



Policy & Priorities Committee

Virtual Meeting

10:00 am

June 4, 2021

AGENDA

ROLL CALL

Adoption of Agenda

Declaration of Interest (written)

1. Approval of Minutes – April 30, 2021, Page #2
2. Consent Agenda, Staff Report 3138/21 (Sally McIntyre), Page #6
3. Policy & Priorities Advisory Committee Mandate Confirmation, Staff Report 3139/21 (Sally McIntyre), Page #7
4. Remote Meeting Participation, Staff Report 3140/21 (Sally McIntyre), Page #8
5. Update of MVCA Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Policies, Staff Report 3141/21 (Matt Craig), Page #12
6. Dogs Off Leash - Conservation Areas, Staff Report 3142/21 (Shannon Gutoskie), Page #14

Other Business

ADJOURNMENT



POLICY AND PRIORITIES ADVISORY COMMITTEE

Via Zoom

MINUTES

April 30, 2021

MEMBERS PRESENT:

J. Atkinson, Chair
F. Campbell, Vice-Chair
R. Darling
J. Inglis
J. Karau
C. Kelsey
J. Mason
K. Thompson

MEMBERS ABSENT:

B. Holmes

STAFF PRESENT:

S. McIntyre, General Manager
M. Craig, Manager, Planning and Regulations
S. Gutoskie, Community Relations Coordinator
A. Symon, Watershed Planner
E. Levi, Recording Secretary

OTHERS PRESENT:

J. Atkinson called the meeting to order at 1:01 p.m.

PPAC30/04/21-1

MOVED BY: J. Inglis

SECONDED BY: G. Gower

Resolved, That the Agenda for the Policy and Priorities Advisory Committee meeting be adopted as presented.

“CARRIED”

BUSINESS:

1. Minutes – Policy & Priorities Advisory Committee Meeting – March 26, 2021

PPAC30/04/21-2

MOVED BY: F. Campbell

SECONDED BY: K. Thompson

Resolved, That the minutes of the Mississippi Valley Policy & Priorities Advisory Committee meeting held on March 26, 2021 be received and approved as amended.

“CARRIED”

2. Update of MVCA Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Policies Interference

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M. Craig reviewed Staff Report 3130/21. He highlighted the proposed housekeeping and administrative changes.

J. Karau noted his support of best practices being codified in policy as it provides clarity and guidance.

M. Craig reviewed a proposed new policy that would identify the circumstances under which an access route may be permitted through a Provincially Significant Wetland. He commented that there is some risk associated with the proposed change, but the intent is to allow some landowners to reach areas of their property that are not currently accessible.

J. Mason asked what potential risks may arise. M. Craig gave his opinion that some cases may be mitigated or compromises could be achieved. His concern is if access is granted, the area may be left open for further development on the land which could lead to more intense use of that land within 120 meters of a PSW.

S. McIntyre noted another challenge will be to clarify and keep clear the responsibilities of MVCA from area municipalities. Permitting a driveway through a PSW is an MVCA responsibility; however, it is a municipal decision whether the land may be further developed based upon that access.

J. Karau commented that he does not support vehicle access through PSWs. He is concerned it may set a precedent for more than just MVCA. When moving forward with Watershed Plan, MVCA recognized the importance of PSWs, so if this policy is adopted, it creates confusion. He stated there is a fiduciary duty for MVCA to do whatever it can to preserve PSWs.

M. Craig commented that one other CA has a generic access policy but does not distinguish between unevaluated wetlands and PSWs. In Eastern Ontario, other CAs do not regulate all wetlands and policies on PSWs are non-existent.

J. Atkinson read the motion as presented in the staff report. J. Karau proposed removing item one from the proposed motion.

The committee discussed the role of the regulations committee and the potential impact that changing the policy may have on their ability to make effective decisions. J. Karau questioned if there was a compromise to allow for consideration on case by case basis so as to keep the strength of the policy but also allow for approval in some instances.

M. Craig noted that 75% of cases that make it to a hearing aren't supported by staff. However, he advised that even if the policy says something is not permitted, staff can provide rationale for reasons why it should be.

K. Thompson commented that if the policy indicates no permission should be granted, then that is how it should remain, but also saw value in evaluating on case by case basis.

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R. Darling agreed and stated if policies say no, then staff's hands are also tied. She commented that decisions can't be arbitrary and that criteria are required. Our mandate is conservation, but we also don't want to sterilize land.

