

Board of Directors
Meeting No. BOD-12-21
Friday, December 17, 2021
9:00 a.m.

Amended Agenda

Meeting Location:

To be held virtually by Zoom
Minutes and agendas are available at www.LSRCA.on.ca

Upcoming Events

Annual General Meeting of the Board of Directors

Friday, January 28, 2022 at 9:00 a.m.
To be held virtually by Zoom

A full listing of events can be found at www.LSRCA.on.ca

I. Acknowledgement of Indigenous Territory

II. Declarations of Pecuniary Interest and Conflicts of Interest

III. Approval of Agenda

Pages 1 - 4

Recommended: That the content of the Agenda for the December 17, 2021 meeting of the Board of Directors be approved as amended to remove the placeholder for Item 6, Staff Report No. 67-21-BOD.

IV. Adoption of Minutes

a) Board of Directors' Meeting

Pages 5 - 10

Included in the agenda is a copy of the draft minutes of the Board of Directors' Meeting, No. BOD-11-21, held on Friday, November 26, 2021.

Recommended: That the minutes of the Board of Directors' Meeting, No. BOD-11-21, held on Friday, November 26, 2021 be approved as circulated.

V. Announcements

VI. Presentations

There are no Presentations scheduled for this meeting.

VII. Hearings

There are no Hearings scheduled for this meeting.

VIII. Deputations

There are no Deputations scheduled for this meeting.

IX. Determination of Items Requiring Separate Discussion

(Reference Page 4 of the agenda)

X. Adoption of Items Not Requiring Separate Discussion

XI. Consideration of Items Requiring Separate Discussion

XII. Closed Session

There are no Closed Session items for this meeting.

XIII. Other Business

The next meeting of the Board of Directors will be the Annual General Meeting held at @ 9:00 a.m. on Friday, January 28, 2022. This meeting will be held via Zoom, access details to be provided prior to the meeting.

XIV. Adjournment

Agenda Items

1. Correspondence

There are no Correspondence items for this meeting.

2. *Conservation Authorities Act* Transition Plan

Pages 11 - 16

Recommended: That Staff Report No. 63-21-BOD regarding the Lake Simcoe Region Conservation Authority's *Conservation Authorities Act* Transition Plan be received; and

Further that the Lake Simcoe Region Conservation Authority *Conservation Authorities Act* Transition Plan be approved; and

Further that the Transition Plan be circulated to Ministry of the Environment, Conservation and Parks, watershed municipalities, and be posted publicly on the Authority's website.

3. Updates to Ontario Regulation 179/06 Implementation Guidelines (formerly Watershed Development Guidelines)

Pages 17 - 167

Recommended: That Staff Report No. 64-21-BOD regarding the updates to the Lake Simcoe Region Conservation Authority's Ontario Regulation 179/06 Implementation Guidelines and the revised document 'Attachment C' be received: and

Further That the revised 'Ontario Regulation 179/06 Implementation Guidelines' for implementation effective January 3, 2022 be approved.

4. Lake Simcoe Shoreline Hazard Project – Request for Proposal – Award to Consultant

Pages 168 - 170

Recommended: That Staff Report No. 65-21-BOD regarding the Request for Proposal for the Lake Simcoe Shoreline Hazard Project be received; and

Further that the award of the Lake Simcoe Shoreline Hazard Project to W.F. Baird & Associates Coastal Engineers Ltd. be approved.

5. Updates to Lake Simcoe Region Conservation Authority's Purchasing Policy

Pages 171 - 196

Recommended: That Staff Report No. 66-21-BOD regarding recommended updates to Lake Simcoe Region Conservation Authority's Purchasing Policy be received; and

Further that the delegation of authority to the Chief Administrative Officer (CAO) for project approvals up to \$500,000 and purchase order approvals within the projects up to \$200,000 be approved; and

Further that Schedule E of the Purchasing Policy be updated to allow for standard procurement/purchase order awards between \$200,000 and \$500,000 to be authorized by the Chief Administrative Officer (CAO), along with the Chair or Vice Chair of the Board of Directors; and

Further that the Schedule D of the Purchasing Policy be updated to increase the threshold for the CAO from \$100,000 to \$200,000 on standard procurement; and

Further that the Schedule E of the Purchasing Policy be updated and amended to remove the term "designate" from the authorization table.

Lake Simcoe Region Conservation Authority

Board of Directors' Meeting

Board of Directors' Meeting No. BOD-11-21

Friday, November 26, 2021

Held virtually via Zoom

Meeting Minutes

Board Members Present

Regional Chairman W. Emmerson (Chair), Councillor P. Ferragine (Vice Chair), Mayor D. Barton, Mayor B. Drew, Councillor A. Eek, Councillor W. Gaertner, Councillor R. Greenlaw, Mayor V. Hackson, Councillor S. Harrison-McIntyre, Councillor C. Pettingill, Mayor M. Quirk, Councillor C. Riepma, Regional Councillor T. Vegh, Councillor A. Waters

Board Members Absent

Councillor K. Aylwin, Councillor K. Ferdinands, Deputy Mayor J. Gough, Councillor E. Yeo

Staff Present

R. Baldwin, T. Barnett, A. Brown, K. Cheney, K. Christensen, M. Critch, J. Doyley, E. Green, N. Hamley, S. Jagminas, B. Kemp, B. Longstaff, G. MacMillan, S. McKinnon, K. Nesbitt, N. O'Dell, M. Rosato, L. Staples, K. Yemm, K. Zeppieri

Guests Present

D. Nadorozny

I. Land Acknowledgement

II. Declarations of Pecuniary Interest or Conflict of Interest

None noted for the meeting.

III. Approval of Agenda

Moved by: S. Harrison-McIntyre

Seconded by: B. Drew

BOD-161-21 **Resolved That** the content of the Agenda for the November 26, 2021 meeting of the Board of Directors be approved as presented. **Carried**

IV. Adoption of Minutes

a) Board of Directors' Meeting

Moved by: C. Riepma

Seconded by: V. Hackson

BOD-162-21 **Resolved That** the minutes of the Board of Directors' Meeting, No. BOD-10-21, held on Friday, October 22, 2021 be approved as circulated. **Carried**

b) Conservation Ontario Council Meeting

Moved by: C. Riepma

Seconded by: V. Hackson

BOD-163-21 **Resolved That** the minutes of the Conservation Ontario Council Meeting held on Monday, September 27, 2021 be received for information. **Carried**

V. Announcements

There were no Announcements for this meeting.

VI. Presentations

a) Transformation 2022-2024 - Lake Simcoe Region Conservation Authority Strategic Plan

Communications Specialist, Melissa Rosato, provided an overview of the Lake Simcoe Region Conservation Authority's new Strategic Plan, entitled **Transformation 2022-2024**, noting that for the first time the Authority's strategic plan has been developed entirely in-house, led by herself as the project lead, along with Susan Jagminas as the project consultant and Kristen Yemm as the project manager. She noted that developing the plan internally has resulted in several benefits, including the ability to address financial constraints, bringing forward deeper organizational insight into the planning process, and creating many more opportunities for increased staff and Board of Directors' engagement.

She went on to note that with the rapidly changing socioeconomic and environmental landscapes at the forefront, the focus developing the plan has centred around outcome-based impacts and results to clearly articulate core priorities through new initiatives and business as usual that will help transform the Authority to improved resiliency and the ability to meet future needs and challenges.

She reviewed the steps taken in developing the strategic plan, including:

Step 1: Situation Analysis, a summary of strengths, challenges, opportunities and threats.

Step 2: A review of the Vision, Mission, Values Statements, resulting in a new Vision statement, a modified Mission Statement, and modified Values statements.

Steps 3 & 4: Goals, Strategic Objectives, Success Indicators, resulting in five Strategic Directions and 20 Objectives that are clear, measurable, and well-aligned.

Step 5: Validation and Prioritization, with the outcome being a short and prioritized list of initiatives with drafted implementation timelines and forecasted budgets intended to facilitate internal annual work planning.

Step 6: Launch and Implementation Planning, beginning in November 2021 with the launch of **Transformation: 2022-2024**, for external audiences through a new webpage accessed below: www.LSRCATransformation.ca

Next steps include additional promotion and engagement to select target audiences, as well as broadly through corporate communications channels, to ensure optimal awareness among stakeholders and partners.

Ms. Rosato outlined the major components of the new plan:

Vision Statement: Healthy lake, healthy land, healthy life... for generations to come.

Mission statement: We collaborate to protect and restore the Lake Simcoe watershed with innovative research, policy and action.

Values: Integrity, Accountability, Innovation, Inclusivity, Optimism.

Strategic Directions: Five critical themes organize the Authority's work in priority areas:

Strategic Direction 1: Champion Watershed Health and Climate Resilience

Strategic Direction 2: Drive Evidence-Based Decision-Making

Strategic Direction 3: Spark a Passion and Action for Nature

Strategic Direction 4: Advance Organizational Effectiveness and Excellence

Strategic Direction 5: Nurture People and Talent

Objectives: As a result of significant collaboration across the entire organization, **Transformation 2022-2024** sets out 20 objectives believed to be critical pathways to achieving a healthy watershed. These carefully worded objectives in consideration of longer-term outcomes are critical targets the Authority is aiming for. Readers are encouraged to view **Transformation 2022-2024** at its website: www.LSRCATransformation.ca

To view this presentation, please click this link: [Transformation 2022-2024 - Strategic Plan](#)

Moved by: P. Ferragine

Seconded by: T. Vegh

BOD-164-21 **Resolved That** the presentation by Communications Specialist, Melissa Rosato, regarding **Transformation 2022-2024** - Lake Simcoe Region Conservation Authority's Strategic Plan be received for information. **Carried**

Staff Report No. 58-21-BOD regarding **Transformation 2022-2024** - Lake Simcoe Region Conservation Authority's Strategic Plan was included in the agenda.

Moved by: P. Ferragine

Seconded by: T. Vegh

BOD-165-21 **Resolved That** Staff Report No. 58-21-BOD regarding the completion of **Transformation 2022-2024** - Lake Simcoe Region Conservation Authority's Strategic Plan be received; and

Further that Transformation 2022-2024 - Lake Simcoe Region Conservation Authority's Strategic Plan be approved. **Carried**

VII. Hearings

There were no hearings at this meeting.

VIII. Deputations

There were no deputations at this meeting.

IX. Determination of Items Requiring Separate Discussion

No items were identified under items requiring separate discussion.

X. Adoption of Items not Requiring Separate Discussion

Items No. 2 and 3 were identified under items not requiring separate discussion.

Moved by: M. Quirk

Seconded by: R. Greenlaw

BOD-166-21 **Resolved That** the following recommendations respecting the matters listed as "Items Not Requiring Separate Discussion" be adopted as submitted to the Board, and staff be authorized to take all necessary action required to give effect to same. **Carried**

1. Correspondence

There were no Correspondence items for this meeting.

2. Planning and Development Fees and Proposed Fees Schedule

BOD-167-21 **Resolved That** Staff Report No. 59-21-BOD regarding the Lake Simcoe Region Conservation Authority Planning and Development Fees Policy Update be received; and

Further that the proposed Planning and Development Fees Policy be approved and effective January 3, 2022. **Carried**

3. 2022 Budget Update

BOD-168-21 **Resolved That** Staff Report No. 60-21-BOD regarding an update on the Authority's 2022 Budget be received for information. **Carried**

XI. Consideration of Items Requiring Separate Discussion

There were no items requiring separate discussion.

XII. Closed Session

The Board moved to Closed Session to deal with confidential land matters.

Moved by: W. Gaertner

Seconded by: A. Eek

BOD-169-21 **Resolved That** the Board move to Closed Session to deal with confidential land matters; and

Further that the Chief Administrative Officer, members of the Executive Leadership Team, and the Coordinator BOD/CAO remain in the meeting for the discussion. **Carried**

The Board rose from Closed Session and reported findings.

Moved by: S. Harrison-McIntyre

Seconded by: A. Eek

BOD-170-21 **Resolved That** the Board rise from Closed Session and report findings. **Carried**

a) Confidential Land Matter

Moved by: V. Hackson

Seconded by: C. Pettingill

BOD-171-21 **Resolved That** Confidential Staff Report No. 61-21-BOD regarding a confidential land matter be received; and

Further that the recommendations contained within the report be approved. **Carried**

b) Confidential Land Matter

Moved by: V. Hackson

Seconded by: C. Pettingill

BOD-172-21 **Resolved That** Confidential Staff Report No. 62-21-BOD regarding a confidential land matter be received; and

Further that the recommendations contained within the report be approved. **Carried**

XIII. Other Business

- a) Chair Emmerson noted the next Board of Directors' meeting will be held virtually on Friday, December 17th.

