

Conservation Halton

Board of Directors



MEETING PACKAGE
MAY 2019



Spring tree planting event

MEETING NO: # 06 19
DATE: May 23, 2019
TIME: 3:00 p.m.
PLACE: Kelso Conservation Area, 5234 Kelso Rd., Milton, ON

AGENDA

PAGE

1. **Acceptance of AMENDED Agenda as distributed.**
2. **Disclosure of Pecuniary Interest for Board of Directors**
3. **Presentations:**
 - Milton Crossing Bridge
Janelle Weppler, Associate Director, Engineering
 - Technical Review of planning applications
Kellie McCormack, Senior Manager, Planning & Regulations
4. **Consent Items**
 - Roll Call & Mileage
 - Approval of Source Protection Authority Meeting minutes dated April 25, 2019 4-6
 - Approval of Conservation Halton Board Meeting minutes dated April 25, 2019 7-12
 - Meeting Provincial Priorities for Reducing Regulatory Burdens 13-22
 - Report #: CHBD 05 19 10 (**AMENDED-April 25, 2019**)
 - Proposed Amendments to the Conservation Authorities Act and Regulations for Development Permits 23-28
 - Report #: CHBD 05 19 11 (**AMENDED-April 25, 2019**)
 - Provincial Cutbacks to Conservation Authorities for Flood Forecasting and Control 29-33
 - Report #: CHBD 05 19 12 (**AMENDED-April 25, 2019**, included letter to Ministry of Natural Resources)
 - Briefing Memos:
 - Kelso Dam Update 34-35
 - Report: # CHBD 06 19 01
 - Technical Review of planning applications 36-39
 - Report: # CHBD 06 19 02

PAGE #**5. Action Items**

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|-----|--|-------|
| 5.1 | Proposed construction of a new dwelling within 7.5 metres of the floodplain associated with Lower Morrison Creek, 200 Morrison Road, Town of Oakville, Regional Municipality of Halton.
Report #: CHBD 06 19 03 | 40-44 |
| 5.2 | Milton Flood Conveyance Channel – Carriage Square Pedestrian Bridge
Report #: CHBD 06 19 04 | 45-48 |

6. CAO Verbal Update**7. Other Business**

- 7.1 Conservation Halton Foundation Update

8. Adjournment

MEETING NO: # 01 19 HALTON SOURCE PROTECTION AUTHORITY

MINUTES

A meeting of the Halton Region Source Protection Authority Board of Directors was held on Thursday, April 25, 2019 beginning at 3:09 p.m. at Halton Region Council Chambers - 1151 Bronte Road, Oakville

Members Present:

Hamza Ansari
Rob Burton
Mike Cluett
Joanne Di Maio
Rick Di Lorenzo
Cathy Duddeck
Allan Elgar
Dave Gittings
Zeeshan Hamid
Zobia Jawed
Moya Johnson
Gordon Krantz
Bryan Lewis
Rory Nisan
Gerry Smallegange
Marianne Meed Ward
Jean Williams

Absent with regrets:

Stephen Gilmour
Jim Sweetlove

Staff present:

Kim Barrett, Associate Director, Science & Partnerships
Brenna Bartley, Coordinator Educational Programs, Parks & Recreation
Hassaan Basit, CAO/Secretary-Treasurer
Garner Beckett, Director, CH Foundation
Adriana Birza, Manager, Office of the CAO
Diane Bloomfield, Manager, Source Water Protection
Niamh Buckley, Administrative Assistant, Office of the CAO
Nigel Finney, Project Manager, Green Space Restoration & Conservation
Gene Matthews, Director, Parks & Recreation
Amy Mayes, Coordinator, Floodplain Mapping
Kellie McCormack, Senior Manager, Planning & Regulations
Anthony Molignano, Human Resources Generalist
Marnie Piggott, Director, Finance
Plezzie Ramirez, Senior Manager, Human Resources
Jill Ramseyer, Director, Corporate Compliance
Janelle Weppler, Associate Director, Engineering
Barb Veale, Director, Planning & Watershed

Chair Gerry Smallegange called the meeting to order at 3:09 p.m.

1. Acceptance of Agenda as distributed

HRSPA 01 01

Moved by: Cathy Duddeck
Seconded by: Dave Gittings

That Conservation Halton Board of Directors **accept the Agenda as distributed.**

Carried

2. Disclosure of Pecuniary Interest for Board of Directors

There was no disclosure of Pecuniary Interest.

3. Consent Items

Roll Call & Mileage

3.1 Source Protection Program Update
Report #: HRSPA 01 19 01

The Consent Items were adopted.

4. Action Items

4.1 Source Protection Authority Annual Progress Report 2018
Report #: HHRSPA 01 19 02

HRSPA 01 02

Moved by: Jean Williams
Seconded by: Joanne Di Maio

THAT the Halton Region Source Protection Authority Board of Directors **receives for information the Staff report dated April 25, 2019 outlining the progress made on the implementation of the Source Protection Plan for the Halton Region and Hamilton Region Source Protection Areas;**

THAT the Halton Region Source Protection Authority Board of Directors together with the Hamilton Region Source Protection Authority Board of Directors **approve the submission of the Annual Progress Report on Implementation of the Source Protection Plan to the Ministry of the Environment, Conservation and Parks by May 1, 2019 in the format set out by the Province.**

Carried

4.2 Source Protection Committee Member Appointment
Report #: HRSPA 01 19 03

HRSPA 01 03

Moved by: Gordon Krantz
Seconded by: Rob Burton

THAT the Halton Region Source Protection Authority Board of Directors **appoint Councillor Judi Partridge and Dr. David Rodgers as members of the Halton-Hamilton Source Protection Committee for a term expiring January 2023.**

Carried

5. Other Business

There was no other business.

6. Adjournment

HRSPA 01 04

Moved by: Rob Burton

THAT the Halton Region Source Protection Authority meeting be **adjourned at 3.15 p.m.**

Carried

MEETING NO: # 05 19

MINUTES

A meeting of the Conservation Halton Board of Directors was held on Thursday, April 25, 2019 beginning at 3:15 p.m. at Halton Region Council Chambers - 1151 Bronte Road, Oakville ON

Members Present:

- Hamza Ansari
- Rob Burton
- Mike Cluett
- Rick Di Lorenzo
- Joanne Di Maio
- Cathy Duddeck
- Allan Elgar
- Dave Gittings
- Zeeshan Hamid
- Zobia Jawed
- Moya Johnson
- Gordon Krantz
- Bryan Lewis
- Rory Nisan
- Gerry Smallegange
- Marianne Meed Ward
- Jean Williams

Absent with regrets:

- Stephen Gilmour
- Jim Sweetlove

Staff present:

- Kim Barrett, Associate Director, Science & Partnerships
- Brenna Bartley, Coordinator, Educational Programs, Parks & Recreation
- Hassaan Basit, CAO/Secretary-Treasurer
- Garner Beckett, Director, CH Foundation
- Adriana Birza, Manager, Office of the CAO
- Niamh Buckley, Administrative Assistant, Office of the CAO
- Nigel Finney, Project Manager, Greenspace Restoration & Conservation
- Gene Matthews, Director, Parks & Recreation
- Amy Mayes, Coordinator, Floodplain Mapping
- Anthony Molignano, Human Resources Generalist
- Kellie McCormack, Senior Manager, Planning & Regulations
- Marnie Piggott, Director, Finance
- Plezzie Ramirez, Senior Manager, Human Resources
- Jill Ramseyer, Director, Corporate Compliance
- Janelle Weppner, Associate Director, Engineering
- Barb Veale, Director, Planning & Watershed Management

1. Acceptance of AMENDED Agenda as distributed.**CHBD 05 01**

Moved by: Marianne Meed Ward

Seconded by: Rory Nisan

That Conservation Halton Board of Directors **accept the AMENDED Agenda as distributed.**

*Carried***2. Disclosure of Pecuniary Interest for Board of Directors**

There was no disclosure of Pecuniary Interest.

3. Consent Items

Roll call & mileage

Approval of Board of Director Meeting minutes dated March 21, 2019

Approval of Finance & Audit Committee Meeting Minutes dated April 11, 2019

3.1 Kelso Dam Update**3.2 Conservation Halton's Draft Comments on the Ontario
Endangered Species Act 10th Year Review Discussion Paper**
Report #: CHBD 05 19 13**3.3 Purchasing Report December 2018 to March 2019**
Report #: CHBD 05 19 01**3.4 Quarterly Permits & Letters of Permission issued under Ontario Regulation 162/06
January 1, 2019 to March 31, 2019**
Report #: CHBD 05 19 02**3.5 Conservation Halton Engineering Year End Report, 2018**
Report #: CHBD 05 19 03

The Consent Items were adopted.

4. Action Items**4.1 Authorization for CAO to Award Floodplain Mapping Contracts:**
Floodplain Mapping: Morrison Wedgewood, RFP#CW0009-19-01
Report #: CHBD 05 19 04**CHBD 05 02**

Moved by: Dave Gittings

Seconded by: Mike Cluett

THAT the Conservation Halton Board of Directors **delegate authority to the Chief Administrative Officer to award the Floodplain Mapping: Urban Milton and Floodplain Mapping: Morrison**

Wedgewood studies, provided the combined contract values fall within the approved 2019 budget for these projects.

Carried

4.2 Mitigating Impacts of Cuts to Provincial Transfer Payment
Report #: CHBD 05 19 05

CHBD 05 03 Moved by: Moya Johnson
Seconded by: Mike Cluett

That the Conservation Halton Board of Directors **approve a transfer of up to \$145,000 from the Watershed Management & Support Services (WMSS) Stabilization reserve to offset the reduction in 2019 provincial operating funding.**

Carried

4.2.1 **Provincial Cutbacks to Conservation Authorities for Flood Forecasting and Control**
Report #: CHBD 05 19 13

CHBD 05 04 Moved by: Moya Johnson
Seconded by: Mike Cluett

THAT the Conservation Halton Board of Directors direct the **Chair of Conservation Halton to write to the Honorable John Yakabuski, Minister of Natural Resources and Forestry to express his and the Board of Directors concerns related to the loss of provincial funding and request that the Province of Ontario reinvest in Conservation Authority Flood Forecasting, Operations and Natural Hazards management core programs,**

And

THAT the Conservation Halton Board of Directors direct the CAO to provide **a copy of this letter and resolution to the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable Rod Phillips, the Ministry of the Environment, Conservation and Parks, and to the Towns of Halton Hills, Milton, Puslinch and Oakville, the Cities of Burlington, Hamilton, Mississauga, and the Regions of Halton and Peel and all Halton MPPs and MPs.**

Moya Johnson and Mike Cluett put forward the above resolution to the CH Board Members. It was recommended by the Board that this report also be sent to leaders of the opposition and other municipalities and copied to the neighbouring conservation authorities to drum up support.