S. McIntyre explained that all MVCA regulations prohibit development and other activities within regulated areas unless a permit is obtained. And, that to obtain a permit, applicants must meet certain criteria to get a permit. What is proposed is no different—a laneway would not be permitted unless specific conditions were met. The proposed policies provide space to have the conversation about whether access may be allowed, but do *not* obligate the Authority to issue a permit.

J. Karau suggested staff reexamine the matter to improve the approach and language, and that the matter be deferred until a later date. J. Karau withdrew his proposed amendment and indicated his intent to replace it with a motion to defer.

PPAC30/04/21-3

MOVED BY: J. Karau
SECONDED BY: F. Campbell
Resolved, That the decision be deferred.

“CARRIED”

3. **Draft Mississippi River Watershed Plan**

A. Symon reviewed Staff Report 3131/21 regarding the Mississippi River Watershed Plan. She reviewed the work that has been completed to date to produce the draft Plan and the steps to be taken to have it approved by the Board in July. She advised that the General Manager, S. McIntyre, will present the draft Plan to each municipal council. Public engagement will be promoted through multiple channels, with a comment deadline of June 30, 2021. The consultation will be directed to all of the groups and individuals that were consulted in the previous round of engagement.

J. Mason thanked staff for an excellent watershed plan which provides a wealth of information about how the watershed works as a whole.

Staff were directed to continue to consult with the Public Advisory Committee.

PPAC30/04/21-4

MOVED BY: K. Thompson
SECONDED BY: F. Campbell
Resolved, That the Policy & Priorities Committee recommend that the Board of Directors direct staff to release the Draft Mississippi River Watershed Plan for public consultation and return with final document for approval.

“CARRIED”

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ADJOURNMENT

The meeting was adjourned at 2:25 p.m.

PPAC30/04/21-5

MOVED BY: R. Darling

SECONDED BY: J. Inglis

Resolved, That the meeting be adjourned.

“CARRIED”

“E. Levi, Recording Secretary

J. Atkinson, Chair”

REPORT

3138/21

TO:	MVCA Policy & Priorities Committee
FROM:	Sally McIntyre, General Manager
RE:	By-law Amendment to Allow Consent Agenda
DATE:	May 31, 2021

RECOMMENDATIONS:

That the Policy & Priorities Committee recommend that the Board approve amendment of the *MVCA Administrative By-law* to permit Consent Agenda as set out in this report.

In March, 2021, the Board of Directors approved the recommendations of Report 3119/21, as amended, directing that the *MVCA Administrative By-laws* be amended to allow for consent agenda. The following amendment is tabled for approval.

Add the following new Section **C.5 Consent Agenda** and renumber subsequent by-law sections.

5. Consent Agenda

a) Administrative Procedure

- 1) The Board may use a Consent Agenda to approve report recommendations and receive information items without discussion and debate.
- 2) Consent Agenda may be used at Board meetings and at Standing Committee meetings.
- 3) Meeting Agenda shall identify items to be included in the Consent Agenda at the time of distribution.
- 4) Board members may direct that an item be removed from the Consent Agenda in advance of or during consideration of the Consent Agenda by informing the meeting Chair.
- 5) If a Member declares a pecuniary interest in an item that is on the Consent Agenda, the Chair shall remove it from the Consent Agenda.

b) Meeting Procedure

- 1) The meeting Chair will ask for a Motion to adopt the Consent Agenda.
- 2) The meeting Chair will call for errors or omissions in Consent Agenda items.
- 3) Members will identify any items to be removed from the Consent Agenda.
- 4) The Chair shall call the question on the remaining items with a single motion, including those with minor technical amendments.

REPORT

3139/21

TO:	MVCA Policy & Priorities Committee
FROM:	Sally McIntyre, General Manager
RE:	By-law Amendment to Clarify Roles of Policy & Priority Committee
DATE:	May 31, 2021

RECOMMENDATIONS:

That the Policy & Priorities Committee recommend that the Board approve amendment of the *MVCA Administrative By-law* to confirm the mandate of the Policy and Priorities Committee to deal with committee structures, as set out in this report.

Further to Report 3120/21 approved by the Board in March, 2021, the following amendment is tabled for approval. The proposed amendment allows the Policy and Priorities Committee to consider and address policy matters related to committee structure.

Amend Appendix 4 – Terms of Reference for Committees as indicated below.