XIV. Adjournment

Moved by: R. Greenlaw

Seconded by: S. Harrison-McIntyre

BOD-173-21 **Resolved That** the meeting be adjourned at 10:50 a.m. **Carried**

Original to be signed by:

Regional Chairman Wayne Emmerson
Chair

Original to be signed by:

Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: Rob Baldwin, Chief Administrative Officer

Date: December 8, 2021

Subject:

Lake Simcoe Region Conservation Authority's *Conservation Authorities Act* Transition Plan

Recommendation:

That Staff Report No. 63-21-BOD regarding the Lake Simcoe Region Conservation Authority's *Conservation Authorities Act* Transition Plan be received; and

Further that the Lake Simcoe Region Conservation Authority *Conservation Authorities Act* Transition Plan be approved; and

Further that the Transition Plan be circulated to Ministry of the Environment, Conservation and Parks, watershed municipalities, and be posted publicly on the Authority's website.

Purpose of this Staff Report:

The purpose of this Staff Report No. 63-21-BOD is to seek the Board's approval on the Authority's *Conservation Authorities Act* Transition Plan, which is a mandatory requirement. Also mandatory is that the transition plan be circulated to member municipalities and the Ministry of the Environment, Conservation and Parks (Ministry) and be available publicly on the Authority's website.

Background:

The passage of Regulation 687/21 "Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act" requires the development of a transition plan by each conservation authority. A Transition Plan should outline the approach and timelines for the development of cost apportioning agreements with municipalities within each conservation authority's jurisdiction for programs and services that fall into Categories 2 and 3 as defined in the Regulation.

The transition period runs from October 2021 to January 1, 2024, providing conservation authorities and municipalities the necessary time to address changes to the budgeting and levy processes, and in some cases, the need to establish agreements.

Each conservation authority is required to develop and submit its Transition Plans to the Ministry, with copies to member municipalities before December 31, 2021.

Attached to this report is this Authority's *Conservation Authorities Act* Transition Plan with key reporting dates and timelines associated with core tasks. The Transition Plan includes extensive mandatory reporting, which will be beneficial to the Board and watershed municipalities.

Issues:

The Authority has already commenced with early-stage elements of the transition plan process and will be aggressively addressing key elements in 2022. The Authority is well positioned as significant work completed over the past few years is complementary to the legislative requirements, along with work undertaken to harmonize service delivery areas where possible with neighboring conservation authorities.

Potential issues may arise as the transition plan is implemented, but these are difficult to fully foresee at this point in the process. The only principal challenge that is currently foreseen is the potential changes in Board member composition post the upcoming municipal election. Staff will ensure to include detailed overview and training regarding the *Conservation Authorities Act* amendments as part of the 2023 Board Orientation.

Relevance to Authority Policy:

There is no direct relevance to Authority policy as this Board report only addresses a transition plan and schedule.

Impact on Authority Finances:

There is impact associated with Authority finances as implementing the transition plan and all associated activities, agreements and budget processes will result in a new budget format for fiscal 2024.

Summary and Recommendations:

The Authority is well positioned to implement the *Conservation Authorities Act* Transition Plan over the next two years. Early work has already begun with a full slate of activities occurring quickly in 2022.

It is therefore **Recommended That** Staff Report No. 63-21-BOD regarding the Lake Simcoe Region Conservation Authority's *Conservation Authorities Act* Transition Plan be received; and **Further that** the Lake Simcoe Region Conservation Authority *Conservation Authorities Act* Transition Plan be approved; and **Further that** the Transition Plan be circulated to Ministry of

the Environment, Conservation and Parks, watershed municipalities, and be posted publicly on the Authority's website.

Signed by:

Rob Baldwin
Chief Administrative Officer

Attachments:

Lake Simcoe Region Conservation Authority's *Conservation Authorities Act* Transition Plan

Lake Simcoe Region Conservation Authority

Transition Plan in accordance with the *Conservation Authorities Act*

December 2021

Purpose

The *Conservation Authorities Act* requires conservation authorities to prepare Transition Plans outlining steps and timelines for the preparation of an Inventory of Program and Services and for the development and execution of funding agreements with participating municipalities. The Lake Simcoe Region Conservation Authority (Authority) Transition Plan sets out the process and timelines for the development and execution of memorandums of understanding (MOUs) and/or agreements between the Authority and municipalities to fund programs and services that are not deemed to be provincial mandatory core services outlined in the *Conservation Authorities Act* and associated regulations.

Transition Plan

The following lays out steps to be taken by the Authority and associated timelines to develop and enter into funding agreements with partner municipalities for non-mandatory programs and services at the request of a municipality with municipal funding through a MOU and programs and services an authority determines are advisable where municipal funding is needed.

Immediate Phase

Timeline	Action	Status
Ongoing	Initial meetings with municipal staff to establish municipal staff leads for any preliminary discussion on the details of the inventory (e.g. agreements required) to set the stage for future budget submissions, timing of subsequent meetings, preliminary concerns with deadlines	Ongoing
November 4 to December 6, 2021	Development of Transition Plan	Complete
December 17, 2021	Provision of Transition Plan to the Authority Board of Directors	To be completed
December 17, 2021	Submission of Transition Plan to the Ministry and member municipalities.	To be completed
December 17, 2021	Post Transition Plan on the Authority's website	To be completed

Phase 1 of Transition Period

Timeline	Action	Status
October 25, 2021 to February 10, 2022	Development of Inventory of Program and Services - identification of category classification, funding sources, average annual cost	Ongoing
October 25, 2021 to February 10, 2022	Ongoing work to complete Inventory including co-ordination/consultation with adjacent conservation authorities and municipal partners	Ongoing
October 25, 2021 to February 10, 2022	Consultation with the Ministry regarding mandatory Lake Simcoe Protection Plan programs and services	Ongoing
February 25, 2022	Presentation of Inventory of Program and Services to the Authority Board of Directors	To be completed
February 25, 2022	Submit Inventory of Programs and Services and record of consultation to the Ministry and watershed municipalities.	To be completed

Phase 2 of Transition Period

Timeline	Action	Status
January to July, 2022	Develop comparison “Shadow Budget” comparing 2022 Budget to conceptual budget developed on concepts and requirements outlined in regulations.	To be completed
January 2022 to June 2023	Ongoing discussions with municipal partners and adjacent conservation authorities regarding timing, form, and content of MOUs/agreements	To be completed
July 1, 2022	Submit Progress Report to the Ministry and the Authority Board of Directors	To be completed
October 1, 2022	Submit Progress Report to the Ministry and the Authority Board of Directors	To be completed
January 1, 2023	Submit Progress Report to the Ministry and the Authority Board of Directors	To be completed
April 1, 2023	Submit Progress Report to the Ministry and the Authority Board of Directors	To be completed
July 1, 2023	Submit Progress Report to the Ministry and the Authority Board of Directors	To be completed
October 1, 2023	Submit Progress Report to the Ministry and the Authority Board of Directors	To be completed
Spring 2023	Authority Board of Directors’ approval of 2024 budget assumptions and preliminary mandatory levy requirements	To be completed
Fall 2023	Authority Board of Directors’ endorsement of Funding MOU/agreements and 2024 levy requirements	To be completed
Fall 2023	Approval of Municipal MOU/agreement as required.	To be completed
Spring 2024	Approval of 2024 Authority Budget	To be completed

Staff Report

To: Board of Directors

From: Ashlea Brown, Director Regulations

Date: December 8, 2021

Subject

Lake Simcoe Region Conservation Authority updates to Ontario Regulation 179/06 Implementation Guidelines (formerly Watershed Development Guidelines)

Recommendation

That Staff Report No. 64-21-BOD regarding the updates to the Lake Simcoe Region Conservation Authority's Ontario Regulation 179/06 Implementation Guidelines and the revised document 'Attachment C' be received: and

Further That the revised 'Ontario Regulation 179/06 Implementation Guidelines' for implementation effective January 3, 2022 be approved.

Purpose of this Staff Report:

The purpose of this Staff Report No. 64-21-BOD is to provide the Board of Directors with information regarding proposed updates to the Authority's Ontario Regulation 179/06 Implementation Guidelines, formerly Watershed Development Guidelines.

Background:

The Lake Simcoe Region Conservation Authority guidelines provide the parameters for which the Authority administers Ontario Regulation 179/06 under Section 28 of the *Conservation Authorities Act*. The Authority undertook its last comprehensive update of the Guidelines in 2015. As part of that review, the Authority committed to a five-year review period for the document. As a result of Bill 229 and anticipated changes to the Regulation, a full review was not undertaken in 2020; however, when the Regulation was not changed in early 2021, it was decided that proceeding with the required housekeeping updates would ensure consistency with the previously proclaimed sections of the *Conservation Authorities Act*. It is recognized that further amendments to the Guidelines may be required once Phase 2 Regulations are released.

The Authority's Planning and Development staff undertook an internal review of the document and identified sections which required further clarification or amendments. Once the internal review was complete, staff discussed specific changes with Municipal staff as required and circulated the draft Guidelines to the Building Industry Land Development Association (BILD) on September 8, 2021, for review and comment. The draft Guidelines were then presented to BILD

on September 29, 2021 and a letter of acknowledgement was received from BILD on October 14, 2021 (Attachment A) outlining there are no concerns with the proposed amendments.

Issues:

Housekeeping updates were required for several sections of the Guidelines for various reasons including changes to the *Conservation Authorities Act*, as well as changes in daily operations and to provide further clarification of requirements to applicants.

Minor technical amendments that do not alter the intent, procedures or policy objectives have been made at the staff level in accordance with Chapter 3, Section 3.3.

Significant changes to the Guideline document require final approval of the Board of Directors (Chapter 3, Section 3.3).

The significant changes to the Implementation Guidelines include:

- A new section (2.1.4) added to reflect Section 28.0.1 of the *Conservation Authorities Act* as it relates to Minister Zoning Orders (MZOs) and the use of ecological offsetting in these scenarios.
- A new section (3.4) outlining Lake Simcoe Region Conservation Authority Customer Service Strategy and complete submission requirements.
- Changes to Chapter 5 Flooding Hazard Guidelines including the addition of spill area guidelines and changes to Holland Marsh Specialty Crop Area guidelines to reflect increased development pressures and concerns with the capacity of existing drainage systems.
- Clarification to the size requirement for additions in the floodplain (50% of ground floor area).
- Updates to Chapter 7, Erosion Hazard Guidelines, including how Erosion Hazard Limits are determined and setback distances consistent with the “Technical Guide for River and Stream Systems, Erosion Hazard Limit” document produced by Ministry of Northern Development, Mines, Natural Resources and Forestry.
- Clarifications added into sections on flooding and wetlands outlining studies that may be required when undertaking development.

The chart included in Attachment B provides more detail about specific changes and associated page numbers to reference specific changes within the Guideline document.

Relevance to Authority Policy:

The Ontario Regulation 179/06 Implementation Guidelines enhance consistency and administrative decision making for the implementation of the Lake Simcoe Region Conservation Authorities Development, Interference and Alterations to Shorelines and Watercourse Regulation (Ontario Regulation 179/06). These Guidelines as adopted by the Board of Directors provide general approaches to the processing of applications under the Regulation.

Impact on Authority Finances:

There are no significant financial implementations directly associated with the changes to the Implementation Guidelines.

Summary and Recommendations:

It is therefore **Recommended that** Staff Report No. 64-21-BOD regarding the updates to the Lake Simcoe Region Conservation Authority's Ontario Regulation 179/06 Implementation Guidelines and the revised document 'Attachment C' be received: and **Further That** the revised 'Ontario Regulation 179/06 Implementation Guidelines' for implementation effective January 3, 2022 be approved.

Pre-Submission Review:

This Staff Report has been reviewed by the General Manager, Planning, Development and Restoration Services and the Chief Administrative Officer.