4.3 Cootes to Escarpment EcoPark System Heritage Land Management Plans
Report #: CHBD 05 19 06

CHBD 05 05 Moved by: Cathy Duddeck
Seconded by: Allan Elgar

THAT the Conservation Halton Board of Directors **endorse the “Borer’s Falls-Rock Chapel Management Plan” and “Cootes Paradise Management Plan”**

AND FURTHER THAT **Conservation Halton staff be directed to work with the Cootes to Escarpment EcoPark System partners to implement the objectives of these plans.**

Carried

- 4.4 Recommendation from the F&A Committee to the CH BOD to approve the Financial Audited Statements for 2018
Report #: CHBD 05 19 07

CHBD 05 06 Moved by: Rob Burton
Seconded by: Zeeshan Hamid

THAT the Finance & Audit Committee **recommend to the Conservation Halton Board of Directors the attached audited financial statements for the year ended December 31, 2018 be approved.**

That the Board of Directors of Conservation Halton **approve the attached audited financial statements for the year ended December 31, 2018 as recommended by the Finance & Audit Committee at their meeting on April 11, 2019.**

Carried

- 4.5 Meeting Provincial Priorities for Reducing Regulatory Burdens
Report #: CHBD 05 19 08 **(AMENDED).**

CHBD 05 07 Moved by: Marianne Meed Ward
Seconded by: Rob Burton

THAT the Board of Directors **endorse the three key solutions developed by the Conservation Ontario working group to improve client service and accountability; increase speed of approvals; and, reduce the regulatory burden;**

And

THAT the Board of Directors **direct staff to continue to work with Conservation Ontario and clients to identify areas for additional improvements;**

And

THAT the Board of Directors **direct Conservation Halton staff to circulate this amended report and Board resolutions to Conservation Halton's area municipalities, neighbouring conservation authorities, and Conservation Ontario for information purposes.**

Carried

- 4.6 Proposed Amendments to the Conservation Authorities Act and Regulations for Development Permits
Report #: CHBD 05 19 11 **(AMENDED)**

CHBD 05 08

Moved by: Cathy Duddeck
Seconded by: Rob Burton

THAT the Conservation Halton Board of Directors **receive for information the report entitled “Proposed Amendments to the *Conservation Authorities Act* and Regulations for Development Permits”;**

And

THAT the Conservation Halton Board of Directors **direct Conservation Halton staff to amend Report No. 05 19 11 to include additional comments outlining opportunities for Conservation Authorities to assist the Province in streamlining approvals;**

And

THAT the Conservation Halton Board of Directors **direct Conservation Halton staff to revise the draft letters to the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry respectively, as Conservation Halton’s formal responses to the Province on the proposed changes to the Conservation Authorities Act (ERO number 013-5018 “Modernizing CA operations – CA Act” and ERO number 013-4992 “Focusing CA development permits on the protection of people and property”) in accordance with the changes to Report No. 05 19 11;**

And

THAT the Conservation Halton Board of Directors **direct Conservation Halton staff to circulate this report and Board resolution (s) to Conservation Halton’s area municipalities, neighbouring conservation authorities and Conservation Ontario for information purposes.**

Carried

5. In Camera**CHBD 05 09**

Moved By: Jean Williams
Seconded By: Marianne Meed Ward

That the Conservation Board of Directors **convene In Camera**

Carried

5.1 Legal Matter
Report #: CHBD 05 19 08

5.2 Legal Matter
Report #: CHBD 05 19 09

CHBD 05 10

Moved By: Jean Williams
Seconded By: Marianne Meed Ward

THAT the Conservation Halton Board of Directors **reconvene in public forum**

CHBD 05 11

Moved by: Jean Williams

Seconded by: Marianne Meed Ward

THAT the Conservation Halton Board of Directors **direct staff to proceed as discussed In Camera.**

Carried

6. Other Business

6.1 CHF Update

In the absence CHF Chair, Jim Sweetlove, CAO Hassaan Basit provided an update on the CHF Gala scheduled for June 20, 2019. Hassaan advised that the board members would be receiving a suite of electronic products which can be used on social media where appropriate.

Garner Beckett provided an introduction and some background on the Gala theme "Friluftsliv" to the new CH Board members.

6.2 Marianne Meed Ward shared that the City of Burlington approved a resolution to apply for municipal natural mapping and are looking into developing a collaborative expression of interest with Conservation Halton, City of Hamilton and the Royal Botanical Gardens for a joint project funded through the Municipal Natural Asset initiative.

7. Adjournment

CHBD 05 12

Moved by: Jean Williams

THAT the Conservation Halton Board of Directors adjourn at 3:49 p.m.

Carried

Gerry Smallegange advised that the Board would take a 10 minutes break before returning for Conservation Halton AGM.

Signed:

Hassaan Basit, CAO/Secretary-Treasurer

Date:

REPORT TO: Board of Directors

REPORT NO: # CHBD 05 19 10

FROM: Barbara J. Veale, Director, Planning and Watershed Management

DATE: April 25, 2019

SUBJECT: **Meeting Provincial Priorities for Reducing Regulatory Burdens**
CH File No.: ADM 341

Recommendation

THAT the Board of Directors **endorse the three key solutions developed by the Conservation Ontario working group to improve client service and accountability; increase speed of approvals; and, reduce the regulatory burden;**

And

THAT the Board of Directors **direct staff to continue to work with Conservation Ontario and clients to identify areas for additional improvements;**

And

THAT the Board of Directors **direct Conservation Halton staff to circulate this amended report and Board resolutions to Conservation Halton's area municipalities, neighbouring conservation authorities, and Conservation Ontario for information purposes.**

Executive Summary

A number of questions have been raised about duplication of efforts and causes for delays in land use planning and approvals, specifically with respect to the Province's priority of addressing housing supply concerns (especially in high growth areas). It is important that conservation authorities participate in this conversation to clarify their mandate and role in the process.

A volunteer General Managers'/CAO working group has been established to work with Conservation Ontario (CO) staff to review current processes and identify improvements that would support the provincial government's priorities.

The CO working group has identified three key areas that could be considered by conservation authorities:

- Improve client service and accountability;
- Increase speed of approvals; and
- Reduce the regulatory burden.

The CO working group is seeking a commitment from all conservation authorities to pursue streamlining and client services measures in order to contribute to achieving provincial priorities and has requested that the above resolution be endorsed by all Boards of Directors.

This resolution is in keeping with the direction that Conservation Halton (CH) has already been taking over the past few years and an area that was identified as a priority in the Strategic Plan. Staff is working to provide effective and efficient service delivery, streamline internal planning and permit review processes, and revamp CH's regulatory program by working with landowners to amicably resolve compliance issues whenever possible, rather than laying charges. Therefore, staff recommend that the Board of Directors endorse the above resolution.

Report

Background

In June 2018, a new provincial government was elected and moved quickly to implement the Plan for the People platform which included promises to:

“Cut red tape and stifling regulations that are crippling job creation and growth, and ...single-window access for approvals with a hard one-year deadline.”

Since that time, the provincial government has introduced a number of consultations, draft proposals and proposed amendments to legislation in support of their agenda.

Made in Ontario Environment Plan

The Ministry of Environment, Conservation and Parks released the *Preserving and Protecting our Environment for Future Generations: A Made-in-Ontario Environment Plan (2018)* that affirmed support for conservation and environmental planning and specifically mentioned that they would:

“Work in collaboration with municipalities and stakeholders to ensure that conservation authorities focus and deliver on their core mandate of protecting people and property from flooding and other natural hazards and conserving natural resources.”

Housing Supply Action Plan

The Ministry of Municipal Affairs and Housing has initiated consultations on a *Housing Supply Action Plan* aimed at increasing housing supply and streamlining the development approval process. The Ministry is also reviewing the *Planning Act* and the *Provincial Policy Statement* to ensure that the land use planning and development approvals process is aligned with their goal.

Concerns about Conservation Authorities

Conservation authorities (CAs) in Ontario, in implementing their mandate, are part of the planning and development approvals process. Concerns have been expressed by some, that conservation authorities “need to stick to their mandate” and that they present a “significant barrier” to timely development approvals. Many of these concerns arise in the Greater Toronto Area where land development is complex, and demands are high. However, this concern has also been expressed in other areas of the province where development is occurring.

CAs have acknowledged that processes and relationships with the many stakeholders can be improved. In 2007, Conservation Ontario and representatives from CAs in Ontario participated in a multi-stakeholder initiative with the Ontario Home Builders Association (OHBA), Building Industry and Land Development Association (BILD), municipalities, provincial ministries, and other stakeholders as members of the Conservation Authority Liaison Committee (CALC). In 2010, the Ministry of Natural Resources and Forestry (MNRF) and Ministry of Municipal Affairs and Housing (MMAH) approved the *Policies and Procedures for Conservation Authority Plan Review and Permitting Activities* that have since been incorporated into MNRF's Policies and Procedures Manual.

In 2012 and 2014, training was provided by CO to assist CA staff in implementing the best practices laid out in this document. Each CA was encouraged to prepare policies and procedures approved by their Board of Directors and to post them publicly to ensure transparency and outline expectations, including review and permitting timelines and fees.

CAs believe that it is imperative to engage in the conversation about the very important role CAs play in land use planning and development approvals, as well as helping the new government understand their mandate and the relationships they have with member municipalities.

Conservation Ontario Response

Conservation Ontario (CO) retained Strategy Corp to provide insights and advice on government relations. Through this process, a number of General Managers/CAOs from different conservation authorities across the province volunteered to establish a small working group to work with CO to identify recommendations for solutions that will consistently address the issues identified by the provincial government around the housing supply, while still protecting natural hazards management and plan review activities required to protect the health and safety of Ontario's watersheds and residents.

Conservation Authority Mandate

The CO working group discussed clarifying and restating the mandate of CAs as supported by the recent update to the *Conservation Authorities Act (2017)* and as described in the provincial government's *Made-in-Ontario Environment Plan*:

"The core mandate of conservation authorities is to undertake 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."

This core mandate has always been the purpose of CAs since their inception in 1946. Now, more than ever, it is necessary to have organizations such as CAs taking meaningful on-the-ground actions and working at the right scale to protect and manage natural resources. The efforts by CAs related to monitoring, issue identification, and appropriate mitigation measures help communities across Ontario respond to climate change and increase their resiliency to extreme weather. Further, as the federal and provincial governments further restrict their activities to policy-related activities, there is a gap in capacity to address local environmental issues.

The following excerpt from a Conservation Ontario briefing note to the provincial government identifies that:

“Conservation authorities are a cost-effective mechanism for the Province and municipalities for the delivery of objectives under the Provincial Policy Statement (PPS)

- *In addition to acting as a commenting agency on behalf of the Province with regard to natural hazards, conservation authorities also act as regulators. Additionally, conservation authorities act as technical advisors for municipalities in the review of planning applications, and, as source protection authorities under the Clean Water Act supporting policy implementation.*
- *Conservation authorities ensure that applicants and municipal planning authorities are aware of regulations and requirements as well as assist in the coordination of applications under the Planning Act and the Conservation Authorities Act. The focus is to eliminate unnecessary delay or duplication in the process as it relates to protecting public health and safety from natural hazards, now and into the future.*
- *Conservation authorities, through the provision of advice from watershed-based science, enable municipalities to cost effectively consider in their decision-making other PPS considerations such as ‘wise use and management of resources’ and stormwater.”*

Streamlining Conservation Authority Activities

The CO working group has been evaluating ways that CAs can streamline approval activities and reduce delays in order to help the provincial government address the lack of housing supply. It is recognized that CAs need to identify the outcomes that the provincial government and member municipalities need and review and modify processes to ensure the best solutions.

The CO working group developed the following three key solutions to work on with the development and construction community and municipalities. Through these activities any other specific concerns can be identified and addressed.