POLICY AND PRIORITIES ADVISORY COMMITTEE

1. General Terms

The Policy and Priorities Advisory Committee will concern itself with matters of internal policy development and ~~establishing~~ priority setting related to the committees, programs, and services ~~activities~~ of Mississippi Valley Conservation Authority. At the first meeting of the Committee, a Committee Chair and Committee Vice-Chair will be elected from among the members of the Committee.

REPORT

3140/21

TO:	MVCA Policy & Priorities Committee
FROM:	Sally McIntyre, General Manager
RE:	By-law Amendment to allow for Electronic Meetings and Participation
DATE:	May 31, 2021

RECOMMENDATIONS:

That the Policy & Priorities Committee recommend that the Board approve amendment of the *MVCA Administrative By-law* as set out in this report that will allow Board members to participate in meetings electronically outside of a State of Emergency.

In April 2020, the Board amended the *MVCA Administrative By-law* to allow for electronic participation in meetings during the COVID-19 pandemic. After almost a year of use, in March 2021 the Board determined that electronic meetings and participation have several benefits and should be permitted during normal operations (refer to Report 3118/21.)

Attachment 1 provides the amendments necessary to provide for electronic meetings and participation regardless of the operating environment. It reflects the results of a survey of Members the last week of May; and is based upon best practice identified through solicitation of language in use by other jurisdictions.

ATTACHMENT 1: Proposed Amendment to the MVCA Administrative By-law

1. DELETE 1B. Declared State of Emergency in its entirety:

“During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act (EMCPA), that may prevent the General Membership from meeting in person, a Member may participate in meetings electronically and shall have the ability to:

1. register a vote;
2. be counted towards determining quorum; and
3. participate in meetings closed to the public.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, any date or timeline requirement established under any Section in this By-law shall be postponed until such time as the General Membership can reasonably address the issue.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.1 of the Emergency Management and Civil Protection Act, the Authority shall implement best practices to make meetings of the Authority open to the public in accordance with Subsection 15(3) of the Act. Where possible, the Authority will provide for alternative means for the public to participate in meetings electronically.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, any hearing or appeal dealt with in this By-law may be conducted electronically with provisions for applicants and their agents to participate if the Authority decides to hold any such hearing or appeal.”

2. RENUMBER subsection 1C: Emergency Operations to 1B.

3. DELETE Section C. 10 – Electronic Participation in its entirety.

“10. Electronic Participation

Members may participate in a meeting that is open to the public by telephonic or other electronic means that permits all participants to communicate adequately with each other during the meeting. A Member participating in a meeting electronically shall not be counted in determining quorum. A Member participating in a meeting electronically shall have no vote.

A Member shall not participate electronically in a meeting that is closed to the public.”

4. REPLACE AND RENAME Section C. 10 as follows:

10. Electronic Meetings and Electronic Participation

a) Applicability

1. It is the expectation of the Board that Members attend meetings in-person wherever possible in order to facilitate easy communications and Board cohesion.
2. Board meetings and Standing Committee meetings may occur in whole or part electronically in accordance with the provisions of this by-law, with specific care taken to ensure compliance with sections C.3, C.11, and C.13 governing public participation, delegations, and closed sessions, respectively.
3. Electronic meetings will only be arranged upon request by a Member or a Delegate, or as required to comply with legislation. Requests for electronic participation must be made in writing to the General Manager at least five (5) working days in advance of the scheduled meeting.
4. The method of electronic meeting shall be shared with Members, Delegates, and the Public at least two (2) working days in advance of the Meeting and include instructions for participation.

b) Quorum, Voting, and Confidentiality

1. Members participating electronically shall be counted in determining whether a Quorum is present.
2. Members participating electronically may vote in all meetings of the Board and Standing Committees, including a meeting that is closed to the public.
3. Members participating electronically are subject to the same rules and share the same responsibilities as those participating in-person. Members participating electronically shall take particular care to ensure the confidentiality of in-camera items.
4. At any time during a closed meeting, the Chair may ask Members to confirm that:

- i) No other persons can overhear the deliberations; and
 - ii) The internet connection is secure and not publically accessible.
5. Members participating electronically shall inform the Chair of their intention to leave the meeting either on a temporary or permanent basis.
6. Members participating electronically will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
7. All votes shall be by a show of hands or by verbal consent (yes or no).

c) Technical Matters

1. It is the responsibility of Members, Delegates, and the Public to secure appropriate telephonic or internet service, and hardware and software/applications to participate in a meeting electronically.
2. Unless Quorum is lost, meetings will continue if the electronic connection of one or more Members is lost. Where Quorum is lost, the Chair will call a Recess of up to 15 minutes to allow connections to be re-established. If Quorum cannot be re-established, the meeting shall adjourn.
3. Meeting participants should Mute their microphones unless speaking and operate their phone or other electronic device as directed by the Chair.
4. Recordings of open meetings shall be published on the corporate website, and preserved for no less than 12 months from the date of recording.