Signed by:

Signed by:

Glenn MacMillan
General Manager Planning, Development
and Restoration Services

Rob Baldwin
Chief Administrative Officer

Attachments:

Attachment A: Letter of Acknowledgement BILD

Attachment B: Chart outlining Significant Changes

Attachment C: Ontario Regulation 179/06 Implementation Guidelines

October 14th, 2021

Melinda Bessey, MCIP, RPP
Director of Planning
LSRCA
120 Bayview Parkway
Newmarket, Ontario
L3Y 3W3

Ashlea Brown
Director of Regulations
LSRCA
120 Bayview Parkway
Newmarket, Ontario
L3Y 3W3

Sent via email to m.bessey@lsrca.on.ca and a.brown@lsrca.on.ca

RE: Lake Simcoe Region Conservation Authority's 2022 Plan Review and Permitting Fee Review and Watershed Guideline Update

The Building Industry and Land Development Association (BILD) is in receipt of the Lake Simcoe Conservation Authority's (LSRCA) 2022 Plan Review and Permitting Fee Review and Watershed Guideline update. In advance of Board consideration this fall, BILD, on behalf of our York and Simcoe Chapter members would like to take this opportunity to provide the following acknowledgments.

To begin, we would like to thank you and your respective teams for presenting at BILD's joint York and Simcoe Chapter meeting on September 29th to discuss updates to the 2022 Comprehensive Fee Review, Stormwater Management Guideline, and Watershed Development Guideline. BILD greatly appreciates the open dialogue that LSRCA continues to provide our industry.

At this time, we would like to send this letter of acknowledgment to communicate that our York and Simcoe Chapter members have been apprised of the information within these respective updates, and have not expressed any apprehensions with the proposed revisions to either the Fee Review or Watershed Guideline update.

As your community building partners, we thank you again for the opportunity to be consulted on in this process and look forward to our continued positive working relationship. Should you have any questions or concerns, please do not hesitate to contact the undersigned at vmortelliti@bildgta.ca.

Sincerely,



Victoria Mortelliti
Manager, Policy & Advocacy
BILD

The Building Industry and Land Development Association is an advocacy and educational group representing the building, land development and professional renovation industry in the Greater Toronto Area. BILD is the largest home builders' association in Canada, and is affiliated with the Ontario Home Builders' Association and the Canadian Home Builders' Association. It's 1,500 member companies consists not only of direct industry participants

but also of supporting companies such as financial and professional service organizations, trade contractors, as well as manufacturers and suppliers of home-related products.

Summary Tables of Changes

Chapter 2 Legislative Framework

Section	Previous	New	Pg. Reference
Permit Applications Pursuant to Section 28.0.1, Ministers Zoning Order 2.1.4	N/A	Outlines the requirement to compensate for ecological impacts through LSRCA's Ecological Offsetting Policy	New - 14, 15

Chapter 3 Implementation

Section	Previous	New	Pg. Reference
Complete Application Requirements 3.4	N/A	Outlines minimum mandatory requirements for a submission and references review timelines in accordance with our Customer Service Strategy (strategy added as appendix F in guidelines)	New - 21

Chapter 5 Floodplain

Section	Previous	New	Pg. Reference
Holland Marsh Specialty Crop Area 5.2.2.1	N/A	(5) New development or expansion of existing development is required to demonstrate an approved drainage outlet and provide confirmation that the ditches have the capacity to convey flows from the increase in run off as a result of the proposed development. (6) Fill placement for the construction of accessory structures will be minimized.	New – 40
Additions 5.3.2	Additions to a maximum of 50% of the original	(a) Ground floor additions are 50 percent or less of the original habitable ground floor area to a	Current - 38 New - 41

Section	Previous	New	Pg. Reference
	foundation area may be permitted within an area susceptible to flooding.	maximum footprint of 100 square metres, or in the case of multiple additions, all additions combined are equal to or less than 50 percent of the original habitable ground floor area to a maximum footprint of 100 square metres; and (b)An additional storey does not exceed the original habitable ground floor area	
Parking 5.3.10	N/A	(g) New residential or underground parking are not supported within flood hazard areas	New - 44
Replacement/ Reconstruction Structure 5.3.11	(c) the replacement structure will be located in the same footprint as the original structure or relocated to a less hazardous portion of the property; and	(c) There is no increase to the original habitable space of the structure	Current - 42 New – 44
Residential Structures 5.3.12	N/A	(f) It is demonstrated through the submission of the appropriate engineering studies that the proposed structure and any associated fill/grading will not impact the floodline upstream or	New - 45

Section	Previous	New	Pg. Reference
		downstream of the proposed development.	
Spill Area 5.3.16	N/A	<p>LSRCA will determine where floodplain spill area policies apply, considering the site-specific characteristics of the spill in accordance with Provincial standards. In general, where spill locations are identified, development may be permitted provided safe access is available and appropriate flood mitigation can be established including:</p> <p>(a) Raising the elevation of proposed buildings or structures above the anticipated flood level; and/or</p> <p>(b) Raising the lands within the spill location.</p>	New - 47

Chapter 7 Erosion Hazards

Section	Previous	New	Pg. Reference
		Defining the Regulated Erosion Hazard Limit for Confined Systems	New - 54
		Defining the Regulated Erosion Hazard Limit for Unconfined Systems	New - 55
7.3 Erosion Hazard Guidelines	<p>(a) in general, development shall be directed to areas outside of lands adjacent to Lake Simcoe and river and stream systems which are impacted by erosion hazards;</p> <p>(b) development proposals within the erosion hazard limit of river and stream systems must be supported by a geotechnical/geomorphological report prepared by a qualified professional to the satisfaction of the LSRCA;</p> <p>(c) development proposals which are within the erosion hazard limit of Lake Simcoe which are impacted by erosion hazards must be supported by a coastal engineering/geotechnical study prepared by a qualified professional to the satisfaction of the LSRCA;</p> <p>(d) all development shall be setback a minimum of 15.0 metres from the stable slope line or top of bank, whichever is greater.</p>	<p>Significant changes within this section including:</p> <p>7.3.3 accessory structures may be permitted within the erosion hazard provided minimum 6 metres is maintained and the hazard risk is not increased.</p> <p>7.4.1 addresses shoreline erosion hazards, requires submission of appropriate studies for development within the identified erosion hazard.</p> <p>7.4.2 requires natural shoreline treatments for stabilization of the shoreline.</p> <p>7.5 addresses riverine erosion hazards within confined systems</p> <p>7.6 unconfined system guidelines require no impact to hazard and any alteration to watercourses use natural watercourse treatments and maintain natural contour.</p>	<p>Current - 51, 52</p> <p>New - 56</p> <p>New - 56</p> <p>New - 57</p> <p>New - 57</p> <p>New - 58</p>

Lake Simcoe Region Conservation Authority

Ontario Regulation 179/06 Implementation Guidelines

(Formerly Watershed Development Guidelines)

Development, Interference with Wetlands and Alteration to Shorelines
and Watercourses Regulation

Lake Simcoe Region Conservation Authority
Implementation Guidelines

Summary of Revisions

Revision Number	Date	Comments
0	September 1984	Adopted by the Board of Directors
1	December 1994	Approved by the Board of Directors – Resolution No. FA-94-29
2	April 17, 1998	Approved by the Board of Directors – Resolution No. BOD-18-98
3	July 23, 2000	Approved by the Board of Directors – Resolution No. BOD-145-00
4	January 28, 2005	Approved by the Board of Directors – Resolution No. BOD-01-05
5	April 28, 2006	Approved by the Board of Directors – Resolution No. BOD-72-06
6	March 23, 2007	Approved by the Board of Directors – Resolution No. BOD-36-07
7	October 26, 2007	Approved by the Board of Directors – Resolution No. BOD-129-07
8	November 28, 2008	Approved by the Board of Directors – Resolution No. BOD-140-08
9	February 25, 2011	Approved by the Board of Directors – Resolution No. BOD-29-11
10	June 24, 2011	Approved by the Board of Directors – Resolution No. BOD-98-11
11	March 23, 2012	Approved by the Board of Directors – Resolution No. BOD-03-12
12	February 28, 2014	Approved by the Board of Directors – Resolution No. BOD-03-14
13	April 24, 2020	Approved by the Board of Directors – Resolution No. BOD-23-20

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Chapter 1: Introduction

1.1 Preamble

These Implementation Guidelines (formerly Watershed Development Guidelines) have been developed in an effort to enhance consistency and administrative decision-making for the implementation of the Lake Simcoe Region Conservation Authority's (Authority) Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation (Ontario Regulation 179/06) made under the *Conservation Authorities Act*.

These Guidelines, as adopted by the Authority Board of Directors, provide general approaches to the processing of applications under Ontario Regulation 179/06. They are the operating principles or the general norm for the implementation of the Regulation. For these reasons, these Implementation Guidelines shall not be construed as "law" enacted through provincial legislation or regulation. In doing so, innovative, and responsible approaches which best suit local conditions may be considered.

Once approved by the Authority's Board of Directors, this document will be implemented by Authority staff through the Authority's Planning and Development Services Program. It is envisioned that this document will be a valuable tool for the Authority Board of Directors, Authority staff, as well as the member municipalities, the land development community and private property owners.

1.2 The Role of Conservation Authorities in Water Resource Management

In Ontario, water and related land management is the responsibility of **conservation authorities** working in partnership with their member municipalities, provincial ministries, and agencies. A principle mandate of conservation authorities is to prevent the loss of life and property damage due to natural hazards, and to conserve and enhance natural resources.

To describe flooding, **erosion, dynamic beaches**, unstable soils and unstable bedrock as 'natural hazards' is misleading. These are naturally occurring physical and ecological processes that have been continuously shaping and reshaping the earth for thousands of years. These processes are considered to be a 'hazard' when people and structures are located within areas directly impacted by these naturally occurring processes (MNR, 2001). All regions of Ontario have experienced these naturally occurring processes to varying extents.

Ontario's waterways have been prime areas for settlement for hundreds of years. These areas have been attractive as they have provided a means of transportation, a source of abundant

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drinking water and a location for the construction of mills and other economic activities. Today, people enjoy the amenities associated with living near water or on slopes.

Development located within **hazardous lands** places the health and safety of area residents and their properties at risk. This has been demonstrated by losses of life, mounting property damages, social disruptions and increasing losses of land where development has been located within hazardous areas.

The Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation is a key tool used to fulfil this mandate as it allows a Conservation Authority to regulate development in areas where the control of flooding, **erosion, dynamic beaches, pollution**, or the **conservation of land** may be affected.

1.3 Need for Updated Guidelines

The need to prepare a comprehensive set of guidelines for the Authority has been driven by the recognition that the current Guidelines:

- do not reflect the approval of the Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation – Ontario Regulation 179/06 (2006) made under the *Conservation Authorities Act*;
- do not reflect the approval of the *Lake Simcoe Protection Act* and Plan, of which permits issued by the Authority under Ontario Regulation 179/06 are prescribed instruments; and

The Lake Simcoe Region Conservation Authority (Authority) believes that the watershed jurisdiction is the most effective and efficient basis for making environmental and resource management decisions. This method is adaptive and recognizes the dynamic nature of a **watershed, watercourses**, their associated landforms, and the interrelationships of human activities.

1.4 Organization of this Document

This document is organized according to the features regulated under Ontario Regulation 179/06:

- Chapter 1 -- Introduction
- Chapter 2 -- Legislative Framework
- Chapter 3 -- Implementation
- Chapter 4 – General Guidelines
- Chapter 5 – Flooding Hazards
- Chapter 6 – Lake Simcoe Shoreline
- Chapter 7-- Erosion Hazard

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- Chapter 8 – Development and Interference with Wetlands and Other Areas
- Chapter 9 -- Alteration to Watercourses and Shorelines
- Chapter 10 -- Hazardous Lands (addressing unstable soils and bedrock)
- Chapter 11 -- Glossary (definitions of terminology used in these guidelines)
- Chapter 12 -- References
- Chapter 13 – Appendices

It should be noted that where more than one type of regulated feature affects a given property, reference must be made to all relevant sections of the guidelines.

Definitions for terms shown in bold and italics can be found in the glossary (Chapter 11).

1.5 Using this Document

The guidelines contained within this document are complex and inter-connected. It is not uncommon for more than one natural hazard to apply to a property.

For this reason, this document should be read in its entirety and the relevant guidelines should be applied to each situation. The most stringent guideline shall always prevail.

There is no implied priority in the order to which the guidelines in this document appear.

1.6 The Lake Simcoe Watershed

The Lake Simcoe watershed, which is illustrated by Figure 1, is located in south-central Ontario. The watershed is approximately 3,307 square kilometres in area and is comprised of 20 member municipalities within the Regional Municipality of York, the Regional Municipality of Durham, the County of Simcoe, the City of Barrie and the City of Kawartha Lakes.