1. Improve Client Service and Accountability

- Provide client service training and establish client service standards implementing activities such as one point of contact for applications, and template guidelines for policies, processes, and, CA/Municipal MOUs that have clear deadlines for the different plan review services.
- Our commitment to timely approvals will be reported on annually.
- Initially, focus efforts on conservation authorities with high growth areas (GGHG/GTA and other parts of the province) where housing supply is needed immediately.

2. Increase speed of approvals

- Assess current application review/approval timelines, identifying problem areas where timelines are not being met and developing solutions to meet timelines.
- Establish timelines that match the complexity of development applications (e.g. simple and complete applications can be processed more quickly).

3. Reduce the regulatory burden

- Examine where conservation authorities can improve or change our processes to speed up or simplify permitting in hazard areas.
- Explore additional legislative or regulatory amendments to achieve increased housing supply and decreased approval timeframes.

Work Underway Among CAs

Some of these activities have already been started with the CO Section 28 Regulations Committee meeting over the past six months to identify potential streamlining options that can be implemented immediately. CH is represented on this committee by the Director of Planning and Watershed Management.

Other regulatory or planning processes influence the CA's ability to complete the work associated with *Planning Act* reviews and other legislation such as the *Safe Drinking Water Act (O. Reg 205/18)* and streamlining of approvals under the *Endangered Species Act*. CAs have collectively and individually taken the opportunity to provide comments to the provincial government about how these other processes can be improved.

Conservation Halton's Customer Service and Streamlining Activities

CH has undertaken many actions to improve client service and accountability, increase speed of approvals, and reduce the regulatory burden. While it is recognized that there are always improvements that can be made, CH through its Strategic Plan, has publicly committed to ensuring that its mandate is delivered effectively and efficiently. Conservation Halton has already embraced the key actions identified by the CO working group and is actively pursuing additional actions with our partners and clients. Some of these key actions are identified below.

1. Improve Client Service and Accountability

CH provides a range of planning and advisory services to watershed municipalities and other agencies. These services are typically outlined in Memoranda of Understanding or Agreement with individual municipalities and agencies. Through these MOUs, CH provides;

- Technical input regarding potential environmental impacts; and,
- Advice about how damaging impacts can be avoided or reduced and/or how opportunities for mitigation, restoration or improvement of environmental features and functions can be realized.

CH comments are advisory and apply to a range of matters including but not limited to natural hazards, natural heritage, and water quality and quantity. The terms of the agreements for planning services provided by CH differ, depending on the in-house staff expertise and resource issues of concern within the specific municipality or agency. Agreements have been signed with all watershed municipalities (Region of Halton, 2018 & 1999; Region of Peel, 2012; City of Hamilton, 2013; County of Wellington, 2017).

The Region of Halton, local municipalities, and conservation authorities recently developed a high-level Memorandum of Understanding (MOU) to specify how environmental services relating to plan review and technical clearances would be delivered among the parties. The MOU outlines principles and approaches which support collaboration among parties, clear roles and responsibilities, elimination of duplicative efforts, specific review timelines, and open data. Specific roles and responsibilities for plan review will be defined further in accordance with the renewed MOU (for now, the roles and responsibilities outlined in the 1999 MOU apply). As a first action, conservation authorities have been invited to participate as a full member of the Halton Area Planning Partnership (HAPP). CH is currently working with HAPP members on a new Terms of Reference to reflect the expanded membership.

In 2018, discussions for the renewal of the Memorandum of Agreement (MOA) with the City of Hamilton and four conservation authorities, including CH commenced. It is anticipated that a revised MOA will be finalized in 2019.

In 2014, the Region of Halton entered into an agreement with CH to provide compensation for the technical review of Environmental Assessments and the timely review and processing of regional permits associated with capital improvements. An internal multi-disciplinary team called the Regional Infrastructure Team (RIT) was created and has successfully fulfilled the terms of the agreement. This agreement was renewed in 2018 for another 5 years.

In addition to renewing service agreements with municipalities which outline explicit roles and responsibilities for plan review, as part of its Strategic Plan, CH has made customer service a priority. In mid-2017, Pat Moyle and Maureen McCauley were retained to undertake a Process Re-Engineering Study to identify and assess CH's processes for reviewing and commenting on planning and permit files. The study, finalized in November 2017, provided 50 recommendations for improving CH's internal plan review and permitting processes and service delivery.

Many recommendations were easy, common-sense fixes that build on current processes and practices. Others require additional resources and are longer term. The themes inherent in many of the recommendations relate to finding efficiencies, streamlining processes, clarifying roles and responsibilities, improving communications, building relationships, and increasing staff and organizational capacity. For example, key recommendations included:

- Reinstating the manager position
- Establishing municipal review teams to provide more efficient and coordinated reviews and improve CH-municipal staff communication
- Improving CH's correspondence to provide clear, concise, focused, and easily understood comments
- Developing CH technical submission guidelines to encourage better technical submissions from consultants and others
- Renewing a BILD/CH working group
- Upgrading CH's GIS and file tracking systems

A work plan was developed by staff in early 2018 to implement the study recommendations. Most of the shorter-term recommendations have been implemented.

A Senior Manager was hired in April 2018. Staff roles and responsibilities were evaluated and a new municipal review team structure was developed. The Planning Ecology Specialist positions were revamped and consolidated. Internal workshops were held to improve correspondence. CH staff has received positive feedback about these changes and additional communications training is planned for 2019.

Staff has developed draft technical submission guidelines which specify what technical information and analysis is required by CH. It is anticipated that this guidance will result in better, more complete technical submissions from landowners and consultants, which in turn, will reduce the number of submissions required and the time and resources needed for review. These guidelines include Slope Stability Assessment Submission Guidelines, Stormwater Management Submission Guidelines, Landscaping and Rehabilitation Guidelines, and Tree Preservation Plan Guidelines. External

consultation on the draft guidelines will commence in mid-2019. In addition, a series of checklists have been developed to assist applicants in knowing what is required for a complete permit applications.

Internal protocols have been developed to promote consistency in approaches among staff for erosion and sediment control and for determining whether or not a natural feature should be considered a local drainage feature or a watercourse which is regulated under Ontario Regulation 162/06. In 2016, the staff internal procedure manual was revised for planning and in 2018, the compliance and enforcement manual was completed.

The working group established with BILD in 2014 was revamped in 2019. A number of items for joint collaboration was identified including reviewing and commenting on 2019 proposed fee schedules and CH's draft technical submission guidelines. Staff also participate on the Hamilton-Halton Agricultural Advisory Panel which has been active for many years. The group meets quarterly to provide a forum for members to discuss concerns and opportunities with the two conservation authorities. Through this group, a guide to assist the farming community was produced which clarifies the types and locations of farming activities that require permits.

Staff in the Planning and Watershed Management department are working with the IT and GIS staff to make improvements to the planning and permit file/time tracking system, as well as to provide site-specific housekeeping updates to CH's regulatory mapping based on technical reviews and reports associated with planning and permit applications and wetland assessments.

In summary, concerted effort has been made by CH to improve client service, particularly over the past two years. Additional opportunities to improve client service will be identified and implemented in the future through discussions with CO, municipal and provincial staff, BILD, the Agricultural Advisory Panel, and other stakeholders.

2. Increase speed of approvals

In CH's Strategic Plan, two key service targets were established:

- Deliver comments on 95 percent of technical reviews of permits and planning applications within 6 weeks
- Process 95 percent of minor permit applications within 30 days

To measure response times, CH began tracking the number of files reviewed and the time taken to review each. In 2017, 131 technical reviews were completed for planning applications. Of these, 87 were completed within 6 weeks (66%); 32 were completed within 2 weeks (24%); and 44 required more than 6 weeks (34%). In 2018, 256 technical reviews were completed for planning applications. Of these, 156 were completed within 6 weeks (65%); 43 were completed within 2 weeks (18%); and 83 required more than 6 weeks (35%). In 2018, 77 % of the technical reviews done by the dedicated RIT team were completed within 6 weeks, with 50% completed within 2 to 4 weeks). Planning due dates for most site-specific applications under the *Planning Act* are typically met.

In 2017, 98 technical reviews were completed for major permit applications. Of these, 77 were completed within 6 weeks (79%); 37 were completed within 2 weeks (38%); and 21 required more than 6 weeks (21%). In 2018, 89 technical reviews were completed for major permit applications. Of these, 84 were completed within 6 weeks (94%), with just 5 reviews requiring greater than 6 weeks. In 2017,

268 minor permits were approved, with 248 permits approved within 30 days (92%). In 2018, 253 minor permits were approved, with 243 permits approved within 30 days (96%).

The time it takes to review technical submissions associated with planning applications is well below the target set in CH's Strategic Plan. This can be attributed to several factors including the quality of the submissions received, the number of technical meetings held among the applicant and the reviewing agencies, the number of technical submissions received, municipal planning priorities, and availability of staff, among others. While the percentage of technical submissions associated with planning applications reviewed within 6 weeks remained almost constant, the number of reviews undertaken in 2018 increased substantially.

The response times for the review of technical submissions associated with permit applications now meet the strategic targets set out by CH in its strategic plan. Several reasons account for this improvement including the receipt of better technical submissions, improved communication between staff and the applicant/agent, and a modified fee structure which encourages fewer submissions.

In subsequent years, CH will focus on continuing to improve response times for reviewing technical submissions associated with planning applications and maintaining the response times already achieved for permits.

3. Reduce the regulatory burden

In addition to improving response times for review of permits under Ontario Regulation 162/06, the regulations program team has made a conscious effort to improve communication with clients. Staff are committed to responding to inquiries within 48 hours (typically response time is less than 24 hours) and encouraging pre-consultation meetings to discuss proposals and information/technical requirements prior to the submission of a permit application. Pre-consultation enables staff to help people understand why a permit may be required and what the process entails. In many instances, pre-consultation results in a redesign of the proposal such that technical studies or even the requirement for a permit can be avoided. As a result, there have been no staff recommendations for denial of a permit since 2014.

In 2017, the compliance and enforcement approach was modernized. The goals of the program are to:

- Ensure compliance with approvals associated with Ontario Regulation 162/06;
- Ensure that reported or detected violations are resolved in a timely and cost-effective manner; and,
- Proceed with the legal process of laying charges when the violation is deliberate and the landowner is unwilling to work with Conservation Halton to resolve the violation.

Staff work with the Niagara Escarpment Commission, municipalities, the public and other stakeholders to respond to reported or detected works that have been completed or are underway without permission in areas that are regulated by CH. Early identification of infractions allows staff to work with landowners and/or their agents to minimize impacts to regulated features and areas and to remedy issues at a minimal cost. Where infractions are easily remedied, staff works to avoid formal or legal action, which can result in costly fines, penalties and legal fees. Staff works with willing landowners to resolve violations with on-site remediation or through a Restoration or Compliance Agreement.

A Restoration Agreement is negotiated with willing landowners where the alleged infraction can be fully removed from the regulated area. A Compliance Agreement is negotiated with willing landowners for violations that have the potential to meet Conservation Halton policies and regulatory requirements.

Where a landowner is unwilling to enter into an Agreement and where, in the opinion of staff, the unauthorized development is likely to affect the control of flooding, erosion, dynamic beaches, or pollution or the conservation of land, more formal actions are considered. Through formal proceedings, enforcement staff endeavours to negotiate a settlement, wherever possible.