REPORT

3141/21

TO:	Policy & Priorities Advisory Committee, MVCA
FROM:	Matt Craig, Manager of Planning and Regulations
RE:	Update of MVCA <i>Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Policies</i>
DATE:	May 31, 2021

Recommendations:

That the Policies and Priorities Committee recommend that the Board of Directors:

1. Direct staff to prepare an internal check-list for assessment of any application for vehicle access through a provincially significant wetland (PSW).
2. Approve all proposed housekeeping changes to the *MVCA Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Policies* as presented in Report 3130/21.

1.0 BACKGROUND

Several housekeeping changes to MVCA floodplain and wetland policies were presented at the April 2021 meeting of the Policy & Priorities Committee. Also proposed was a substantive policy change that would provide for the construction of a laneway through a Provincially Significant Wetland (PSW) to facilitate development of a single residential home on an existing lot of record. The latter proposal was in response to a recent application and several inquiries related to laneway development through PSWs.

Several Committee members raised concerns related to potential establishment of a precedent by allowing development in a PSW. The matter was deferred to enable staff the opportunity to consider comments and consult with partner conservation authorities and City of Ottawa staff.

2.0 UPDATE

Based upon discussions with staff and other agencies, it is recommended that existing policies prohibiting laneways through PSWs remain in place; and that an internal check-list be developed for use by the Regulations Committee if a hearing is required to address such applications, and

by staff in responding to Ministerial Zoning Orders (MZOs). The check-list would address several matters such as the following:

- Maximum width and length of laneway.
- Restrictions through open water.
- Limits to clearing of vegetation.
- Mandatory frontage on an opened road allowance.
- Compliance with municipal zoning requirements.
- Alignment minimizes encroachment into regulated areas.
- Environmental Impact Study, geotechnical study, hydrogeological Impact study requirements.
- Mitigation and compensation plans.

3.0 NEXT STEPS

Upon Board approval, staff will notify member municipalities of the administrative updates to the policy document and upload it to the MVCA website.

REPORT

3142/21

TO:	Policy & Priorities Committee, Mississippi Valley Conservation Authority
FROM:	Shannon Gutoskie, Community Relations Coordinator
RE:	Dogs Off Leash, Conservation Areas
DATE:	May 31, 2021

For Information

Section 10 of Regulation 120 under the *Conservation Authorities Act* prohibits dogs at conservation areas unless permitted by the Authority; and specifies that an animal is considered to be “at large” unless on a leash 2 metres or less.

At the March 2021 meeting, the Board approved enhanced compliance promotion at conservation areas to curb off-leash dog walking. Staff also received direction to consult with other conservation authorities to assess how widely dog runs are used and potential costs.

COMPLIANCE PROMOTION

A press release was issued on May 4, 2021 to kick off a month-long awareness campaign. In addition to daily social media posts (Facebook, Instagram, Twitter), a “Tip of the Week” flyer was posted at high-traffic areas at Morris Island and the Mill of Kintail. Immediate public feedback indicated that there was a concern of dogs off-leash and that people were grateful to MVCA for making public education on the subject a priority.

DOG RUN/PARK FINDINGS

Only three conservation authorities: Kawartha Conservation, Lake Simcoe Region, and Mattagami Conservation Authority responded to a query send to all CAs regarding use of a dog park or other off-leash area. Findings are summarized in Table 1.

Table 1: Survey Results - Dog Runs/Parks at Ontario Conservation Authorities

Conservation Authority	Capital Cost	Entry Fee	Size
Ken Reid (Kawartha)	\$60,000	\$4/day; \$84.75 Annual Pass	“large”
Scanlon Creek (LSRCA)	Unknown	N/A	3 acres
Hershey Lake (Mattagami)	N/A	N/A	1,350 m loop

Local pricing to fence an area of 200’x200’ would be approximately \$12,000-\$15,000 in materials plus installation.

Staff will continue to monitor compliance and report back to the Board as needed.