The *watershed* is drained by 35 tributaries, which account for approximately 4,225 kilometres of stream channel. The majority of these watercourses originate on the Oak Ridges Moraine and flow in a northerly direction, draining into Lake Simcoe. Lake Simcoe, which occupies approximately 20 percent (722 square kilometers) of the area of the watershed is the largest inland lake in southern Ontario, apart from the Great Lakes. Lake Simcoe is also part of the Trent Severn Waterway which connects Lake Simcoe to Georgian Bay.

The current population of the *watershed* is approximately 500,000. The *Growth Plan for the Greater Golden Horseshoe* (2020) projects a high rate of growth and intensification within the watershed's settlement area over the next 30 years. This rapid increase in population growth will result in increasing development pressures within the watershed. The watershed is very unique. In addition to its urban centres, the watershed also contains a significant component of the provincial Greenbelt which is comprised of natural and agricultural resources including the

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Holland Marsh. The watershed also supports a large recreational community along the shores of Lake Simcoe.

The wise use and management of our natural resources is essential to ensure a sustainable and healthy watershed which will continue to meet the needs of a growing population.

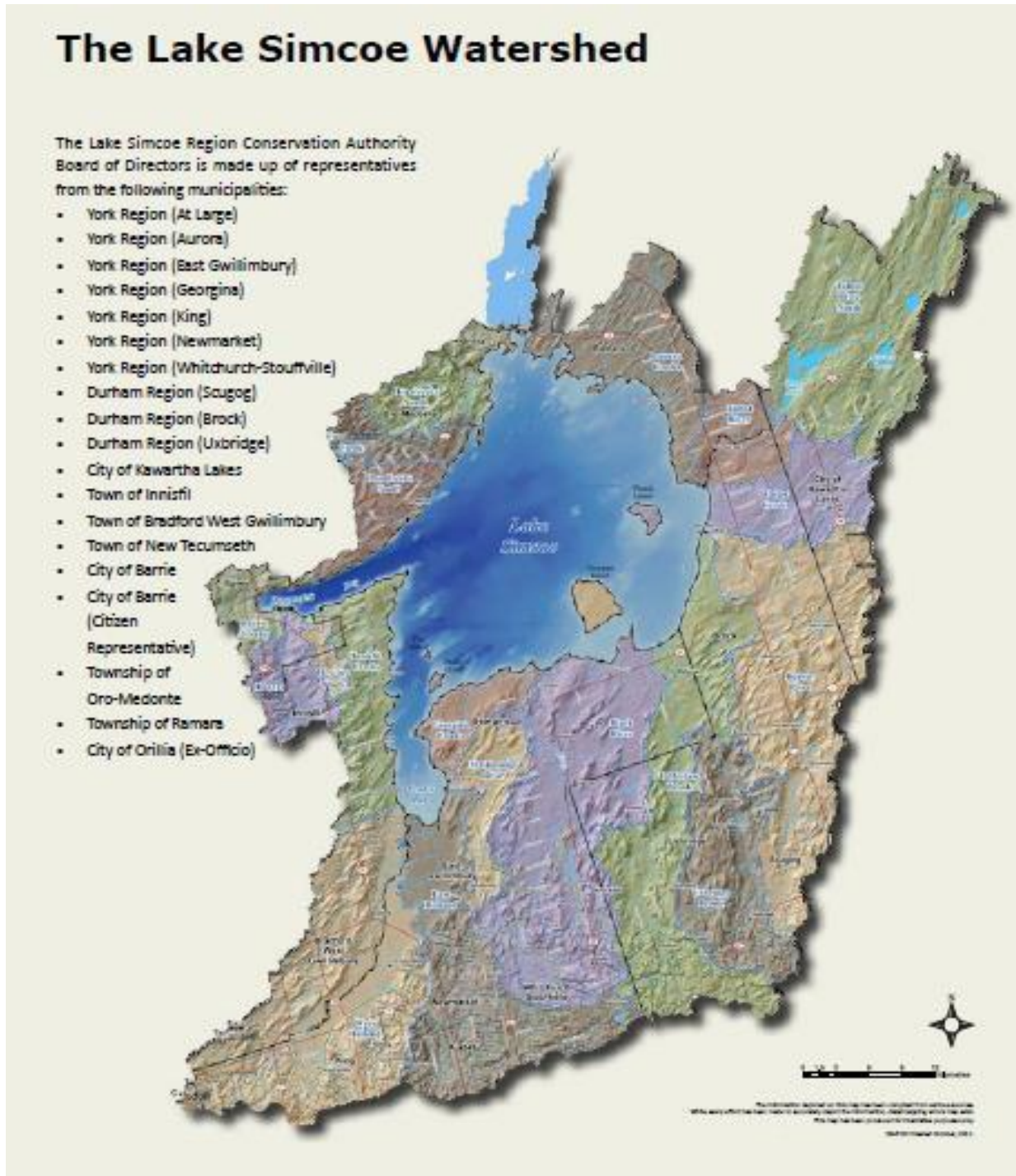


Figure 1: The Lake Simcoe Watershed

Chapter 2: Legislative Framework

2.1 The *Conservation Authorities Act* and Section 28 Regulations

The *Conservation Authorities Act* which was enacted in 1946 is the enabling legislation that provides the legal basis for the creation of conservation authorities in Ontario. It was created in response to erosion and drought concerns, recognizing that these and other natural resource initiatives are best managed on a watershed basis.

In 1956, Section 28 of the *Conservation Authorities Act* was amended to empower conservation authorities to make regulations to prohibit the placing or dumping of fill in areas which were susceptible to flooding, in response to the loss of human lives and the economic losses associated with Hurricane Hazel (1954). These regulations were further amended in 1960 to prohibit or regulate the placing or dumping of fill in defined areas, where the in the opinion of a Conservation Authority, the control of flooding, pollution or the conservation of land may be affected. The *Conservation Authorities Act* was further amended in 1968, to allow the regulations to prohibit or control construction as well as alteration to waterways, in addition to the placement of fill.

In 1998, the *Conservation Authorities Act* was further amended as part of the *Red Tape Reduction Act* (Bill 25), to ensure that regulations under the *Act* were consistent across the province and complementary to other provincial legislation. To better reflect provincial direction and to strengthen the protection of public safety and the environment, the *Conservation Authorities Act* was modified to enable conservation authorities to enact the Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation (Ontario Regulation 97/04).

2.1.1 Objects of a Conservation Authority

Section 20 of the *Conservation Authorities Act*, R.S.O. 1990, c. C.27 outlines the objects of a Conservation Authority:

The objects of an authority are to establish and undertake in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development, and management of natural resources other than gas, oil, coal, and minerals.

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2.1.2 Powers of a Conservation Authority

For the purposes of accomplishing its objects, an authority has power, as outlined in Section 21(1) of the Conservation Authorities Act.

2.1.3 Power to Make Regulations under Section 28(1)

Conservation Authorities also have the power to make regulations pursuant to Section 28(1) of the *Conservation Authorities Act*:

- (a) Subject to the approval of the Minister, an Authority may make regulations applicable in the area under its jurisdiction,
- (b) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;
- (c) prohibiting, regulating, or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing
- (d) channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- (e) prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development;
- (f) providing for the appointment of officers to enforce any Regulation made under this Section or Section 29;
- (g) providing for the appointment of persons to act as officers with all the powers and duties of officers to enforce any Regulation made under this Section.

The regulation does not:

- (a) limit the use of water for domestic or livestock purposes;
- (b) interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
- (c) interfere with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario;
- (d) interfere with any rights or powers under the *Electricity Act (1998)* or the *Public Utilities Act (1998)* (*Conservation Authorities Act*, Section 28(10)).

A copy of Section 28 of the *Conservation Authorities Act* is attached as Appendix A.

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2.1.4 Permit Applications Pursuant to Section 28.0.1, Minister's Zoning Order

Through the enactment of Bill 229, amendments to the Conservation Authorities Act include Section 28.0.1, requiring that permission be issued by a Conservation Authority if the development project has been authorized by a Minister's Zoning Order (MZO) and is outside the Greenbelt.

Under Section 28.0.1, Conservation Authorities cannot refuse permission despite anything under Section 28 or in a regulation under Section 28. However, conditions may be applied to a permit to mitigate any impacts of the development project, if they do not conflict with the terms of the zoning order.

In addition to a permit, the Act requires that the Authority enter into an Agreement with the permit holder that sets out requirements that the permit holder must complete or satisfy to compensate for ecological impacts or any other impacts that could result from the development project.

Where a loss of wetland and/or associated vegetation protection zone(s) within regulated areas would result from the permit, compensation for ecological impacts will be determined in accordance with Authority's Ecological Offsetting Policy.

No development may commence until the Agreement has been fully executed.

2.2 Ontario Regulation 179/06 – Development, Interference with Wetlands and Alteration to Shorelines & Watercourses Regulation

Ontario Regulation 97/04 allows conservation authorities to prevent or restrict development in areas where the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by development.

The Minister of Natural Resources approved Ontario Regulation 179/06 for the Authority on May 4, 2006. This regulation is consistent with Ontario Regulation 97/04 and is entitled the "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation".

A copy of this Regulation is attached as Appendix "B". Ontario Regulation 179/06 was amended by Ontario Regulation 64/13 on February 12, 2013. A copy of the amending Regulation is attached as Appendix "C".

2.2.1 Regulation Limit

Ontario Regulation 179/06 applies to hazardous lands. Hazardous lands are defined by the Conservation Authorities Act (Section 28(25)) as lands that could be unsafe for development

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because of naturally occurring processes associated with flooding, erosion, wetlands, other lands, dynamic beaches or unstable soil or bedrock. The regulation limit for Ontario Regulation 179/06 is the greatest extent of all hazards for a property plus their prescribed allowances as specified in the Regulation.

Areas regulated by the Authority under Ontario Regulation 179/06, have been mapped in accordance with guidelines provided by the Ontario Ministry of Natural Resources and Conservation Ontario.

An example of the mapping prepared by the Authority to illustrate the extent of the regulated area is shown by Figure 2. It should be noted that the Regulation is “text-based”. In the case of a discrepancy between the mapping and what is observed in the field, the text of the regulation shall prevail over the areas shown as being regulated on the mapping.

This mapping has been prepared in conformity with the *Guidelines for Developing Schedules of Regulated Areas (Conservation Ontario, 2005)* and is regularly updated to reflect changes as new information becomes available and is posted on the Authority website (www.lsrca.on.ca) and provided to the Authority’s member municipalities on a regular basis.