This approach is reflected in the updated internal compliance and enforcement staff manual (2018). Staff is focused on resolving violation issues with landowners as a first step and has been very successful with this approach. No new charges have been laid in the past two years.

Rates and Fees Study

The Region of Halton is one of the fastest growing areas in Canada and it is anticipated that it will continue to grow rapidly. To ensure resources are sufficient to meet demand for CH planning and permitting services, it is important to discern the real direct and indirect costs of providing planning and permitting services. To this end, CH initiated a Rates and Fees Study in June 2018. The study was undertaken by Watson & Associates Economists Ltd. Staff worked closely with the consultant, providing information and helping to develop process maps for each application type in order to identify the key steps and time required to review and process “average” applications.

Based on the analysis undertaken, it was determined that CH was recovering an average of 74% of the annual review cost for all categories of planning applications and 72% of the costs for all categories of permit applications. Watson & Associates submitted their report to CH in January 2019. The report included a recommendation to increase the cost recovery target for permits from 80% to 100% and to continue to use a cost recovery rate of 100% for plan review. The report also recommended a fee structure for 2019 based on these recommended cost recovery targets. This fee structure was discussed with BILD. A staff report was presented to the CH Board of Directors in February 2019, along with proposed fees schedules which corresponded to the fee structures recommended in the Watson & Associates Report, with a few exceptions. The new cost recovery targets and proposed 2019 fee schedules were approved. The new fee structure will enable CH to ensure that resources are sufficient to allow staff to continue to improve response times and provide enhanced customer service into the future.

Communications Plan

In terms of transparency, CH publishes an annual report which highlights progress towards the targets on the CH website. In addition, the website includes Conservation Halton’s policies, guidelines, fee schedules, and mapping. CH has been and will continue to work co-operatively with stakeholders to identify collective opportunities for further streamlining and efficiencies in planning and permitting review processes. This is being carried out through liaison meetings with the development community and other stakeholders, MOU discussions with municipalities, and exchange of information and ideas with other conservation authority staff. Conservation Halton will also continue to actively communicate changes to internal review processes with stakeholders through these meetings and the website.

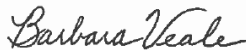
Impact on Strategic Goals

This report supports the Metamorphosis strategic theme of taking care of our growing communities. The theme is supported by the objective to remain dedicated to ecosystem-based watershed planning that contributes to the development of sustainable rural, urban and suburban communities.

Financial Impact

There is no financial impact to this report.

Signed & respectfully submitted:



Barbara J. Veale,
Director, Planning and Watershed Management

Approved for circulation:



Hassaan Basit
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT: Barbara Veale, 905-336-1158 x.2273, bveale@hrca.on.ca

REPORT TO: Board of Directors

REPORT NO: # 05 19 11

FROM: Barbara J. Veale, Director, Planning & Watershed Management

DATE: April 25, 2019

SUBJECT: **Proposed Amendments to the *Conservation Authorities Act* and Regulations for Development Permits**
CH File No.: PPO 048

Recommendation

THAT the Conservation Halton Board of Directors **receive for information the report entitled “Proposed Amendments to the *Conservation Authorities Act* and Regulations for Development Permits”;**

And

THAT the Conservation Halton Board of Directors **direct Conservation Halton staff to amend Report No. 05 19 11 to include additional comments outlining opportunities for Conservation Authorities to assist the Province in streamlining approvals;**

And

THAT the Conservation Halton Board of Directors **direct Conservation Halton staff to revise the draft letters to the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry respectively, as Conservation Halton’s formal responses to the Province on the proposed changes to the Conservation Authorities Act (ERO number 013-5018 “Modernizing CA operations – CA Act” and ERO number 013-4992 “Focusing CA development permits on the protection of people and property”) in accordance with the changes to Report No. 05 19 11;**

And

THAT the Conservation Halton Board of Directors **direct Conservation Halton staff to circulate this report and Board resolution (s) to Conservation Halton’s area municipalities, neighbouring conservation authorities and Conservation Ontario for information purposes.**

Executive Summary

On April 5, 2019, the provincial government posted two notices on the Environmental Registry with proposed changes to the *Conservation Authorities Act* (CAA) and a proposal for a new development permit regulation under Section 28 of the CAA. The proposed amendments are intended to help Conservation Authorities (CAs) focus on and deliver their core mandate and to improve governance. The proposed regulation is intended to make rules for development in hazardous areas more consistent across CAs and to support faster, more predictable and less costly approvals.

Conservation Halton (CH) staff has reviewed each of the postings and has drafted a response to the provincial government. Given that the commenting period closes before the next CH Board of Directors' meeting, staff is seeking Board endorsement of the draft letters before submitting them to the respective ministries. While staff supports the intent of many of the proposed changes, comprehensive comments cannot be provided until such time as detailed legislative and regulatory changes are presented. The current proposals appear to take a narrow approach to natural hazard management and fail to recognize the important role that CAs play in protecting and managing natural resources at a watershed scale – one of the key principles underpinning the CAA.

Report

On April 5, 2019, the Province posted two notices on the Environmental Registry with proposed changes to the *Conservation Authorities Act* (CAA) and related regulations, including:

1. ERO Posting # 013-5018 - Modernizing conservation authorities operations – *Conservation Authorities Act*
2. ERO Posting # 013-4992 - Focusing conservation authority development permits on the protection of people and property

The first notice was posted by the Ministry of the Environment, Conservation and Parks (MECP) for 45 days with the commenting period closing on May 20, 2019. The second notice was posted by the Ministry of Natural Resources and Forestry (MNRF) for 46 days with the commenting period closing on May 21, 2019.

The Province has stated that the proposed amendments to the CAA are being proposed to help CAs focus and deliver on their core mandate and to improve governance. The proposed development permit regulation is intended to make rules for development in hazardous areas more consistent across all CAs and to support faster, more predictable and less costly permit approvals.

In both notices, the provincial government has acknowledged the role that CAs play in helping to protect homes, businesses and infrastructure from the impacts of climate change, as well as the role CAs have in Ontario's land use planning and environmental protection process. CAs were credited for helping to protect people and property from extreme weather, such as flooding and other natural hazards, safeguarding sources of drinking water, and conserving the province's natural resources.

The proposed changes to both the CAA and the development permit regulation are considered part of the provincial government's *Made-in-Ontario Environmental Plan* to help communities prepare for and respond to climate change. Improving the efficiency and effectiveness of CA regulations is part of the provincial government's strategy for strengthening Ontario's resiliency to extreme weather events.

The following report provides an overview of the information that has been presented to date for each of the above-referenced Environmental Registry postings. Conservation Halton (CH) staff has reviewed each of the postings and has drafted a response to the Province (Attachments 1 and 2). Given that the commenting period closes before the next CH Board of Directors' meeting, staff is seeking Board endorsement of the draft letters before submitting them to the respective ministries. While staff supports the intent of many of the proposed changes, comprehensive comments cannot be provided until such time that detailed legislative and regulatory changes are presented. The provincial government has indicated that it will develop and consult on a suite of regulatory and policy proposals to support the proposed amendments to the CAA later this spring.

ERO Posting # 013-5018 - Modernizing conservation authorities operations – *Conservation Authorities Act*

The Province has stated that the proposed amendments to the CAA are to help conservation authorities focus and deliver on their core mandate and to improve governance. If passed, the amendments to the CAA would:

- clearly define the core mandatory programs and services provided by conservation authorities to be natural hazard protection and management, conservation and management of conservation authority lands, drinking water source protection (as prescribed under the *Clean Water Act*), and protection of the Lake Simcoe watershed (as prescribed under the *Lake Simcoe Protection Act*);
- increase transparency in how conservation authorities levy municipalities for mandatory and non-mandatory programs and services by updating the CAA (first introduced in 1946), to conform with modern transparency standards by ensuring that municipalities and conservation authorities review levies for non-core programs after a certain period of time (e.g., 4 to 8 years);
- establish a transition period (e.g., 18 to 24 months) and process for conservation authorities and municipalities to enter into agreements for the delivery of non-mandatory programs and services and meet these transparency standards;
- enable the Minister to appoint an investigator to investigate or undertake an audit and report on a conservation authority; and
- clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority, similar to not-for profit organizations.

The Province is also proposing to proclaim un-proclaimed provisions of the CAA related to:

- fees for programs and services;
- transparency and accountability;
- approval of projects with provincial grants;
- recovery of capital costs and operating expenses from municipalities (municipal levies);
- regulation of areas over which conservation authorities have jurisdiction (e.g., development permitting);
- enforcement and offences; and
- additional regulations.

The un-proclaimed provisions of the CAA (i.e., provisions to be enacted through regulation) were specified in the CAA promulgated in 2017 (*Building Better Communities* and *Conserving Watersheds Act*). Based on the information provided, the proposed changes appear to be bringing only these items into effect.

CH staff has reviewed the above posting and has drafted a response letter to the MECP (Attachment 1). Staff is seeking Board endorsement of the draft letter before submitting it.

ERO Posting # 013-4992 - Focusing conservation authority development permits on the protection of people and property

The Province is proposing to introduce one regulation for all CAs to further define the ability of a CA to regulate prohibited development and other activities for impacts to the control of flooding and other natural hazards.

Prohibited activities set out in Section 28 of the CAA as amended by Schedule 4 of the *Building Better Communities and Conserving Watersheds Act*, 2017 include:

- Development in areas related to natural hazards such as floodplains, shorelines, wetlands and hazardous lands (i.e., lands that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock); and
- Interference with or alterations to a watercourse or wetland.

The proposed regulation would consolidate and harmonize the existing 36 individual CA approved regulations into one approved regulation. This is intended to help ensure consistency in requirements across all CAs while still allowing for local flexibility based on differences in risks posed by flooding and other natural hazards.

The Province is also proposing to:

- Update definitions for key regulatory terms to better align with other provincial policy, including: “wetland”, “watercourse” and “pollution”;
- Define undefined terms including: “interference” and “conservation of land” consistent with the natural hazard management intent of the regulation;
- Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed;
- Exempt low-risk development activities from requiring a permit including certain alterations and repairs to existing municipal drains subject to the *Drainage Act* provided they are undertaken in accordance with the *Drainage Act* and *Conservation Authorities Act* Protocol;
- Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies;
- Require conservation authorities to develop, consult on, make publicly available and periodically review internal policies that guide permitting decisions;
- Require conservation authorities to notify the public of changes to mapped regulated areas such as floodplains or wetland boundaries; and
- Require conservation authorities to establish, monitor and report on service delivery standards including requirements and timelines for determination of complete applications and timelines for permit decisions.

CH staff has reviewed the above posting and has drafted a response letter to the MNRF (Attachment 2). Staff is seeking Board endorsement of the draft letter before submitting it.

Staff agrees that opportunities exist for some CAs to better focus and deliver on their core mandate and to improve governance. Further, staff agrees that further steps can be taken to make development in

CA regulated areas more consistent across CAs and approvals could be faster, more predictable and less costly.

CH has identified opportunities and implemented actions to streamline internal permit review processes and approvals over past few years which align well with the Provincial government's objectives. Staff is working with its partner municipalities to clarify roles and responsibilities and to reduce duplication through updating Memoranda of Understanding. In addition, a BILD/CH Liaison Working Group was formed to explore opportunities for improving technical submissions and accelerating the permit review process.

