Education L. Vaja, Executive Assistant/Health & Safety Administrator/ Recording Secretary R. Wilmot, Information Management & Technology Manager
Absent:	Marilyn Crawford Sami Elhajjeh Tito-Dante Marimpietri Ian McDougall David Pickles Corinna Traill	Others:	Nigel Allen, BDO Adam Delle Cese, BDO

The Chair called the meeting to order at 5:00 p.m.

LAND ACKNOWLEDGEMENT STATEMENT

Chair Roy recited the Land Acknowledgement Statement.

DECLARATIONS of interest by members on any matters herein contained - *None*

R. Kerr arrived at 5:01 p.m.

ADOPTION OF MINUTES of January 17, 2023 (Agenda pg. F1)

Res. #F3 Moved by R. Hooper
 Seconded by R. Kerr

THAT the Central Lake Ontario Conservation Fund minutes of January 17, 2023 be adopted as circulated.
CARRIED

AUDITED FINANCIAL STATEMENTS

(1) Staff Report #F002-23 (Agenda pg. F3)
Re: DRAFT 2022 Financial Statements, Central Lake Ontario Conservation Fund

Res. #F4 Moved by R. Kerr
 Seconded by B. Chapman

THAT the 2022 Audited Financial Statements for the Central Lake Ontario Conservation Fund, be approved as presented; and,
THAT BDO Canada be appointed as CLOCA Auditors for the year ending December 31, 2023.
CARRIED

OTHER BUSINESS - *None*

ADJOURNMENT

Res. #F5 Moved by R. Hooper
 Seconded by B. Chapman

THAT the meeting adjourn.
CARRIED

The meeting adjourned at 5:02 p.m.

ELIZABETH ROY, CHAIR

CHRIS DARLING, CHIEF ADMINISTRATIVE OFFICER

DRAFT

May 9, 2023

File: 12-05

Board of Directors
Central Lake Ontario Conservation Fund Corporation
100 Whiting Avenue
Oshawa, ON L1H 3T3

Re: Request to Investigate a Durham (Oshawa) Natural Heritage Review Solution

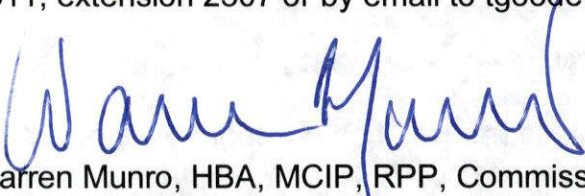
By way of this letter, I would like to take the opportunity to request that the Board of Directors for the Central Lake Ontario Conservation Fund Corporation assist City staff by undertaking to investigate a means by which the natural heritage protection policies of the Oshawa Official Plan may continue to be rigorously upheld. These policies were largely developed through Official Plan Amendment 179 in an effort to ensure a robust policy framework is in place to address matters of natural heritage protection in the context of planning and developing Oshawa's communities, including at a watershed level.

It is our understanding that with the implementation of recent amendments to the Conservation Authorities Act and associated regulations pursuant to Bill 23, More Homes Built Faster Act, 2022, the Central Lake Ontario Conservation Authority (CLOCA) no longer has authority to provide comments on natural heritage matters related to the review of planning applications and proposals, including proposed amendments to the O.O.P. and Zoning By-law 60-94. Nonetheless, this remains a critical review function. Accordingly, your assistance in investigating with Oshawa staff the potential to shift the natural heritage review function to a new municipally-directed approach is respectfully requested.

Administratively, any such new municipally-directed approach should be one that involves the execution of appropriate agreements to address such matters as the retention of necessary technical staff, future budgeting, information sharing, resourcing of staff and cost-sharing, particularly in the event that the approach involves multiple municipal partners. Ensuring that corporate objectives and by-laws, as appropriate, are clearly set out is likewise key to any potential transition. In terms of desired outcomes, the underlying objectives of such an approach should include:

- Transitioning to the new approach from the previous CLOCA delivery system in a timely fashion, according to a set start date, in order to meet legislated requirements to implement an alternative means of service;
- Reducing the timelines for application review to ensure review timelines are met, without compromising the quality/robustness of the natural heritage review function; and,
- Providing consistent and reliable expert commentary on natural heritage matters that is uniformly applied across the City's local watersheds.