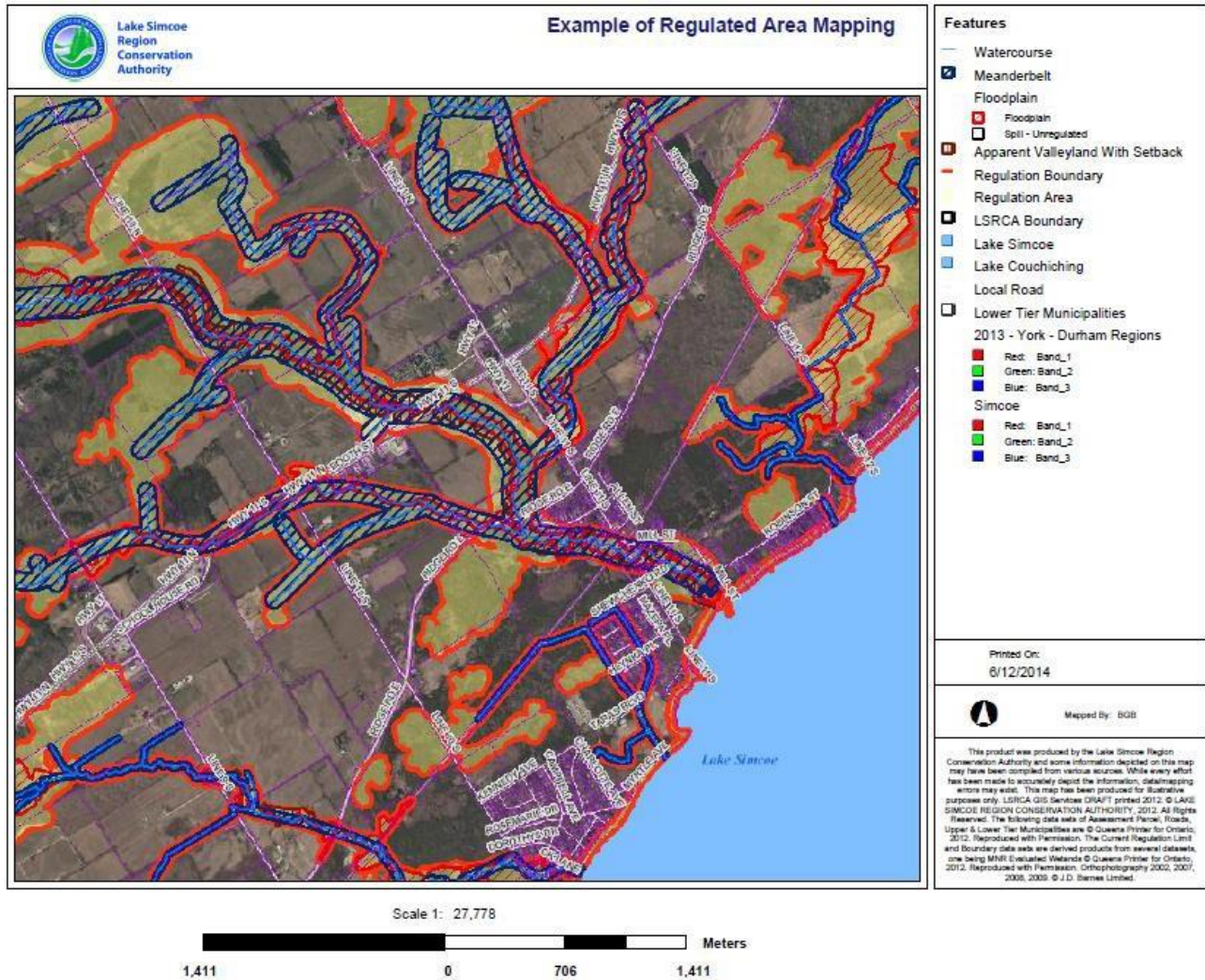
2.2.2 Activities Which Require Written Permission under Ontario Regulation 179/06

The following work requires written permission within an area which is regulated under Ontario Regulation 179/06:

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind;
- (b) changes that would alter the use or potential use of a building or structure;
- (c) increase the size of a building or structure or increase the number of dwelling units in the building or structure;
- (d) site grading;
- (e) the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere;
- (f) the straightening, changing or diverting or interfering with the existing channel of a river, creek, stream or watercourse; and
- (g) changing or interfering with a wetland.

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Figure 2: Example of Regulated Area Mapping for the Authority Watershed



2.3 Guidelines for the Implementation of Ontario Regulation 179/06

The guidelines as outlined in this document have been prepared in order to provide direction, clarity and transparency on how the Authority administers and implements Ontario Regulation 179/06.

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Figure 3: Legislative Context of the Authority Guidelines Relative to the Conservation Authorities Act and Ontario Regulation 179/06



2.4 Planning First Philosophy

The guidelines contained within this document have been developed to reflect the intent of the Provincial Policy Statement (2020) and all other related provincial and municipal policies related to development adjacent to the shoreline of lakes, rivers and streams.

The Authority shall encourage that any environmental matter be addressed for a development proposal under the *Planning Act*, and/or approved under the *Environmental Assessment Act/Class Environmental Assessment Act* process in advance of submitting an application for approval under Ontario Regulation 179/06 under the *Conservation Authorities Act*.

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2.5 Program Objectives

When implementing the guidelines in this document, the Authority will provide an objective, impartial and consistent review of all applications submitted under this Regulation. The objectives of the Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation program are to:

- (a) prevent loss of life as a result of flood and erosion hazards;
- (b) minimize property damage and social disruption resulting from flooding or erosion;
- (c) minimize public and private expenditures for emergency operations, evacuation, disaster relief and restoration;
- (d) prevent development within hazardous lands which in the future may require expensive protection measures;
- (e) ensure that development does not aggravate existing hazards or create new hazards;
- (f) prevent the filling and draining of wetland areas;
- (g) reduce soil erosion and sedimentation from development and other land use activities;
- (h) require mitigating measures be undertaken for works within regulated areas, which singly or cumulatively may cause an increase in flooding, erosion or adversely affect wetlands;
- (i) encourage the conservation of land through the control of development activities;
- (j) protect key natural heritage and key hydrologic features in accordance with the Lake Simcoe Protection Plan and where possible the other provincial plans (e.g., Oak Ridges Moraine Conservation Plan, Greenbelt Plan);
- (k) reduce damage to property due to water related hazards.

Chapter 3: Implementation

This section is intended to assist with the implementation of the objectives and guidelines contained within this document.

3.1 General

3.1.1 Decisions regarding development proposals will be made based upon:

- (a) the best information available at the time of the decision;
- (b) guidelines, policies and engineering practices which are accepted at the time of the decision.

3.1.2 This document will be posted on the Authority's website (www.lsrca.on.ca) to serve as a source of information for landowners, developers, municipalities, real estate agents and other stakeholders.

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- 3.1.3 This document should be read in its entirety and all relevant policies should be applied to each situation.
- 3.1.4 Authority staff will undertake a five-year review of this document to evaluate its effectiveness. Any recommended changes will require the approval of the Authority's Board of Directors.
- 3.1.5 The guidelines in this document guide decisions made by the Authority. It is the responsibility of the applicant to determine the requirements of other agencies and obtain all necessary approvals from those agencies.
- 3.1.6 Applicants are encouraged to pre-consult with Authority staff prior to submitting their applications so that issues and requirements can be addressed.

3.2 Consultation

In 2014 the Authority undertook a comprehensive public consultation process associated with the development of this document which was comprised of multiple posting the draft guidelines on the Authority website, public open houses, municipal consultation, notices in watershed newspapers and municipal offices as well as a special meeting of the Authority Board of Directors.

The guidelines have been revised following the receipt of comments where appropriate. These guidelines have also been reviewed by the Authority's legal counsel for a legal opinion.

As part of the 2021 updates, the Authority consulted with BILD and circulated the draft guidelines for review and comments. We presented our changes to BILD on September 29, 2021 and received a letter of acknowledgement on October 14, 2021.

3.3 Monitoring

These guidelines will be reviewed on an on-going basis to evaluate their effectiveness. This document may be amended from time to time in order to reflect changes in legislation, regulations and policies at the federal and provincial levels.

Amendments of these guidelines may also occur as a result of changing programs and practices at the Authority.

Significant changes to these guidelines will occur through the policy formulation process, with final approval by the Authority Board of Directors.

Minor technical amendments that do not alter the intent of the procedures or policy objectives contained within these guidelines (e.g., correcting ambiguous language) may be made at the

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staff level without approval by the Board of Directors. The Board of Directors may consider amendments to these “Guidelines” at any time.

These guidelines will be subject to a comprehensive review on a five-year basis to evaluate its effectiveness and fairness. This review will involve public consultation.

3.4 Complete Application Requirements

An application for a permit must be made by a person having an interest in the land (i.e., owner, purchaser with owner’s knowledge and permission, or an authorized agent).

All applications are reviewed on an individual basis considering unique criteria for that specific development and site-specific hazards. Submissions are required to include the mandatory information listed below. In addition, there are a number of potential technical information requirements that may be required depending on the scope of the proposal. Additional potential requirements are outlined in the Authority’s Checklist for complete submissions Appendix “G”.

3.4.1 Mandatory Permit Application Requirements (all applications):

- (a) Completed application form
- (b) Application fee
- (c) Complete description of the works proposed
- (d) Detailed site plan showing all dimensions of the proposed development and location in reference to other significant features on the property (i.e., lot lines, other structures, etc.).

Works that involve substantial site development should be prepared using the services of professionals. In all cases, it is necessary that the information provided with the application is clear as to the work proposed and is sufficient to allow Authority staff to complete a technical review.

Authority review times are in accordance with Authority’s Client Service Strategy and associated Review Timelines as included in Appendix “F”.

Chapter 4: General Guidelines

Please be reminded that this document should be read in its entirety, and the relevant guidelines should be applied to each situation. The most stringent guideline shall always prevail.

Implementation Guidelines

The following general guidelines apply to all activities within areas regulated by Ontario Regulation 179/06. These guidelines as well as the more specific guidelines found in Sections 5, 6, 7, 8, 9 and 10 should be applied to applications made under Ontario Regulation 179/06.

There is no implied priority in the order to which the guidelines in this document appear.

4.0.1 Development, interference with a wetland or alteration to a watercourse or shoreline within a regulated area may be permitted where it can be demonstrated to the satisfaction of the Authority through the submission of the appropriate technical reports, studies, assessments, drawings and other documents as required by the Authority that:

- (a) the development proposal has demonstrated, to the satisfaction of Authority staff, that there will be no negative impacts to the control of flooding, erosion, pollution, dynamic beaches or the conservation of land.
- (b) the risk to public health and safety is not increased;
- (c) existing hazards are not aggravated and new hazards are not created;
- (d) there is no other location for the activity outside of the natural hazard;
- (e) there are no adverse hydraulic or hydrologic impacts on rivers, creeks, streams, or watercourse;
- (f) there are no adverse impacts on the natural coastal processes of the shoreline of Lake Simcoe;
- (g) negative or adverse hydrologic impacts on wetlands shall be avoided;
- (h) the proposal conforms with the applicable policies of the Lake Simcoe Protection Plan (LSPP);
- (i) access for emergency works and maintenance of flood and erosion control works will be provided;
- (j) pollution, sedimentation and erosion during construction and post-construction shall be minimized using best management practices which are appropriate for the scale and scope of the project;
- (k) works are designed, constructed, repaired and maintained in accordance with accepted engineering principles and approved engineering standards or to the satisfaction of the Authority, whichever is applicable based upon the scale and scope of the project; and
- (l) fragmentation of hazard land and wetland features shall be avoided.

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- 4.0.2 The Authority will not permit modifications to hazardous lands, watercourses, wetlands and natural features contributing to the conservation of land to create additional useable area or to accommodate or facilitate development or intensification except under the following circumstances:
- (a) the works would result in permanent remediation and a reduction in risk and improve public safety.
- 4.0.3 In general, all new development shall be setback a minimum distance of 30 metres from the normal high watermark of Lake Simcoe and the edge of low flow channels of all watercourses. Additionally, where there is a defined top of bank/slope, development shall generally be located no closer than 15 metres from the top of bank/slope. Exceptions may be permitted within existing settlement areas or where lot sizes are restricted.
- 4.0.4 In accordance with the LSPP, a vegetation protection zone comprised of vegetation which is native and non-invasive to the watershed shall be maintained or established as a condition of approval.
- 4.0.5 Notwithstanding the guidelines in Section 4.0.1, development shall not be permitted within hazardous lands and hazardous sites where the use is:
- (a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
 - (b) an essential emergency services such as that provided by fire, police and ambulance stations and electrical substations; or
 - (c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
- 4.0.6 Renewable energy projects made under the Green Energy Act which are proposed in areas regulated by the Authority under Ontario Regulation 179/06, will generally not be permitted within hazardous lands. The test of conservation of land is not applicable under the Green Energy Act.

4.1 [Activities Not Requiring Written Permission by the Approval of this Document](#)

The following activities and works which are passive in nature and which would not pose a threat to public health and safety if subject to flooding or erosion, are considered to be permitted within a regulated area without written permission of the Authority:

- (a) interior renovations provided that there is no change in use or intensification;

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- (b) maintenance of existing buildings and structures (e.g. replacement of siding, roofs, windows, doors, stairs, deck boards) that will not result in changes to the existing footprint of the structure;
- (c) repairs to existing foundations provided that the works will not involve the placement of fill or the alteration of existing grades;
- (d) minor fill placement for landscaping purposes or resurfacing of existing driveways provided that the fill does not obstruct flood flows, the volume of fill does not exceed 7 cubic metres and that it is not placed within 15 metres of a watercourse, wetland or shoreline;
- (e) the removal of debris from a watercourse provided that the work does not result in the alteration of a watercourse (e.g. alteration of the bed or banks of a watercourse), and mechanical equipment is not used;
- (f) the construction of new roadside ditches or the maintenance of existing roadside ditches, with the exception of a roadside ditch that falls within the definition of a watercourse, or is within or adjacent to a wetland;
- (g) the installation of underground pipes such as gas mains or utility cables where the final grade above the pipe is similar to the original grade and is at least 15 metres away from a watercourse or wetland;
- (h) cropping and tilling in existing agricultural fields;
- (i) drilled wells and the decommissioning wells.