CH is actively pursuing the identification and implementation of additional actions with partners and clients in order to deliver the best possible customer service. These include actions to:

- take a comprehensive, creative and collaborative approach early in the planning process to provide greater clarity and certainty around approvals, promote opportunities for innovation, enable complete applications and timely development and infrastructure approvals, and help to avoid costly and lengthy appeals to the Local Planning Appeal Tribunal (LPAT) or Mining and Lands Tribunal;
- promote more certainty through clear CH policies and guidelines; and
- co-ordinate with municipalities to further streamline approval processes under the *Planning Act*.

In the Greater Toronto area, there may be other opportunities for CAs to help streamline approvals related to natural resources for development and infrastructure, where capacity exists. For example, CAs with expertise and capacity may be in a position to assist the Province with wetland evaluations and approvals and staking Provincially Significant Wetlands; wildlife management and administering other legislations such as the *Endangered Species Act*; and conducting Environmental Compliance Approvals for stormwater facilities under the *Ontario Water Resources Act*.

CH appreciates that the provincial government recognizes the critical role that CAs play in protecting life and property from the risks associated with natural hazards, as well as the role that CAs have helping the province to address the impacts of climate change. However, based on the information presented in the Environmental Registry postings, CH is concerned that the proposals fail to recognize the critical role that CAs play in the protection and management of natural resources on a watershed basis – one of the key principles underpinning the CAA.

CAs have an important part to play in protecting the functioning and resilience of natural resources at the watershed level. Through collaborative watershed planning, CAs can assist the Province and local municipalities in addressing climate-change and natural resource related issues at the watershed scale. This role should be acknowledged and not limited through any changes to the CAA or associated regulations.

Additional comments will be provided once detailed legislative and regulatory changes are presented. Conservation Halton staff will monitor future postings and report back to the Board of Directors once additional information is provided by the provincial government.


Impact on Strategic Goals

This report supports the Metamorphosis strategic theme of taking care of our growing communities. The theme is supported by the objective to remain dedicated to ecosystem-based watershed planning that contributes to the development of sustainable rural, urban and suburban communities.

Financial Impact

There is no financial impact to this report.

Signed & respectfully submitted by:



Barbara J. Veale, Director, Planning and
Watershed Management

Approved for circulation by:



Hassaan Basit
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT: Barbara Veale, 905.336.1158 x 2273; bveale@hrca.on.ca

REPORT TO: Board of Directors

REPORT NO: # CHBD 05 19 12

FROM: Moya Johnson & Mike Cluett

DATE: April 25, 2019

SUBJECT: **Provincial Cutbacks to Conservation Authorities for Flood Forecasting and Control**

Recommendation

THAT the Conservation Halton Board of Directors direct the **Chair of Conservation Halton to write to the Honorable John Yakabuski, Minister of Natural Resources and Forestry to express his and the Board of Directors concerns related to the loss of provincial funding and request that the Province of Ontario reinvest in Conservation Authority Flood Forecasting, Operations and Natural Hazards management core programs,**

And

THAT the Conservation Halton Board of Directors direct the CAO to provide **a copy of this letter and resolution to the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable Rod Phillips, the Ministry of the Environment, Conservation and Parks, and to the Towns of Halton Hills, Milton, Puslinch and Oakville, the Cities of Burlington, Hamilton, Mississauga, and the Regions of Halton and Peel and all Halton MPPs and MPs.**

Report

This report summarizes the impact of the Provincial transfer payments reduction by 50% for 2019 announced by the Province of Ontario through the Minister of Natural Resources and Forestry 2019 Budget allocations.

The Chief Administrative Officer of Conservation Halton received a letter signed by Monique Rolf von den Baumen, Assistant Deputy Minister (dated April 12 and attached to this report) that the Halton Region Conservation Authority will receive \$155,034.34 in funding for the 2019-20 fiscal year, for Section 39 Eligible Natural Hazard Management Grant. The reduced provincial funding will result in a 2019 budget variance of \$145,277, and an increase of 1.5%. The announcement comes after CA's budgets have already been approved.

Conservation Authorities have a mandate to prevent, mitigate and forecast flooding within their respective watersheds. Provincial funding (transfer payments) have traditionally been provided to assist CAs with addressing their core mandate, namely flood forecasting and hazard area management.

Impacts (decreases) to CA budgets regarding flood forecasting would result in an increased risk to members of the public associated with property damage, personal injury and possibly, loss of life.

CAs sources of funding have been a combination of the Province and municipalities within their watersheds, and the loss in Conservation Halton's budget would transfer to the Municipal (Regional) levy and result in a 1.5% increase in its budget request from its watershed funding Municipalities.

Impact on Strategic Goals

This report supports the Metamorphosis strategic theme of Taking care of our growing communities.

Financial Impact

Conservation Halton will see an increase of budget needs of 1.5% in the coming years and to mitigate the impact to the 2019 Budget the funds will have to be transferred from reserves. Other cost mitigation options will be considered during the budget variance and projection reporting to minimize the need for the full amount of the reserve transfer.

Moved by:

Councillor Moya Johnson

Seconded by:

Councillor Mike Cluett

May 7, 2019

The Honourable John Yakabuski, Minister of Natural Resources and Forestry
Whitney Block, Suite 6630, 6th Floor
99 Wellesley St. W, Toronto, ON M7A 1W3
Tel: 416-314-2301
Email: john.yakabuski@pc.ola.org

Dear Minister Yakabuski,

On behalf of the Conservation Halton Board of Directors please note that the following resolution was passed on April 25 2019: Provincial Cutbacks to Conservation Authorities for Flood Forecasting and Control, Report # CHBD 05 19 12 (attached to this letter).

The report summarizes the impact of the Provincial transfer payments reduction by 50% for 2019 announced by the Province of Ontario through the Minister of Natural Resources and Forestry 2019 Budget allocations.

The Chief Administrative Officer of Conservation Halton received a letter signed by Monique Rolf von den Baumen, Assistant Deputy Minister (dated April 12 2019) that the Halton Region Conservation Authority will receive \$155,034.34 in funding for the 2019-20 fiscal year, for Section 39 Eligible Natural Hazard Management Grant. The reduced provincial funding will result in a 2019 budget variance of \$145,277, and an increase of 1.5%. The announcement comes after CA's budgets have already been approved.

Conservation Authorities have a mandate to prevent, mitigate and forecast flooding within their respective watersheds. Provincial funding (transfer payments) have traditionally been provided to assist CAs with addressing their core mandate, namely flood forecasting and hazard management.

Impacts (decreases) to CA budgets regarding flood forecasting would result in an increased risk to members of the public associated with property damage, personal injury and possibly, loss of life.

CA's sources of funding have been a combination of the Province and municipalities within their watersheds, and the loss in Conservation Halton's budget would transfer to the Municipal (Regional) levy and result in a 1.5% increase in its budget request from its watershed funding Municipalities.

Conservation Halton will see an increase of budget needs of 1.5% in the coming years and to mitigate the impact to the 2019 Budget the funds will have to be transferred from reserves.

Regards,
Gerry Smallegange



Chair, Conservation Halton Board of Directors

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C.C

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City of Burlington
City of Hamilton
City of Mississauga
Regions of Halton
Region of Peel

General Manager's at:
Conservation Ontario
Toronto Region Conservation Authority
Credit Valley Conservation Authority
Hamilton Conservation Authority
Grand River Conservation Authority

REPORT TO: Board of Directors

REPORT NO: CHBD 06 19 01

FROM: Janelle Weppler, Associate Director, Engineering

DATE: May 23, 2019

SUBJECT: Kelso Dam Update

MEMO

This briefing memo is in response to the following resolutions that were made during the Conservation Halton Board of Directors meeting on April 28, 2016:

- The Conservation Halton Board of Directors **direct staff to provide monthly updates as to the status of Kelso Dam, including water levels, plume sightings, project progress and any remedial actions being undertaken;** and
- The Conservation Halton Board of Directors **direct staff to work with the Ministry of Natural Resources and Forestry, Halton Region and Hatch to expedite, to the extent possible, the permanent remedial measures required to mitigate the dam breach risk at the Kelso Dam.**

Kelso Reservoir Water Levels and Monitoring

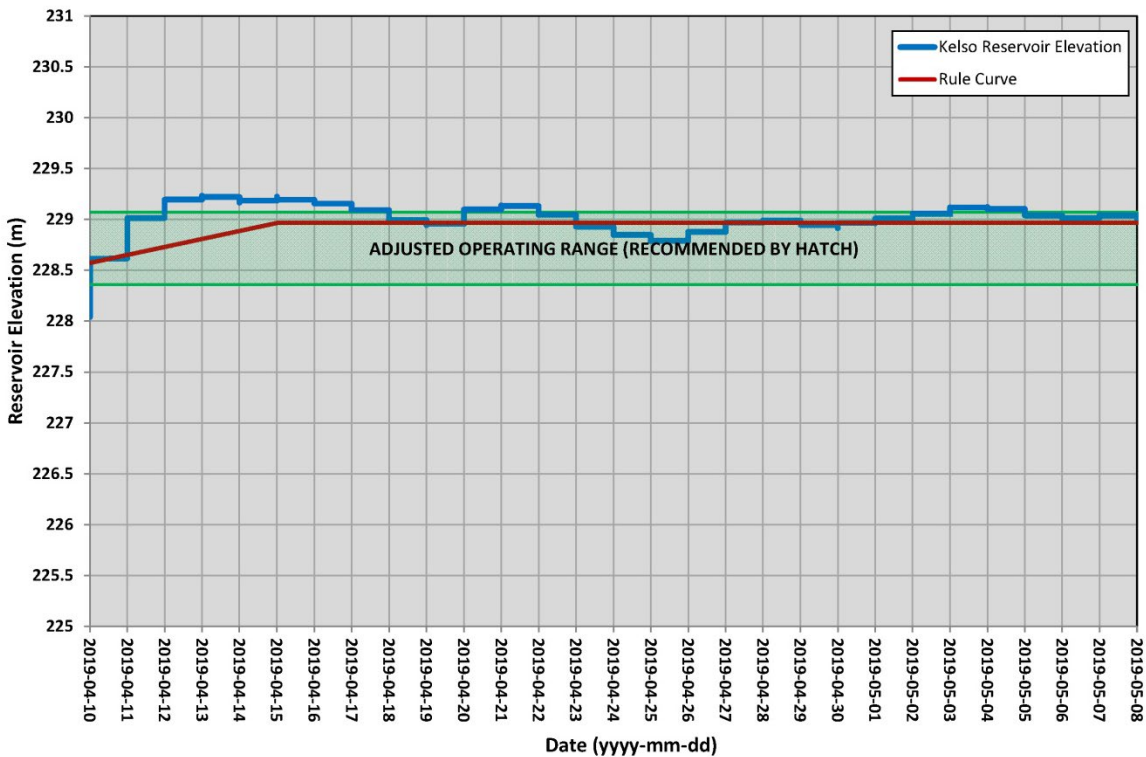
Conservation Halton staff are monitoring and recording the conditions at the Kelso Dam as follows:

- Automated and continuous piezometer (groundwater) readings within the earthen embankment with automated alarming of programmed thresholds;
- Ongoing monitoring onsite on as-needed basis relative to reservoir elevation, as recommended by Hatch; and
- Review of photographic records of the identified boil area taken every 30 minutes throughout the day (visible during daylight hours) has been discontinued given that the boil location within the channel is now dry to accommodate construction.