Your consideration of the above noted request is greatly appreciated. I look forward to further engaging with you to advance future arrangements to ensure the implementation of a natural heritage review approach that is streamlined and provides robust natural heritage protections as part of local municipal service delivery. Should you have any questions or require further clarification, please contact Tom Goodeve at the address shown or by telephone at (905) 436-3311, extension 2307 or by email to tgoodeve@oshawa.ca.



Warren Munro, HBA, MCIP, RPP, Commissioner
Economic and Development Services Department

TG/k

- c. Tracy Adams, Chief Administrative Officer
Stephanie Sinnott, Commissioner, Corporate and Finance Services



May 17, 2023

Chair and Members of Board of Directors
Central Lake Ontario Conservation Fund Corporation
100 Whiting Avenue
Oshawa ON L1H 3T3

Re: Changes to the Conservation Authority Act related to Natural Heritage Review

The Township of Scugog requests the Central Lake Ontario Conservation Fund Corporation's (CLOCFC) help to ensure that natural heritage Official Plan policies continue to be upheld through the development review process.

With the passing of the recent amendments to the Conservation Authorities Act and associated regulations, the Central Lake Ontario Conservation Authority (CLOCA) is no longer able to provide comments on development applications under the Planning Act related to natural heritage. The Township is asking CLOCFC to implement a new municipally directed approach on natural heritage plan review. The Township is willing to enter into a municipal cost-sharing agreement to facilitate this undertaking.

The key objectives of this new municipally directed approach would:

- Meet legislated requirements to transition from a CLOCA-delivered service.
- Speed up application reviews and ensure review timelines are met.
- Provide reliable professional advice that is consistent across the CLOCA watershed.

We anticipate some of the key deliverables would be to:

- Ensure corporate objectives and by-laws are established.
- Draft and execute implementing agreements between participating Regional municipalities and the corporations.
- Retain and/or second technical staff.
- Establish future budgets and accountability agreements.
- Set service delivery start times.

The Township is regulated by three conservation authorities including: Central Lake Ontario, Kawartha, and Lake Simcoe and Region which makes us unique to other municipalities within the Region. The Township of Scugog is situated within the Greenbelt Plan area and the Oak Ridges Moraine Conservation Plan area. We have limited growth potential for intensification and much of our land base contains natural heritage features within rural areas. As such, the Township would be interested in further discussing the ability for a municipally directed approach to consider natural

heritage service delivery review beyond the CLOCA watershed and a cost sharing arrangement be based on application review type instead of geography.

We appreciate your consideration of our request to ensure the continuity of expertise in natural heritage plan review for local municipal service delivery. In our opinion, this municipality directed approach would lower costs for municipalities, while enhancing service delivery in a transparent and consistent approach across all participating municipalities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Heritage".

Kevin Heritage, MCIP, RPP
Director, Development Services
Township of Scugog

cc Ken Nix, Chief Administrative Officer

May 19, 2023

Board of Directors
Central Lake Ontario Conservation Fund Corporation
100 Whiting Avenue
Oshawa ON L1H 3T3

Re: Review of Natural Heritage Matters Related to Planning Applications

It is our understanding that as a result of the passage of recent amendments to the Conservation Authorities Act and associated regulations, the Central Lake Ontario Conservation Authority (CLOCA) no longer has the authority to review and provide comments on natural heritage matters related to development applications under the Planning Act. Notwithstanding the Province's decision in this regard, the review of natural heritage matters remains as a critical component in the application review function administered by the Town of Whitby. As such, the Town is interested in further investigating a municipally directed approach to the natural heritage review function along with other affected municipalities and the Central Lake Ontario Conservation Fund Corporation (COLCFC).

Key objectives of a new municipally-directed approach would include the following:

- Meeting legislated requirements to transition from a CLOCA-delivered service;
- Speeding up application reviews and ensuring review timelines are met; and,
- Providing reliable professional advice that is consistent across the CLOCA watershed.