4.2 General Guidelines for Fill Placement, Fill Excavation and Lot Grading

The following guidelines apply to the placement of fill (not exceeding 250 m³), the excavation of fill and the grading of the ground surface using fill that originates on a property.

- 4.2.1 In general, the placement of fill and lot grading shall not be permitted within areas regulated under Ontario Regulation 179/06, except in accordance with policy 4.0.1;
- 4.2.2 The placement of fill in an area subject to Ontario Regulation 179/06 is prohibited if the proposed fill material is:
 - (a) slurry or other material from vacuum excavation (i.e., “vac trucks”);
 - (b) Slurry from directional boring, drilling or other activities;
 - (c) concrete slurry or related products and by-products;
 - (d) excavated material from the cleanout of storm water management ponds;
- 4.2.3 Notwithstanding Policy 4.2.1, the Authority may grant permission for the placement of fill (not exceeding 250 m³) and lot grading within a regulated area provided that:

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- (a) the placement of fill does not affect the control of flooding, erosion, dynamic beaches, pollution or the conservation of land;
- (b) under some circumstances (e.g. flood plains associated with rivers and streams) an incrementally balanced cut and fill operation, based on 0.3 metre elevation increments, may be considered to compensate for losses in flood storage capacity which would result from the placement of fill within an area which is susceptible to flooding;
- (c) only clean fill may be placed which is in conformity with all relevant Ontario Ministry of the Environment guidelines and requirements such as Ontario Regulation 347 and Ontario Regulation 461/05.

The Authority may require the submission of soils report prepared by a qualified environmental/geotechnical engineer and/or Professional Geoscientist for each location where fill is being imported from.

The soils report shall consist, as a minimum, of the following:

- the municipal address of the site where soil is originating from;
 - conformity with all relevant Ontario Ministry of the Environment guidelines and requirements such as Ontario Regulation 347 and Ontario Regulation 461/05.
- (d) fill placement and lot grading activities for the installation of the septic systems and tile beds are required to be in accordance with Part 8 of the Ontario Building Code Act;
 - (e) the placement of fill, excavations and lot grading activities may be seasonally restricted and subject to a specific time frame;
 - (f) following the completion of the fill placement or grading operations, the landowner/applicant may be required to submit a survey to show that the finished grades are in conformity with the approved plans. This survey shall be prepared and certified by a Professional Engineer or an Ontario Land Surveyor and must be referenced to geodetic datum. This certification must be received within 30 days following the completion of the fill placement.

4.3 Large Scale Fill Placement Guidelines

Note: These guidelines do not apply to mass earth-moving works associated with a major project such as multiple subdivisions directly adjacent to each other, where fill is being moved from one property to a nearby property as part of an overall grading scheme approved by the Authority or to structural fill placement for road construction.

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- 4.3.1 In general, large scale fill placement (volume exceeds 250 m³) within areas which are regulated by Ontario Regulation 179/06 shall not be permitted except in accordance with the policies 4.3.2 through 4.3.14:
- 4.3.2 It is the practice of the Authority to protect environmentally significant areas including landforms, and to maintain the function of natural hazard lands. As such, large scale filling will be prohibited in the following areas:
- (a) lands susceptible to flooding, erosion, or steep slopes;
 - (b) key natural heritage features such as significant valley lands as defined by the provincial plans;
 - (c) key hydrologic features such as wetlands as defined by the provincial plans;
 - (d) minimum vegetation protection zones as defined by the provincial plans. For the purposes of this policy, provincial plans include but are not limited to the Lake Simcoe Protection Plan, Greenbelt Plan, and Oak Ridge's Moraine Conservation Plan;
- 4.3.3 To protect landform features, large scale filling will be prohibited in the following areas:
- (a) the shoreline of Lake Simcoe;
 - (b) landform conservation areas 1 and 2 as defined by the Oak Ridges Moraine Conservation Plan;
 - (c) significant landform conservation areas of the Oro Moraine;
- 4.3.4 The placement of large-scale volumes of fill in an area subject to Ontario Regulation 179/06 is prohibited if the proposed fill material is:
- (a) slurry or other material from vacuum excavation (i.e. "vac trucks");
 - (b) Slurry from directional boring, drilling or other activities;
 - (c) concrete slurry or related products and by-products;
- 4.3.5 An Environmental Impact Study (EIS) may be required in support of any application to place large scale volumes of fill in the following areas:
- (a) within 15 metres of the erosion hazard limit of Lake Simcoe and its tributaries;
 - (b) within 120 metres of a key natural heritage and hydrologic feature;

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- (c) The EIS must be prepared by a qualified professional to the satisfaction of the Authority and municipality. The Terms of Reference for the EIS is required to be established by the Authority prior to its preparation.

4.3.6 Formal pre-consultation with Authority staff is recommended prior to an applicant seeking to obtain a permit for large scale fill placement in order to outline any and all requirements, material, drawings, reports, etc. for the application. Applications for large scale fill placement will not be considered without formal pre-consultation.

4.3.7 Any application for large scale fill placement must include a plan of survey prepared by a Professional Engineer or an Ontario Land Surveyor showing the subject property and the specific location(s) on the subject property where the filling activities are being proposed.

The plan shall show a minimum of the following:

- (a) location of subject property including property lines, north arrow and nearest roadways/intersections;
- (b) existing topographic detail and proposed elevations within and adjacent to the area where the placement of fill is being proposed;
- (c) the plan must show the subject property and each fill envelope being proposed.
- (d) the total fill quantity in cubic metres;
- (e) slopes are not to exceed a gradient of 3 (horizontal): 1 (vertical);
- (f) sediment and erosion control measures;
- (g) pre- and post- filling drainage patterns;
- (h) the location of all environmentally sensitive features that may include, but not be limited to the following: watercourses (i.e. ditches, streams, rivers, lakes), wetlands, valleys/valley walls, steep slopes, hydrogeological sensitive features (e.g. springs, seeps, etc.).
- (i) A setback/radius of no less than 30 m or 120 m (whichever is greater respecting all provincial plans) around the perimeter of each of the aforementioned features must be shown on the plan;
- (j) the Authority's regulatory limit as prescribed by Ontario Regulation 179/06;
- (k) the limit of the regulatory flood plain of a watercourse with a 30 m setback;

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- (l) other known site features and structures such as access roads, culverts, utilities, poles, pavement, curbs, etc.
 - (m) restoration details (i.e., detail site stabilization measures such as topsoil, seed, sod, hydro-seed and associated timing, etc.);
- 4.3.8 For sites with proposed large scale **fill** placement in excess of 250m³ a soils report prepared by a qualified environmental/geotechnical engineer and/or Professional Geoscientist shall be submitted for each location where fill is being imported from. The soils report shall consist, as a minimum, of the following:
- (a) the municipal address of the site where soil is originating from;
 - (b) conformity with all relevant Ontario Ministry of the Environment guidelines and requirements such as Ontario Regulation 347 and Ontario Regulation 461/05.
- 4.3.9 The Authority, at its discretion, may ask and require a formal “chain of custody” process in which the applicant will implement a “bill of lading” process from the fill material source to the fill placement site. If required by the Authority, this process will be the responsibility of the applicant to implement after approval by the Authority and will be listed as a condition of the permit.
- 4.3.10 Prior to the issuance of a permit by the Authority, it shall be the responsibility of the authorized agent/owner to provide written authorization/consent from the respective municipality in which the proposed fill site is located. Municipal interests may include:
- (a) the condition of municipal roadways and site entrance;
 - (b) haul routes from the fill removal location to the proposed fill site location;
 - (c) mud mat, dust control schematics for the fill site and fill removal location;
- 4.3.11 Where proposed large scale **fill** site locations are subject to Ontario Regulation 179/06 and municipal fill by-laws under the Municipal Act, the proponent shall be responsible for the submission of comprehensive and integrated plans/reports for both the Authority and municipality.
- 4.3.12 The specific policies and/or restrictions contained within this policy do not apply to the movement and placement of material associated with site grading required for approved projects such as subdivisions or other related development if the material originates within the development boundaries. Additional fill material that may be required to be added to the development site from another would be subject to the policies and/or restrictions contained within this policy;

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- 4.3.13 Following the issuance of a **permit**, Authority Enforcement staff will conduct routine site inspections of large-scale **fill** sites in order to ensure compliance with permit conditions. It will be the responsibility of the owner and/or authorized agent to ensure that a final inspection with enforcement staff is coordinated. A final site inspection and review of permit conditions shall be completed no later than 30 days to the expiration date on the permit;
- 4.3.14 **Permits** issued by the Authority may be subject to the following conditions:
- (a) following the completion of the fill placement and grading operations, the landowner/applicant may be required to submit a survey to show that the finished grades are in conformity with the approved plans. This survey shall be prepared and certified by a Professional Engineer or an Ontario Land Surveyor and must be referenced to geodetic datum. This certification must be received within 30 days following the completion of the fill placement;
 - (b) a specified limit of the depth of fill material that is permitted;
 - (c) a requirement for testing of fill and/or ground water to ensure that the material is inert and satisfies all Ministry of Environment guidelines and requirements for fill material.

Chapter 5: Flooding Hazards

5.1 The Regulatory Flood Standards for the Authority Watershed

Each **watershed** in Ontario has a **regulatory flood standard** used to define flood plain limits for regulatory purposes. The **flood standards** used to determine the flood plain limits for regulatory purposes are from the following storm centered events:

- (a) the Hurricane Hazel storm (1954);
- (b) the Timmins storm (1961);
- (c) the 100-year storm;
- (d) an observed flood event, subject to approval by the Minister of Natural Resources. Figure 4 illustrates the flood hazard criteria zones of Ontario in relation to the watershed boundaries of conservation authorities.

The flood event standards that apply in the Lake Simcoe watershed are outlined in Table 1 below.

Lake Simcoe Region Conservation Authority

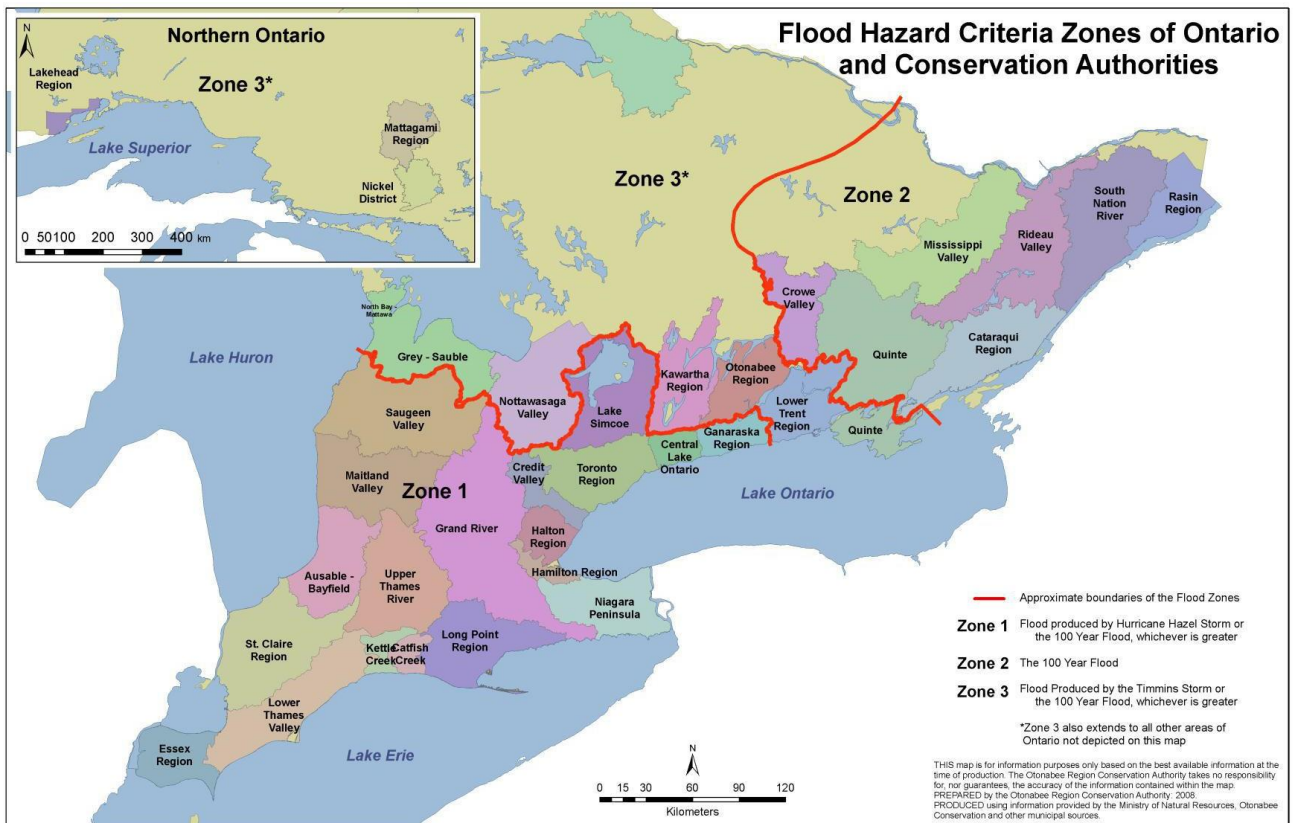
Implementation Guidelines

Table 1: Summary of the Regulatory Flood Standards applied to the Lake Simcoe Watershed

Regulatory Flood Standard	Water Body Within Lake Simcoe Watershed
Hurricane Hazel Storm	Riverine Tributaries
Timmins Storm	Talbot River System
100-year Storm	Specific Watercourse Within the City of Barrie
100-year Flood Wind Setup/Wave Uprush	Lake Simcoe

The Regulatory flood event is considered the greater of the flood events and the most restrictive observed flood level applies.