No visible observation of sedimentation from the boil area (e.g., no plume sightings) was found within the channel since June, 2015, up until dewatering to accommodate construction (late April, 2019).

The following chart illustrates the recorded water levels within the Kelso reservoir relative to the water level operating range recommended by Hatch.

Kelso Reservoir Elevation April 10, 2019 to May 8, 2019



Recent Work & Next Steps

Phase 2 of construction at the Kelso Dam is underway and includes installation of environmental and dewatering controls, engineering mitigation measures and excavation. Phase 2 of construction is scheduled for completion by the end of 2019.

REPORT TO: Board of Directors

REPORT NO: # CHBD 06 19 02

FROM: Barbara Veale, Director, Planning and Watershed Management
Kellie McCormack, Senior Manager, Planning & Regulations

DATE: May 23, 2019

SUBJECT: **2018 Planning Response Times**

MEMO

Background

Conservation Halton's (CH) Strategic Plan established a number of targets and measures for a range of CH programs and services, including targets for planning and permit response times that are to be achieved by 2020. At the Board of Directors' meeting on April 25, 2019, staff reported on the outcomes of the key service targets established for CH's Planning & Regulations (P&R) program, which include: 1) deliver comments on 95 percent of technical reviews of permits and planning applications within 6 weeks; and 2) process 95 percent of minor permit applications within 30 days. In 2018, 94% of the technical permit reviews and 65% of the technical planning reviews were completed within 6 weeks. The table below shows the strategic targets, 2018 outcomes and trends that were reported to CH's Board.

Measures	2018 Outcome	2020 Target	2018 Trend	Status
Deliver comments on 95 percent of technical review of permit applications within six weeks	94%	95%	↗	●
Deliver comments on 95 percent of technical review of planning applications within six weeks	65%	95%	↔	●
Process 95 percent of minor permit applications within 30 days	96%	95%	↗	●

At the April 2019 meeting, there was considerable discussion among CH Board members and staff about the response times, specifically the planning response times. Questions were raised about the rationale for the 2020 target, the reasons for the 2018 outcome, and what measures staff intended to take to improve timelines. Staff was requested by the Board to provide additional information about how these matters can affect planning approval timelines. As such, the purpose of this memorandum and the associated staff presentation is to provide the Board with further explanation CH's planning review response times, as well as some of the challenges and opportunities associated with the planning process from staff's perspective.

2020 Strategic Target & 2018 Outcomes for Planning Response Times

Once strategic targets and an objective to improve planning and permit review turnaround times were established as part of CH's Strategic Plan, CH started tracking and recording planning turnaround

times. CH has tracked permit review turnaround times since 2010; however, the results were not reported publicly. A response target gives CH staff a goal to work towards and has helped staff to identify challenges and opportunities with the planning and permitting processes (both internally and externally). It has also enabled CH to engage in dialogue with our partners about the outcomes, as well as opportunities for improving customer service and reducing response times.

CH Staff Report CHBD 04 19 04 provided the Board with an overview of the range of planning and permitting applications and plan input initiatives that the P&R team was involved with in 2018. Included in that staff report was a brief explanation of some of the large technical reviews that CH was involved with last year. The table below shows the quarterly breakdown of turnaround times for large technical planning reviews in 2018.

Review Period (2018)	Total technical reviews completed	Files reviewed in ≤6 weeks	Files reviewed in ≤ 2 weeks (also included in the ≤6 weeks)	Files reviewed in >6 weeks
Q1	79	57%	20%	43%
Q2	76	66%	24%	34%
Q3	38	74%*	-	26%
Q4	46	72%	20%	28%
TOTAL	239	65%	18%	35%

It is important to note that “technical review” covers a range of application types and associated studies including complex and multi-study technical reviews. For example, a “technical review” could involve the assessment of a functional servicing study and environmental impact report for multiple subdivisions, an environmental assessment for infrastructure that spans multiple jurisdictions, or a subwatershed study for a secondary plan area. The review of these complex studies takes time and requires the involvement of a multi-disciplinary review team.

Straightforward, single reviews are usually responded to quickly and are not included in the reported turnaround times. Municipally-established due dates for most site-specific applications under the *Planning Act* are typically met. The percentage of files reviewed in under 6 weeks would be higher if these files were included in the overall calculation above.

In 2017, 131 technical reviews were completed for planning applications. Of these, 87 were completed within 6 weeks (66%); 32 were completed within 2 weeks (24%); and 44 required more than 6 weeks (34%). While the percentage of technical submissions associated with planning applications reviewed within 6 weeks remained almost constant, the number of reviews undertaken in 2018 increased substantially. This suggests that some of the internal process improvements that CH staff has implemented are helping the P&R team to improve planning response times. The above table also shows that improvements were made throughout 2018.

Challenges and Opportunities for Improving the Planning Process and Approval Timelines

Each quarter, staff assesses the reasons for the outcomes and identifies areas where CH staff can improve practices or processes to improve review turnaround times. CH’s file tracking system is not

sophisticated enough to track all of the reasons for delays (both internally or externally caused delays). In addition, the plan review process is a municipal process, and as such, CH staff may not be fully aware of all the factors which influence the timelines of a particular file. However, when reviewing files that have not met CHs planning review targets, several reasons for delay can be identified, including:

- **Re-prioritization of files** – File reviews are often re-ordered or re-prioritized at the request of municipality or developers. This means that files that are in the queue may be bumped or put on hold in favour of other files.
- **Incomplete, piecemeal or poor quality submissions** – Multiple or poor quality submissions increases the amount of staff time needed to review, prepare comments and attend meetings to sort out problems associated with applications.
- **Meetings are held prior to or instead of providing formal comments** – The reported timelines do not account for multiple meetings/phone calls/emails that serve often take the place of a formal CH response or that occur before formal letters/comments are sent out.
- **Provincial or municipal delays** – The reported timelines do not account for delays resulting from CH waiting for responses from Provincial or other agencies. Staff endeavours to coordinate with other agencies before CHs comments are formalized, in order to minimize potential conflict with the comments of CH's partners, which can result in delays.
- **Availability of staff** – There are times when CH staff is unavailable for various reasons, including attending hearings or due to a leave of absence. Staff resources are tight and when existing staff has to cover for staffing gaps on a regular basis, it impacts CH's timelines.

As discussed at the meeting, the 2020 planning target that CH established is ambitious. The P&R section will continue to work to find efficiencies, streamline internal processes, clarify roles and responsibilities, improve communications, and increase staff and organizational capacity in 2019. However, streamlining conservation authority activities alone will not be enough to substantially improve the timelines for planning approvals. Streamlining initiatives need to be coordinated with the activities and processes of our municipal partners, as they are the approval authorities for applications under the *Planning Act*. Further, the Province and the development community need to examine how they contribute to the delays in the planning process. In staff's experience, some good planning practices that could contribute to an improved planning process, include:

1. **Front loading the planning process** – In general, more effort expended upfront in the planning process leads to more certainty, opportunities for innovation, and timely planning approvals. Complete, good quality submissions, where agency requirements have been met, results in shorter review times, more timely approvals, and cost reductions in the short and long term for all stakeholders. It also helps to avoid appeals to the Local Planning Appeal Tribunal (LPAT) thus avoiding further delays. The provision of high quality information in appropriate formats at the front end of the development process helps to reduce uncertainty for agencies and developers.
2. **Clear policies and guidelines** – Clear Provincial, municipal and conservation authority policies and guidelines helps to avoid ambiguity, conflict and unnecessary delay or duplication in the process. CH staff has advanced internal drafts of best management practices for homeowners and four sets of guidelines, including Slope Stability Assessment Submission Guidelines, Stormwater Management Submission Guidelines, Landscaping and Rehabilitation Guidelines and Tree Preservation Plan Guidelines. A number of internal checklists and protocols, as well as an internal Compliance & Enforcement Manual have been completed. However, a set of modernized and updated Provincial technical guidelines, which provide guidance for the

administration and implementation of Provincial policies, plans or regulations are necessary for municipal and conservation authority decision makers. Provincial guidelines, such as the natural heritage reference manual or natural hazard technical guides, are long overdue.

3. **Greater communication and collaboration** – As with any relationship, good communication and collaboration is the key to success. CH is working with its partner municipalities to clarify roles and responsibilities and to reduce duplication through updating Memoranda of Understanding. In addition, a BILD/CH Liaison Working Group was formed to explore opportunities for improving technical submissions and accelerating review processes. Internal workshops have been held to improve CH's communications to make correspondence clear and concise and to help stakeholders to better understand CH's role and responsibilities in natural hazard and natural heritage management and planning. Providing forums to collaborate and openly share information and ideas leads to innovative design and good community planning.
4. **High quality data, mapping and electronic tools** – Conservation authorities, municipalities, the Province and landowners would all benefit from having access to better data and mapping. To this end, CH has embarked on a program to renew outdated floodplain mapping. The first mapping project under this program, to provide updated mapping for Grindstone Creek, will be completed this fall. The provision of high quality data and mapping is critical for agencies to undertake efficient reviews and support timely municipal decision-making.

Conclusion

Tracking CH's planning and permit response times enables staff to identify challenges with CH's internal review processes and opportunities for improvements. Tracking helps to hold CH accountable to its municipal partners and clients and improve service delivery. It also allows CH to better respond to misinformation or unmerited criticisms received from stakeholders over perceived delays.

Over the past few years, CH has focused on improving customer service and streamlining internal review processes. Several actions for improvement have been identified and implemented. However, streamlining of conservation authority activities alone will not be enough to improve the timelines for planning approvals. There are opportunities to streamline approvals while not compromising public safety from natural hazards and the environment. When a municipality, the conservation authority, and the development industry take a comprehensive, creative and collaborative approach, it results in good planning that is in the public interest. CH is working together with municipalities, the development industry, and other stakeholders to find additional opportunities for streamlining processes, reducing duplication, providing efficient reviews.

It is anticipated that the provincial government will be making changes to reduce the review timelines associated with planning applications in the near future. This will necessitate dialogue with municipal partners, the development industry and other stakeholders to find ways to further streamline the review process for all participants.

All of the factors will be taken into consideration when new targets for plan review are established for Conservation Halton's next Strategic Plan.

REPORT TO: Board of Directors

REPORT NO: CHBD 06 19 03

FROM: Barbara Veale, Director, Planning and Watershed Management

DATE: May 23, 2019

SUBJECT: **Proposed construction of a new dwelling within 7.5 metres of the floodplain associated with Lower Morrison Creek, 200 Morrison Road, Town of Oakville, Regional Municipality of Halton**
CH File No. A/19/O/17

Recommendation

THAT the Conservation Halton Board of Directors **receive staff report # CHBD 06 19 03 related to proposed development at 200 Morrison Road, Oakville. CH File # A/19/O/17;**

AND

THAT the Conservation Halton Board of Directors **approve the issuance of a permit for the construction of a new dwelling within 7.5 metres of the floodplain associated with Lower Morrison Creek, 200 Morrison Road, Town of Oakville, Regional Municipality of Halton. CH File No. A/19/O/17**

Executive Summary

On March 8, 2019, staff received an application to reconstruct and expand a dwelling on the subject property. The existing dwelling is located within the Regulatory Storm floodplain associated with Lower Morrison Creek. As part of a Conservation Halton (CH) permit application, the homeowner worked with CH staff to reduce flood risk and relocate the new dwelling entirely outside the regulated floodplain. In order to facilitate this, a minor cut and fill of the floodplain is proposed. The majority of the proposed dwelling will be located outside the regulated area. A small portion of the garage will be located within the 7.5 metre regulatory allowance. A two metre setback from the limit of the floodplain will be maintained from the dwelling at its closest point.