Critical outcomes for the Town will include the following:

- Ensuring that corporate by-laws are set out;
- Implementing agreements between the participating municipalities and the corporation are drafted and executed;
- Retaining the necessary technical staff;
- Establishing future budgets, accountability agreements and potential secondment agreements; and,
- Setting a start date for service delivery.

Please accept this correspondence as a formal request for the CLOCFE to further engage with interested municipalities in the CLOCA watershed to establish a new

Town of Whitby
Planning and Development Department
575 Rossland Road East
Whitby, ON L1N 2M8
905.430.4300
whitby.ca



municipally directed approach to natural heritage plan review. Your consideration of this request is greatly appreciated.

Should you have any questions or require further information, please contact Ed Belsey, Senior Manager at (905) 444-2805 or BelseyE@whitby.ca

Sincerely,

Roger Saunders, MCIP, RPP
Commissioner, Planning and Development
Town of Whitby

cc: Matthew Gaskell, Chief Administrative Officer

Clarington

May 25, 2023

Board of Directors
Central Lake Ontario Conservation Fund Corporation
100 Whiting Avenue
Oshawa ON L1H 3T3

Dear Sir/Madam,

Re: Review of Natural Heritage Matters Related to Planning Applications

It is our understanding that as a result of the passage of recent amendments to the Conservation Authorities Act and associated regulations, the Central Lake Ontario Conservation Authority (CLOCA) no longer has the authority to review and provide comments on natural heritage matters related to development applications under the Planning Act. Notwithstanding the Province's decision in this regard, the protection of the natural heritage system remains a paramount concern to the Municipality of Clarington. As such, Clarington is interested in further investigating a municipally directed approach to the natural heritage review function previously provided by CLOCA along with other affected municipalities and the Central Lake Ontario Conservation Fund Corporation (CLOCFC).

Critical outcomes of a new municipally-directed approach would include the following:

- Providing consistent and reliable professional advice on Natural Heritage matters that is consistent across Clarington's watersheds;
- Reducing the timelines for application review to ensure review timelines are met, without compromising the quality of the natural heritage review function; and
- Transitioning to the new approach from the previous CLOCA-delivered system in a timely fashion.

Please accept this correspondence as a formal request for the CLOCFC to further engage with interested municipalities in the CLOCA watershed to explore in more detail a new municipally directed approach to natural heritage review. Your consideration of this request is greatly appreciated.

Should you have any questions or require further information, please contact Lisa Backus, Manager, Community Planning at (905) 623-3379 ext. 2413 or lbackus@clarington.net.

Yours truly,



Carlos Salazar, MCIP, RPP
Director, Planning & Infrastructure Services



**Planning &
Development Services**
Tel. 905-683-4550
Fax. 905-683-0360

TOWN OF AJAX
65 Harwood Avenue South
Ajax, ON L1S 2H9
www.ajax.ca

June 8, 2023

Board of Directors
Central Lake Ontario Conservation Fund Corporation
100 Whiting Avenue
Oshawa, ON L1H 3T3

Re: Review of Natural Heritage Matters Related to Planning Applications

It is our understanding that as a result of amendments to the Conservation Authorities Act and associated regulations, the Central Lake Ontario Conservation Authority (CLOCA) no longer has the authority to review and provide comments on natural heritage matters related to development applications under the *Planning Act*. Notwithstanding the Province's decision in this regard, the protection of the natural heritage system remains a paramount concern to the Town of Ajax.

CLOCA's jurisdiction within the Town of Ajax is limited to a small portion of the Lynde Creek watershed which encompasses approximately 5-10% of the Town's land area. This small land area is also within the Provincial Greenbelt Plan boundary and the Town wants to ensure a consistent approach to the review of natural heritage features in this area. As such, the Town is interested in investigating a fee-for-service approach with the Central Lake Ontario Conservation Fund Corporation (CLOCFC) for the natural heritage review function that was previously provided by CLOCA within the Town's Lynde Creek watershed. As the land area associated with the Lynde Creek watershed within the Town of Ajax is limited and the number of development applications in this area are expected to be minimal, the Town is seeking to establish a fee-for-service, as opposed to an annual funding model with other affected municipalities. Subject to further investigation and operational/jurisdictional matters for the CLOCFC, the Town may also be interested in establishing the CLOCFC as a vendor of record for natural heritage review related of development applications in the rest of the Town.