Figure 4: Flood Hazard Criteria Zones of Ontario



Source: OMNR, 2001(a)

5.2 Flood Hazard Management Approaches

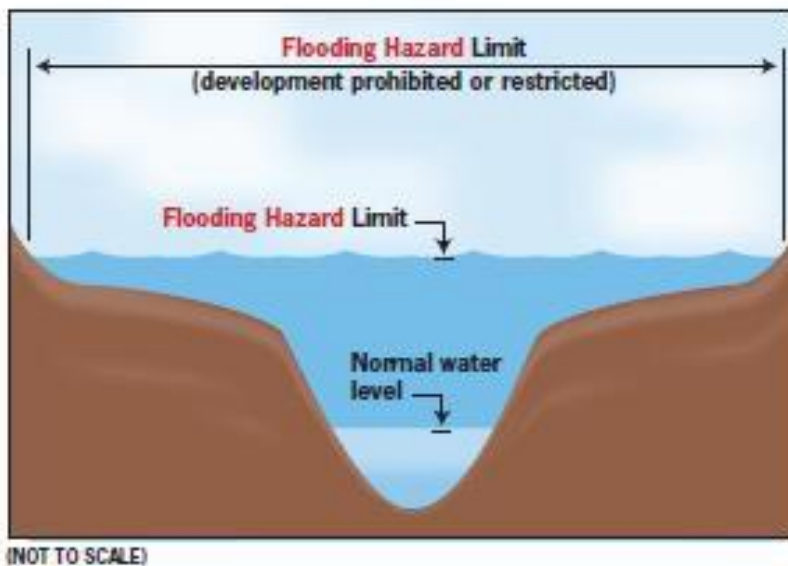
The Authority currently acknowledges the following approaches to flood hazard management:

- (a) One Zone Concept whereby the entire **flood plain** or the entire **flood hazard limit** defines the **flood way** as shown by Figure 5. The one **zone concept** is the preferred

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approach for the management of flooding hazards within river and stream systems as it provides the most cost-effective means of minimizing potential threats to life and risks of property damage and social disruption. In general, development or site alterations within the boundaries of the regulatory flood level are restricted within areas of the one zone concept. All development within this area should be prohibited or restricted to those structures which by their nature are to be located within this area, flood/erosion control works, or where appropriate, minor additions or passive, non-structural uses which do not affect flood flows.

Figure 5: Flooding Hazard Limit for One Zone Concept



Source: (OMNR, 2001a)

- (b) Two Zone Concept recognizes that the flood plain can be divided into two zones: the flood way and the flood fringe, as shown by Figure 6.

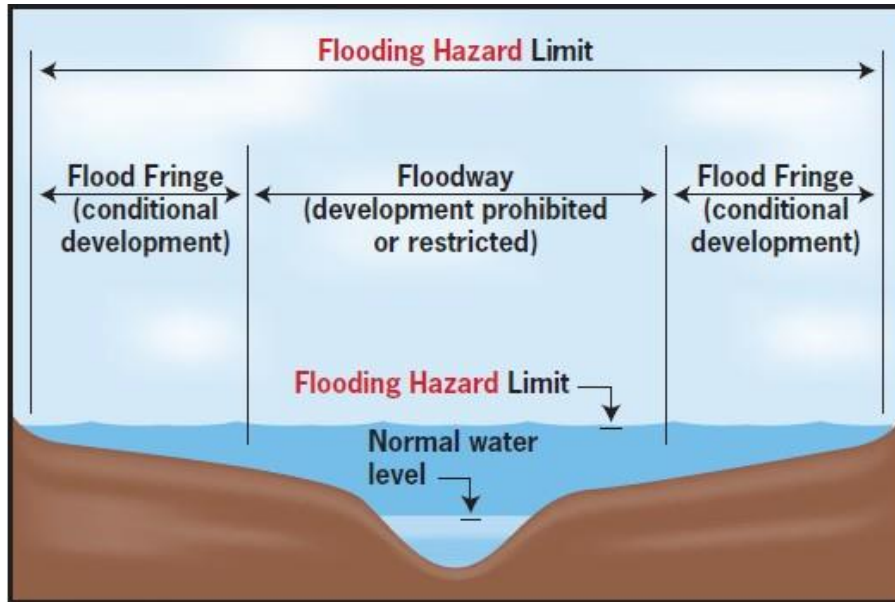
Where the two-zone concept is applied, the flood fringe is the outer portion of the flood plain. Flood depths and velocities are usually less severe within the flood fringe than they would be within the flood way. As a result, development may be permitted within the flood fringe subject to certain established standards and procedures.

The flood way is defined as the inner portion of the flood plain that is characterized by deeper, faster moving water during a flood event. The flood way is the more hazardous part of the flood plain and development and site alteration is generally not permitted within this area.

The two-zone concept is not intended to be applied throughout the entire watershed but limited to selective areas. Innisfil Beach Road is a two-zone flood concept.

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Figure 6: Flooding Hazard Limit for Two Zone Concept



(NOT TO SCALE)

Source: (OMNR, 2001a)

- (c) Special Policy Areas are specifically identified areas that are not protected to the minimum provincial standard. The area must be a viable community that feasibly cannot be protected from the risk of flooding. The concept of special policy area (SPA) status is a means whereby development may be permitted within the flood plain in certain designated areas. This concept is usually imposed in areas where communities have historically developed within the flood plain and where strict adherence to flood-proofing requirements would jeopardize the maintenance of community viability. Municipalities may apply for special policy area status, in accordance with established procedures. The Ministries of Natural Resources and Municipal Affairs, in consultation with the Conservation Authority, would review and approve or refuse applications for special policy area status.

5.2.1 Schomberg Community Plan Special Policy Area

Within the Authority Watershed, a portion of the Community of Schomberg, in the Township of King was designated as a Special Policy Area on July 2, 1998. The area to which this SPA applies is generally described as including the properties east and west of Main Street, north of Church Street and to the south of Western Avenue. A copy of Amendment No. 47 to the Official Plan for the Township of King designating the Schomberg Community Plan Special Policy Area can be found in Appendix “D”.

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The permitted uses and policies as well as the boundaries and the extent of the lands affected by the Special Policy Area designation is included.

5.2.2 The Holland Marsh Specialty Crop Area

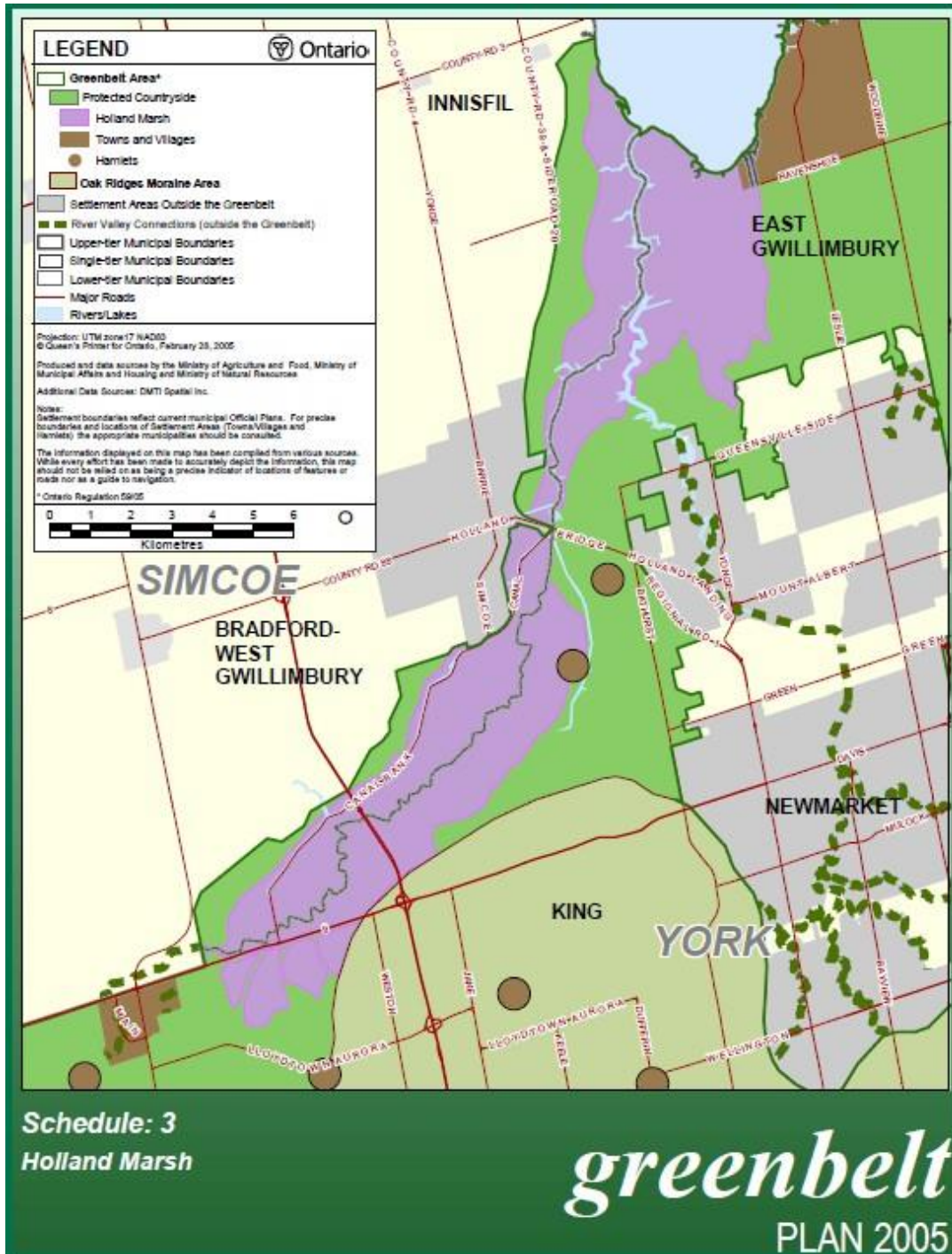
The Holland Marsh is a 2,915 hectare (7,200 acres) low-lying area of organic (muck) soils that are associated with the West Holland River. The Holland Marsh is located within the northern portion of the Region of York (Township of King, Town of East Gwillimbury) and the southern portion of the County of Simcoe (Town of Bradford West Gwillimbury) as shown by Figure 7.

The Marsh was reclaimed for agriculture as a result of a substantial drainage and land clearing operation which began in 1925. The work saw the excavation of a canal and the construction of dykes 28 km in length and 2 metres in height around the marsh to divert the Holland River.

Figure 8 shows a typical dyke and canal constructed within the Holland Marsh. Pumps were installed to control the water table within the dykes, with this project being completed in 1930.