The proposed dwelling does not meet CH's Board-approved policy which states that reconstructions are not permitted within 6 metres of the floodplain hazard. Staff can only issue permits that meet Board-approved policies. Staff recommends approval of the proposed works as the risk to life and property on the site has been significantly reduced through the redesign and relocation of the dwelling from the floodplain.

Report

Background

The subject property at 200 Morrison Road, Oakville (Figure 1), abuts Lower Morrison Creek and contains a portion of the floodplain associated with that watercourse. Conservation Halton regulates 7.5 metres from the greater hazard associated with that watercourse which, in this case, is the floodplain. The surrounding neighbourhood is comprised of mostly residential dwellings. All properties backing onto Lower Morrison Creek are regulated by Conservation Halton for flooding and erosion hazards and the associated regulated allowances.

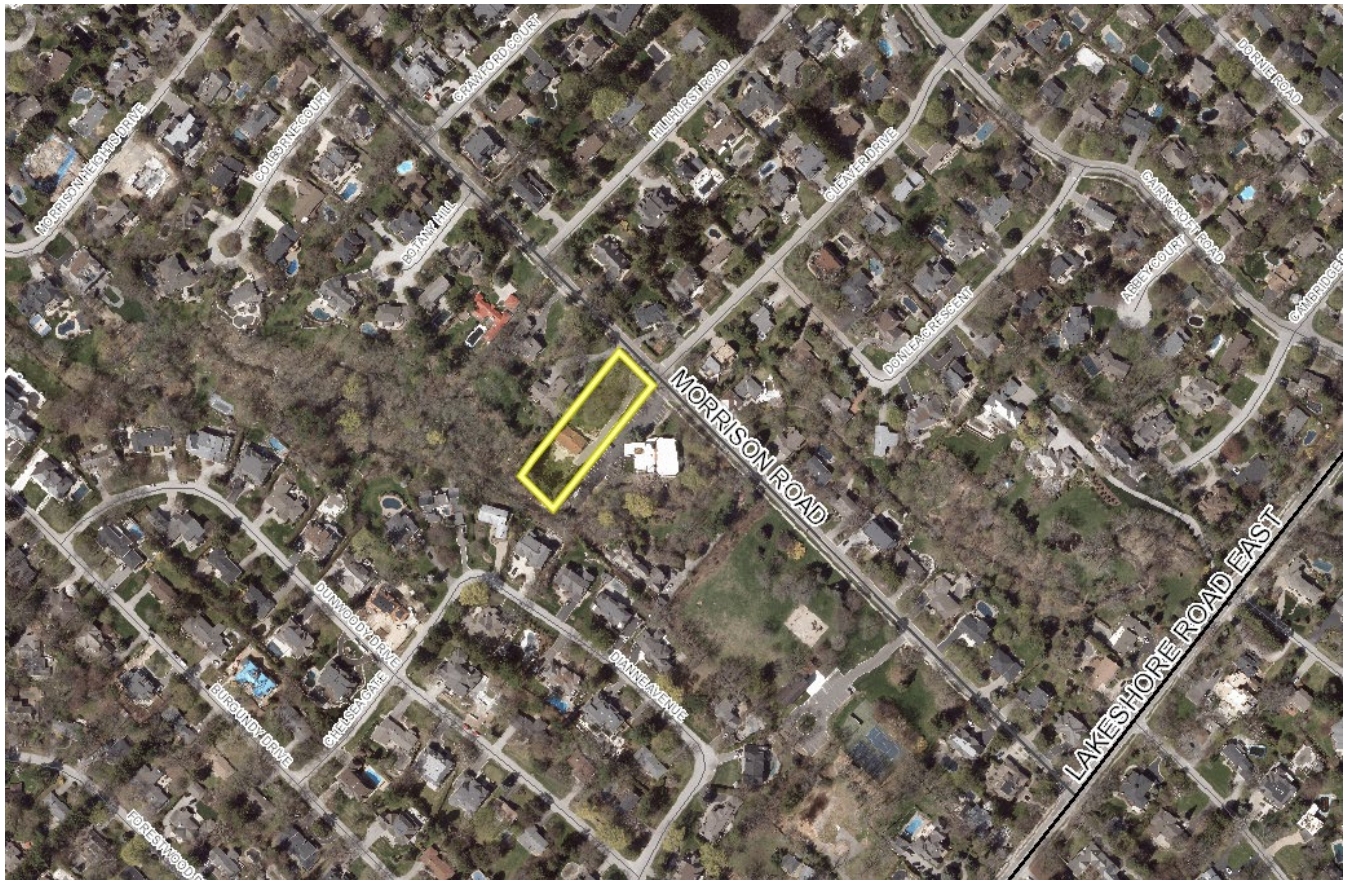


Figure 1: Key Map of 200 Morrison Road, Oakville

Proposal

The proposed works involve the reconstruction, expansion and relocation of a new single family residential dwelling. As confirmed by J.H. Gelbloom Surveying Limited's *Topographic Survey of 200 Morrison Road*, dated February 15, 2019, the current dwelling is located within the regulatory floodplain.

A larger dwelling is being proposed by the applicant; however, the proposed dwelling is to be located outside of the floodplain. To facilitate this, the applicant is also proposing a minor cut and fill to alter to location of the floodplain, whereby 1m³ of fill will be placed near the proposed garage and approximately 9m³ will be removed from where the existing dwelling is located. The majority of the new dwelling will also be located outside CH's regulated area, with only a portion of the attached garage being located 2 metres from the floodplain (Figure 2).

Conservation Halton Policy Review

Staff note that, for the most part, the proposal meets Conservation Halton's policies. Policy 3.27.2 permits accessory structures within the regulatory allowance of a floodplain. Policy 3.19.2 permits minor cut and fill occurrences provided they are balanced, or like this one, results in a gain in flood storage.

The current dwelling is located within the regulatory floodplain and current policies would permit a reconstructed dwelling that is 50% larger than existing dwelling to remain within the floodplain. However, the applicant has worked with staff to remove the entire dwelling from the floodplain and locate a new dwelling partially within the regulatory allowance associated with the floodplain. As a result, the policies for works with within 7.5m of the floodplain apply.

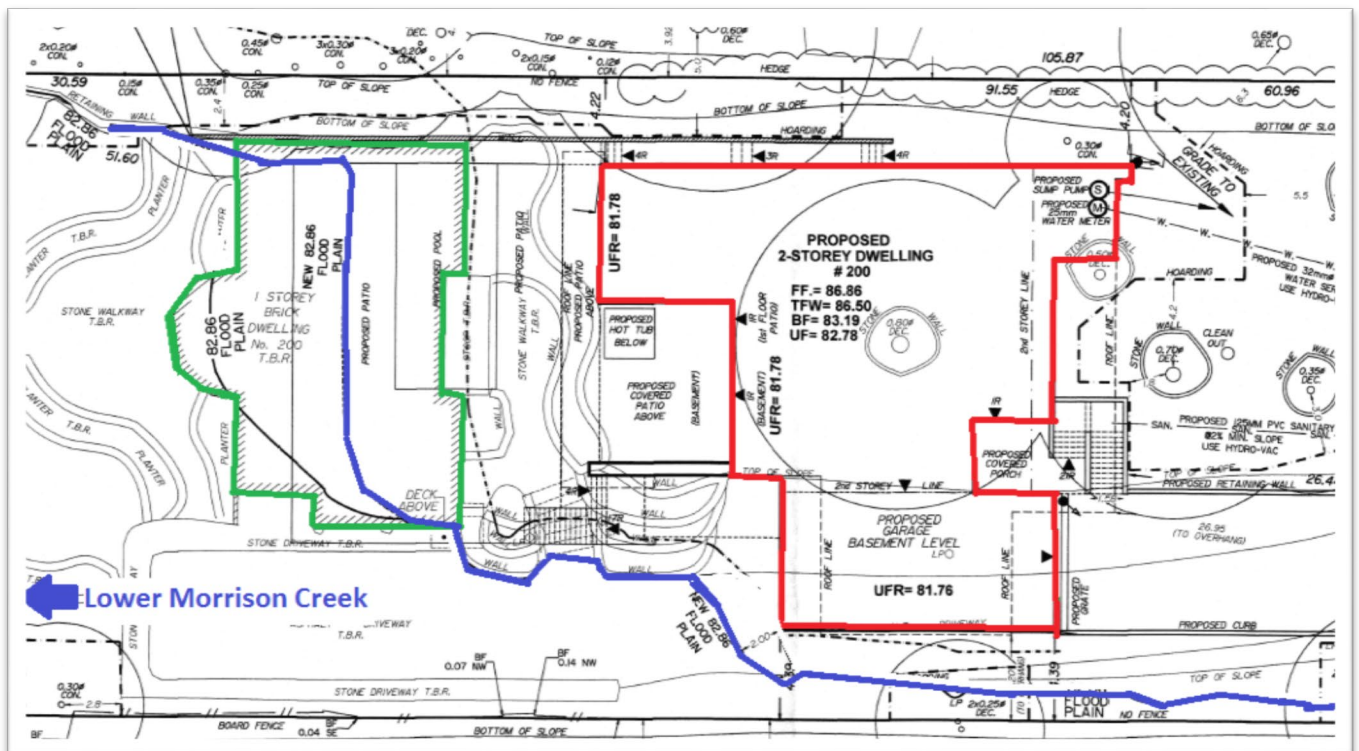


Figure 2: Proposed dwelling (shown outlined in red) as compared to the existing dwelling (outlined in green) will be located approximately 2 metres from the floodplain (shown in blue) at its closest point

Policy 3.27.1 *Minor Valley Systems - Development within 7.5 metres of Flood Plain* of Conservation Halton's *Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Document*, Amended February 25, 2016, states:

3.27.1 *Where buildings and structures already exist within 7.5 metres of the flood plain reconstruction, alteration or additions may be permitted subject to the following:*

- a) the reconstruction, alteration or addition does not encroach any closer to the flood plain than existing development at its closest point;*
- b) even if existing development is closer than 6 metres to flood plain, no new development is permitted within 6 metres in order to provide for an access allowance as per the Provincial Policy Statement;*
- c) In cases where the building or structure can be reasonably relocated outside of the setback the applicant will be encouraged to do so.*

The proposed dwelling does not fully meet the above Board-approved policy as small portion of the garage is located 2 metres from the floodplain.