Please accept this correspondence as a formal request for the CLOCFC to further engage with the Town of Ajax to explore in more detail a new municipally directed approach to natural heritage review. Your consideration of this request is greatly appreciated.

Sincerely,

Geoff Romanowski, MCIP, RPP, CPT
Director, Planning & Development Services
Town of Ajax
65 Harwood Ave. S. Ajax, ON L1S 2H9
E: Geoff.romanowski@ajax.ca
P: 905-619-2529, ext. 3205 | C: 365-885-1447

cc: Shane Baker, Chief Administrative Officer
Diane Valentim, Director of Finance

DATE: October 17, 2023
FILE: ACFB2
S.R.: F003-23
TO: Chair and Members, CLOC Fund Board of Directors
FROM: Chris Jones, Director, Planning and Regulation
SUBJECT: **Endorsement of the concept of a not-for-profit corporation to provide natural heritage planning advice to partner municipalities**

APPROVED BY C.A.O. 

Purpose

The purpose of this report is to introduce and seek conceptual endorsement of a local municipal solution to implementation of Bill 23: the establishment of a new not-for-profit corporation to provide for the continuation of local, public-interest natural heritage plan review and protection services as a municipal collaborative in central Durham.

Background: Bill 23, “More Homes Built Faster Act, 2022,” and Ontario Regulation 596/22 Made Certain Natural Heritage Conservation Work by Conservation Authorities Illegal

In the fall of 2022, the Ontario Government introduced omnibus legislation known as Bill 23, which was enacted as the “More Homes Built Faster Act, 2022” and became law on November 28, 2022. This Act amended the *Conservation Authorities Act*, amongst a series of other acts, under the pretext of a “Housing Supply Action Plan 3.0” to give the Minister of Natural Resources and Forestry the power to make regulations to identify provincial laws under which conservation authorities would be prohibited from “reviewing and commenting on a proposal, application or other matter.”

On December 28, 2022, a new minister’s regulation using the new powers under Bill 23 was published naming the *Planning Act* and nine (9) other land use and environmental laws where conservation authorities would be prohibited from undertaking conservation work in the context of the planning and development process – specifically with respect to natural heritage plan review and protection. This regulation, *Ontario Regulation 596/22*, came into effect four (4) days later on January 1, 2023. Further, no transitional rules or guidance were issued leaving conservation authorities, municipalities, and the development industry alike the task of managing through a transitional period. This year-to-date has required CLOCA staff to assist our municipal colleagues—who retain responsibility for natural heritage identification and protection—in charting a constructive path forward to a new approach to ensure that development applications continued to progress in 2023 unimpeded and that natural heritage continues to be properly identified and protected in the development process pursuant to approved provincial and municipal policy.

Preliminary Work Towards a local municipal Solution

On January 5, 2023, CLOCA staff wrote to planning departments in the watershed advising of the Bill 23 legislative changes and regulation discussed above. At that time staff indicated that “CLOCA will need to work with watershed municipalities to determine an approach to ensure continuity of service is maintained with respect to certain natural heritage related matters. We will be reaching out to you again shortly to discuss specific options and approaches in this regard.” Subsequently, meetings were held with various members of watershed municipality planning department leadership to discuss the unprecedented situation imposed by the province.

Cont’d

Meetings took place on January 17, March 23, April 19, and September 13 of this year. During the meetings, municipal planning staff indicated that Bill 23 and the prohibition of conservation authority plan review and commenting on development applications has been counterproductive and has resulted in delays and more costly approvals. The meetings confirmed a willingness of watershed municipalities for a continuation of joint and cooperative sharing of public-interest natural heritage plan review and protection functions, for which they are fully responsible. The meetings also had the purpose of exploring options for the creation of a new structure that sustains the integrated and local experience developed by CLOCA over the past decades in conformity with the law. To that end, letters were written to the Central Lake Ontario Conservation Fund Corporation, as presented in this agenda package.