The intent of Policy 3.27.1 is to restrict development within 7.5 metres of the regulated floodplain to ensure an adequate setback for access and maintenance is achieved when redevelopment is proposed. The applicant has worked with staff to relocate and redesign the proposed house. Staff recommend approval of the permit for the following reasons:

- a) the previously flood susceptible house will be removed from the floodplain and the new house will be located entirely outside of the floodplain;
- b) the proposed development does not encroach any closer to the flood plain than the existing development at its closest point, and the encroachment into the allowance is minor;
- c) the 6 metre setback from the floodplain cannot be achieved on the side yard of the property; and,
- d) the risk to life and property is significantly reduced through the relocation of the house.

Conclusion

Staff recommends that Conservation Halton Board of Directors approve the issuance of a permit for a proposed dwelling associated with CH File A/19/O/17 for the reasons stated above. This application reduces the risk to life and property by removing a flood susceptible dwelling from the regulatory floodplain.

Impact on Strategic Goals

This report supports the Metamorphosis strategic theme of Taking care of our growing communities. The theme is supported by the objective to remain dedicated to ecosystem-based watershed planning that contributes to the development of sustainable rural, urban and suburban communities

Financial Impact

There is no financial impact as a result of this proposal.

Signed & respectfully submitted:



Barbara Veale,
Director, Planning and Watershed Management

Approved for circulation:



Hassaan Basit,
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT: Laura Head, Regulations Officer, 905-336-1158 x.2333

REPORT TO: Board of Directors

REPORT NO: CHBD 06 19 04

FROM: Janelle Wepler, P.Eng., Associate Director, Engineering

DATE: May 23, 2019

SUBJECT: **Milton Flood Conveyance Channel – Carriage Square Pedestrian Bridge**

Recommendation

THAT the Conservation Halton Board of Directors **approve Staff to establish a budget of up to \$75,000. The budget will be funded by a transfer from the Watershed Management Capital Reserve to evaluate and execute alternative(s) for decommissioning of the Carriage Square Pedestrian Bridge crossing over the Milton Flood Conveyance Channel.**

Executive Summary

The Carriage Square Pedestrian Bridge crossing over the Milton Flood Conveyance Channel within the Town of Milton's downtown urban core. This bridge was initially constructed during the 1930's and 1940's to maintain access across Sixteen Mile Creek by the private land owner. This bridge was assumed under the ownership of Conservation Halton with the construction of the flood conveyance channel during the 1970's.

A structural assessment carried out in 2012 identified safety and structural concerns and that the bridge was near the end of its functional lifespan and in need of replacement or removal.

Conservation Halton and Town of Milton confirmed that adjacent landowners value access provided by the pedestrian bridge but are unable to assume any responsibility or liability for the bridge.

Conservation Halton has stated that the bridge is not required to fulfill its mandate but is willing to work with the Town of Milton if they should take on ownership and maintenance of the bridge. The Town of Milton approved funding within their 2017 Capital Budget to replace the bridge, however this project was canceled in 2018 citing that legal easements cannot be obtained to support construction and maintenance of the bridge.

Report

The Carriage Square Pedestrian Bridge crossing over the Milton Flood Conveyance Channel is located at the rear (north) of the Carriage Square Plaza, north of the intersection of Martin Street and Main Street East, within the Town of Milton's downtown urban core as shown in Figure 1.

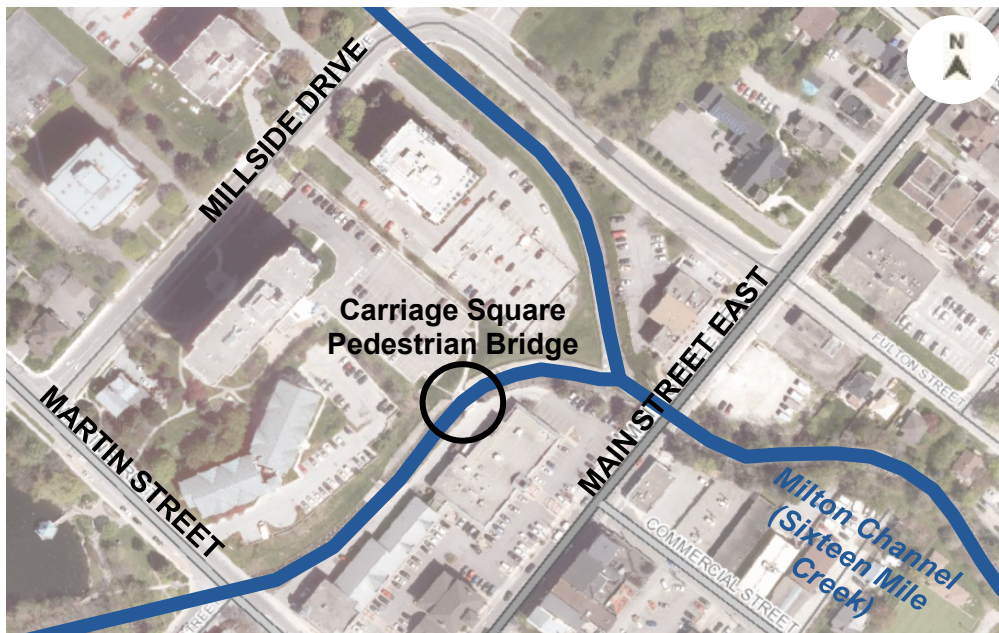


Figure 1 - Carriage Square Pedestrian Bridge Crossing Milton Flood Conveyance Channel

This bridge was initially constructed during the 1930's and 1940's to maintain access across Sixteen Mile Creek by the private land owner. This bridge was assumed under the ownership of Conservation Halton with the construction of the flood conveyance channel during the 1970's. Since the installation of the flood conveyance channel, the property has been divided into separate parcels on either side of the bridge that now each have different owners and purposes. Over the years, the use of this pedestrian bridge has transitioned from being a private access by a single land owner, to a bridge that is now used by the public to access two separate and privately owned properties.

The bridge was assessed by a structural engineer on behalf of Conservation Halton in 2012, which identified the following:

- No major repairs have been carried out on the bridge since its initial construction;
- Safety and structural concerns; and,
- The bridge was near the end of its functional lifespan and in need of replacement or removal.

Following this inspection, a report was provided by Conservation Halton Staff to the Conservation Halton Board of Directors on October 25, 2012. This report provided a history of the bridge, confirmed ownership by Conservation Halton and indicated that the bridge needed significant repairs and/or replacement, or that it should be removed. This report also advised that the bridge is not required for flood control operations and that Conservation Halton staff are not able to maintain it (particularly during winter months). The Conservation Halton Board of Directors reached the resolution **THAT the Conservation Halton Board of Directors authorize staff to commence a public consultation process to gain input from the public and area landowners relating to the possible closure of the Milton Flood Control Channel Pedestrian Bridge; AND FURTHER THAT Conservation Halton staff bring the results of the public and landowner consultation and the potential closure plans to the Conservation Halton Board of Directors for approval.**

Conservation Halton Staff initiated consultation through letters and meetings onsite with adjacent landowners, property management representatives and Town of Milton Staff. Through this consultation, Conservation Halton Staff advised that the bridge has deteriorated and is in need of closure or removal. This consultation also included an invitation for consideration of ownership and maintenance responsibilities of a replacement bridge structure at this location. Input from adjacent landowners north of the bridge indicated that the bridge was considered important for ease of access. The property management representatives of the plaza located south of the bridge (Carriage Square Plaza) appreciated the importance of the access, however they were unable to assume any responsibility or liability for the bridge and expressed concern for the safety of pedestrians who exit the bridge and enter directly onto the roadway at the back of the plaza.

A letter dated July 27, 2016 was sent by CAO Hassaan Basit to Bill Mann at the Town of Milton that indicated Conservation Halton needs to remove the pedestrian bridge due to its deteriorated condition, safety concerns and associated liability risk. This letter also indicated that Conservation Halton does not require the bridge to fulfill its mandate but is willing to work with the Town of Milton if they decide that a replacement bridge is required, provided that all capital costs as well as future management and maintenance of the bridge structure is assumed by the Town.

Town of Milton Staff issued a report to the Town of Milton Committee of the Whole on September 26, 2016 that provided background information including ownership of the pedestrian bridge. This report also indicated that Conservation Halton determined that the structure needs repair/replacement or removal. In addition, this Staff report included a discussion outlining costs for easements and legal support as well as costs associated with designing and installing a new structure, and long-term maintenance costs and associated liabilities. Town of Milton Staff also identified safety concerns for pedestrians using the bridge and entering the loading area for the Carriage Square Plaza. This report concluded that "If Committee and Council would like to proceed with the installation of a new structure, it is recommended that the project be considered as part of the 2017 Capital Budget and Forecast and that a figure of \$200,000 be carried forward". Resolution from Town of Milton Committee of the Whole directed Town of Milton Staff to work with interested parties, including but not limited to all four adjacent building owners, Carriage Square and Conservation Halton to develop a pedestrian bridge proposal for budget review.

Town of Milton Staff issued a second report to the Town of Milton Committee of the Whole on February 27, 2017 that summarized liability and bridge usage. This report provided a summary of responses from the adjacent property owners which indicated that none of the abutting properties were able to assume responsibility for the replacement or maintenance of the pedestrian bridge. As a result, Town Staff indicated that abutting property owners would not assume any liability related to any incident even if it were to occur on their lands, therefore, the Town could be found wholly responsible for any damages that may arise from such an incident. Resolution carried by the Town of Milton Committee of the Whole was "that staff be directed to undertake design and tender for a new pedestrian bridge replacement".

On July 26, 2018 a project cancellation notice for the Carriage Square Pedestrian Bridge was posted on the Town of Milton website indicating that "a legal easement that would allow for the construction and maintenance of the proposed pedestrian bridge cannot be obtained. As a result, the Town cannot proceed with the design or construction of the bridge as planned and the project will be cancelled".

This bridge creates liabilities for Conservation Halton as property of which the Authority is deemed to be the owner and occupier of, under the Occupier Liability Act. These liabilities impose due diligence obligations onto Conservation Halton with respect to the maintenance and management of the bridge including:

- Regular inspections of the bridge to ensure that it is safe and structurally sound and,
- Reasonable maintenance, which would include maintaining the bridge for pedestrian use through all seasons, in particular, the need to consider winter maintenance and the liabilities assumed through the provision or lack thereof.

This pedestrian bridge raises liability concerns for Conservation Halton that include:

- Directing bridge users into an unprotected and privately-owned traffic laneway located at the rear of Carriage Square Plaza; and
- Providing a tax-supported infrastructure that leads between two privately owned properties but does not provide a public right of access to the bridge.

Conservation Halton's primary mandate includes the prevention of loss of life and property due to flooding. The flood conveyance channel within Milton serves to support this primary mandate. The purpose and function of this flood conveyance channel does not include a need for this pedestrian bridge.

Impact on Strategic Goals

This report supports the Metamorphosis strategic theme of Taking care of our growing communities.

Decommissioning of the Carriage Square Plaza Pedestrian bridge supports the Strategic Plan key objective to *enhance public safety through the modernization of flood management operations to protect communities from severe weather and natural hazards* by decommissioning a deteriorated structure that is dangerous to pedestrian users and is not required to fulfill Conservation Halton's mandate.

Financial Impact

If needed, costs exceeding \$75,000 will be brought back to the Conservation Halton Board of Directors through a Board Report for further review and approval at a subsequent date.

Signed & respectfully submitted:



Janelle Wepler
Associate Director, Engineering

Approved for circulation:



Hassaan Basit
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT:

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