For example, the Commissioner of Economic and Development Services at the City of Oshawa wrote, “By way of this letter, I would like to take the opportunity to request that the Board of Directors for the Central Lake Ontario Conservation Fund Corporation assist City staff by undertaking to investigate a means by which the natural heritage protection policies of the Oshawa Official Plan may continue to be rigorously upheld... In terms of desired outcomes, the underlying objectives of such an approach should include: transitioning to the new approach from the previous CLOCA delivery system in a timely fashion, according to a set start date, in order to meet legislated requirements to implement an alternative means of service; reducing the timelines for application review to ensure review timelines are met, without compromising the quality/robustness of the natural heritage review function; and, providing consistent and reliable expert commentary on natural heritage matters that is uniformly applied across the City’s local watersheds.”

Following receipt of favorable commentary from staff at the Town of Ajax, Town of Whitby, Township of Scugog, City of Oshawa and Municipality of Clarington, and in preparation for this meeting, staff obtained legal advice to test various alternatives and has received legal analysis determining that the establishment of a new not-for-profit corporate entity by the Central Lake Ontario Conservation Fund Corporation under the *Not-for-Profit Corporations Act, 2010*, that is municipally controlled and financed would be feasible.

Analysis: A Proposed local municipal directed Not-for-Profit Corporation Concept: the Central Durham Municipal Natural Heritage Collaborative

It is staff’s view that the innovative concept of a Central Durham Municipal Natural Heritage Collaborative corporation (MNHC) would be a cost-effective and efficient means to transfer functions formerly undertaken by CLOCA under the *Conservation Authorities Act*, as required by Bill 23 and regulations, and would most-importantly best serve the participating municipalities in continuing to consistently and effectively protect their finite local natural heritage resources in a time of rapid urbanization, climate and biodiversity crises. It should also be noted from a conservation perspective that it is not possible to effectively protect our communities from flooding and erosion hazards without continuing to ensure that natural heritage is protected in a manner that is integrated with natural hazard considerations to the extent possible in the current legal framework.

Regarding governance and finance, it is envisioned that participating municipalities, as determined by Council Resolutions, will appoint members to a MNHC Board of Directors and would, through their annual budget processes, make annual budget allocations for the continued operations of the MNHC. However, the details associated with both governance and finance will need to be determined through further dialogue via the negotiation of Service Agreements with participating municipalities to be entered into between the MNHC and each participating municipality. The Board would also direct a compliment of staff, the composition of which is anticipated to come from the transfer of CLOCA staff to the employ of the new MNHC and will also be determined through the level of service agreed to by the finalized Service Agreements. At this point in time, only the endorsement of the concept of a MNHC and direction to continue to work towards the realization of the concept is sought.

Cont’d

Next Steps:

Should Board adopt staff's recommendations below, the following critical path is envisioned to achieve the establishment of a Central Durham Municipal Natural Heritage Collaborative:

1. Endorsement of Concept, as presented in this Report;
2. Negotiation of Draft Service Agreements to be entered into between participating municipalities and the MNHC;
3. Municipal Council endorsement of MNHC Concept and Service Agreements and proposed appointment of proposed MNHC Board Members;
4. Final Approval of the MNHC Concept by Central Lake Ontario Conservation Fund Board and Incorporation of the MNHC under the *Not-for-Profit Corporations Act, 2010*;
5. Operation and Start-up of MNHC including transfer of staff.

RECOMMENDATION:

WHEREAS Natural Heritage is essential for its intrinsic environmental value and for its value to society and must be carefully managed for present and future generations as a legacy of the natural landscapes of our community;

WHEREAS The Passage of Bill 23 and Ontario Regulation 596/22 has necessitated an alternative approach to Natural Heritage Plan Review and Protection in Central Durham;

WHEREAS Several Local Municipalities have indicated a desire to explore an alternative service delivery model that would be cooperative, cost-effective, efficient and would preserve public-interest natural heritage review and protection;

THEREFORE BE IT RESOLVED THAT the Central Lake Ontario Conservation Fund Board of Directors hereby Endorses the Concept of a Not-for-Profit Central Durham Municipal Natural Heritage Collaborative Corporation and directs staff to take steps to negotiate draft service agreements and participating council endorsement for further consideration by this Board.