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Figure 7: The Location of the Holland Marsh Specialty Crop Area



Source: (MMAH, 2005)

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Figure 8: A Typical Dyke and Canal constructed within the Holland Marsh to Control Water Levels



The water levels of the marsh are maintained through a series of inner and outer canals and a series of pumping stations, located at the north end of the marsh near Highway 11. These pumping stations are used to remove excess water from the inner canal during spring runoff or during significant storm events. During drier periods, irrigation water is drawn from the outer canal and the Holland River for crop irrigation. The 18 km inner canal system is only allowed to fluctuate by 125 mm during spring runoff or storm events.

Dykes are embankments built to protect low-lying areas from inundation. They alter only high flows of water by restraining entry to the low-lying areas. The degree of protection provided by dykes depends on their height and construction. High water occurrence increases pressure against the dykes, accelerates their erosion, hastens their saturation and damage due to under-seepage, and may result in overtopping during extreme floods. Any of these incidents can result in dyke failure. The reliability a dyke system offers is contingent upon its continued inspection and maintenance. Dyke construction frequently necessitates the installation of internal drainage and pumping facilities to minimize flooding behind the dyke caused by seepage

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through the dyke, the interruption of the natural drainage within the protected area, and by the backing up of sewers during high storm water runoff.

While dykes reduce the risk of flooding, they do not eliminate the possibility of flooding. Every dyke has a design capacity. Once the design capacity of a dyke has been exceeded, it will be overtopped by floodwaters.

Sections of the Holland Marsh along the Holland River have been designated as one of two “specialty crop areas” by the Province of Ontario. This designation recognizes the areas importance as a major producer of vegetables grown in the province.

In 2009, it was estimated that there were approximately 800 different properties within the Marsh. Development on these properties included 500 houses, 350 barns, 125 garages, and 250 greenhouses (K. Smart, 2009).

Hazards associated with the Holland Marsh include flood plain, wetland and unstable soils. The Marsh is located entirely within the Regional Storm flood plain of the West Holland River.

Despite the fact that the area is protected by dykes, the area has experienced significant flooding in the past. Figures 9 and 10 illustrate flooding to the Holland Marsh experienced in 1954 as a result of Hurricane Hazel.

Figure 9: Flooding within the Holland Marsh



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Figure 10: Flooding within the Holland Marsh as a Result of Hurricane Hazel (October 1954)



In more recent history (spring 2013), sections of the marsh were flooded north of Yonge Street destroying crops as shown by Figure 11. A number of factors contributed to the dyke failure, including poor dyke construction and lack of maintenance.

Figure 11: Flooding to a portion of the Holland Marsh north of Yonge Street (May 2013)



Although the Holland Marsh has not been adopted as a **special policy area**, the Authority recognizes the designation of the area as the Holland Marsh Specialty Crop by the Province under the Greenbelt Plan (2005).

5.2.2.1. Guidelines for the Holland Marsh Specialty Crop Area

The following guidelines apply to the Holland Marsh Specialty Crop Area where dykes have been constructed to protect the lands within the polder from flooding.

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1. In general, development within the flood hazard limit of both Lake Simcoe and riverine systems will not be permitted;
2. Notwithstanding Guideline 5.2.2.1.(1), the guidelines within Section 4.0 – General Guidelines, Section 4.1 – Activities Not Requiring Written Permission by the Approval of this Document and the guidelines within Section 5.3 – Flood Hazard Guidelines will apply to all applications within the dyked areas of the Holland Marsh Specialty Crop Area, with the exception of the guideline related to the requirement for compensation for losses in flood storage capacity that result from development.
3. The placement of fill will be permitted for the repair and maintenance of existing dykes provided that:
 - (a) the placement does not exceed 219.50 metres above sea level geodetic, which is the maximum high-water level recorded for Lake Simcoe or maintain the dyke elevation at the same elevation as what currently exists for the dyke system in the immediate area. Documentation will need to be provided to demonstrate that, in general, the proposed dyke elevation will match the original dyke elevation; and
 - (b) the top width of the dykes is not to exceed 5 metres. (Existing dykes which currently have a top width that exceeds 5 metres may maintain their current width); and
 - (c) the sides slopes of the dyke are to be at a 3:1 slope; and
 - (d) the guidelines for Large Scale Fill Placement (Section 4.3) shall apply; and
 - (e) there shall be no expansion of the dykes into the river or wetlands.
 - (f) If the intent is to raise the top of the dyke to a higher elevation than currently exists for the dyke system in the immediate area, a study will need to be completed, to the satisfaction of the Authority showing that the new higher top of the dyke will not impact on flood levels or obstruct flows. The Terms of Reference for such a study will need to be reviewed and approved by the Authority.
 - (g) The placement of fill on fields within the Holland Marsh Specialty Crop Area will be permitted to return fields to their original level. The Guidelines within Section 4.3 shall apply.
 - (h) The dykes are constructed in accordance with the ‘Dyke Construction Guidelines - Appendix “H”

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4. New residential structures on vacant lots are not permitted in areas where flood depths exceed 0.8 metres or where safe access is not achievable.
5. New development or expansion of existing development is required to demonstrate an approved drainage outlet and provide confirmation that the ditches have the capacity to convey flows from the increase in run off as a result of the proposed development.
6. Fill placement for the construction of accessory structures will be minimized.

5.3 Flood Hazard Guidelines

The following section addresses development within areas which are susceptible to flooding. They have been organized in alphabetical order based upon the nature of the proposed development.

5.3.1 General Guidelines

In general, development within the flood hazard limit of both Lake Simcoe and riverine systems will not be permitted except in accordance with 5.3.1 through 5.3.2.

5.3.2 Accessory Structures

Non-habitable accessory structures (e.g., garages, sheds and gazebos) associated with existing residential development may be permitted within the flood hazard limit where it can be demonstrated that:

- (a) there is no alternative site for the location of the structure located outside of the hazardous lands; and
- (b) the control of flooding, erosion, pollution and the conservation of land will not be affected; and
- (c) the depth of flooding at the site does not exceed 0.8 metres; and
- (d) the structure is firmly attached to a concrete pad or footings; and
- (e) the structure will not impede flood flows; and
- (f) the structure is designed to allow for the through flow of water through the structure so as to not cause a loss in flood storage capacity; and
- (g) the structure shall incorporate wet flood-proofing measures t, based upon site-specific conditions.

5.3.3 Additions (Residential)

Additions may be permitted within an area susceptible to flooding provided that:

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- (a) Ground floor additions are 50 percent or less of the original habitable ground floor area to a maximum footprint of 100 square metres, or in the case of multiple additions, all additions combined are equal to or less than 50 percent of the original habitable ground floor area to a maximum footprint of 100 square metres; and
- (b) An additional storey does not exceed the original habitable ground floor area
- (c) there is no alternate location for the addition located outside the flood hazard; and the proposed addition would not have an impact on the control of flooding, erosion, pollution, or the conservation of land; and
- (d) the addition does not increase the number of dwelling units of the existing building or structure;
- (e) the addition does not include a basement, regardless if the existing building or structure has a basement;
- (f) the addition is flood-proofed using dry passive flood-proofing to the applicable flood-proofing standard plus a 0.3 metres freeboard allowance; and
- (g) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and
- (h) for riverine flood plains, the loss in flood storage capacity that would result from the construction of the proposed addition as well as fill placement required to flood-proof the structure is compensated for to the satisfaction of the Authority; and
- (i) certification is provided from a registered professional engineer that the proposed addition will be able to withstand the hydrostatic and lateral forces associated with flood waters;

5.3.4 The Construction of Farm Buildings

The construction of farm buildings (e.g., barns, drive sheds, silos) may be permitted within the flood plain provided that:

- (a) there is no other location for the structure located outside the flood plain;
- (b) the proposed structure would not have an impact on the control of flooding, erosion, pollution or the conservation of land;
- (c) the depth of flooding at the site does not exceed 0.8 metres; and
- (d) the structures are flood-proofed using at a minimum wet flood-proofing techniques to the applicable flood-proofing standard plus a 0.3 metres freeboard allowance.

5.3.5 Basements

The construction of basements will not be permitted in association with new structures within the flood plain.

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5.3.6 Commercial/Industrial Structures

The construction of new commercial/industrial structures as well as additions to existing commercial/industrial structures will generally not be permitted within the flood plain.

5.3.6.1 Notwithstanding 5.3.7, the Authority may grant permission for the construction of a new commercial/industrial structure, provided that:

- (a) there is no alternate location located outside the flood hazard; and
- (b) the depth of flooding at the site does not exceed 0.8 metres; and
- (c) the proposed structure would not have an impact on the control of flooding, erosion, pollution, or the conservation of land; and
- (d) the structure/addition is flood-proofed to the applicable flood-proofing standard plus a 0.3 metres freeboard allowance; and
- (e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and
- (f) for riverine flood plains, the loss in flood storage capacity that would result from the construction of the proposed structure or addition as well as fill placement required to flood-proof the structure is compensated for to the satisfaction of the Authority; and
- (g) certification is provided from a registered professional engineer that the proposed structure/addition will be able to withstand the hydrostatic and lateral forces associated with flood waters;

5.3.7 Decks and Porches

The construction of decks and porches may be permitted within the flood hazard limit provided that:

- (a) the deck or porch is not enclosed; and
- (b) the deck/porch is firmly anchored to a concrete pad or footings; and
- (c) the area beneath the deck and porch is not to be enclosed to allow the free flow of floodwaters.

5.3.8 Fencing

The Authority may grant permission for the construction of a fence, provided that:

- (a) the fence is constructed in such a manner that it does not impede conveyance of flow of a watercourse during a regulatory flood; and
- (b) the fence does not interfere with the watercourse; and

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- (c) the construction of the fence would not have an impact on the control of flooding, erosion, pollution, dynamic beaches or the conservation of land.

Note: Fences which meet this standard include page wire farm fences and wrought iron picket fences which have minimum 75 mm vertical gaps. Chain link fencing does not meet this standard.

5.3.9 Geo-thermal Heating and Cooling Systems

The Authority may grant permission for the installation of new/replacement geo-thermal heating and cooling systems, provided that:

- (a) there is no alternate location located outside the hazard; and
- (b) the geo-thermal systems are closed systems; and
- (c) the placement of fill associated with the geo-thermal system would not have an impact on the control of flooding, erosion, pollution, dynamic beaches or the conservation of land; and
- (d) geo-thermal pumps and electrical connections shall be flood-proofed and located at least 0.3 metres above the regulatory flood elevation; and
- (e) compensation will be required for losses in flood storage capacity resulting from the placement of fill associated with the installation of these systems within riverine flood plains; and
- (f) all geo-thermal systems are to be installed and decommissioned by a licensed professional technician and properly tests for leaks prior to their operation.

The installation of geo-thermal heating and cooling systems will not be permitted within Lake Simcoe;

In addition, the installation of vertical loop geo-thermal heating and cooling systems deeper than 5 metres shall require proof of approval from the Ontario Ministry of the Environment and Climate Change prior to the issuance of a permit from the Authority.

5.3.10 Parking Facilities

The creation of new above ground parking lots or the expansion of existing above ground parking lots may be permitted provided that:

- (a) there is no alternate location for the parking lot; and
- (b) the parking facilities are associated with commercial, industrial, or recreational uses; and
- (c) the control of flooding, erosion, pollution, dynamic beaches, and conservation of land are not affected; and

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- (d) bollards or other suitable barriers (e.g., trees) are placed to ensure that cars are not carried away by floodwaters; and
- (e) overnight parking is not permitted; and
- (f) signage is placed throughout the parking lot to advise motorists of the potential hazards and that overnight parking is not permitted.
- (g) New residential or underground parking are not supported within flood hazard areas.

5.3.11 Replacement/Reconstruction of Existing Residential Structures

Proposals for the replacement or reconstruction of existing structures that have been destroyed by fire or other natural causes - other than flooding, **erosion** or ice piling may be permitted subject to the following:

- (a) the structure to be replaced must not be abandoned or derelict for a period of one year or more; and
- (b) the use will not increase the risk to public health and safety; and
- (c) There is no increase to the original habitable space of the structure
- (d) the replacement structure will be located in the same location as the original structure or relocated to a less hazardous portion of the property; and
- (e) the replacement structure will not have an increased number of dwelling units; and
- (f) the replacement structure is flood-proofed to the maximum extent possible using dry passive flood-proofing to the applicable flood-proofing standard plus a 0.3 metres freeboard allowance; and
- (g) certification is provided from a registered professional engineer that the replacement structure will be able to withstand the hydrostatic and lateral pressures associated with floodwaters; and
- (h) a change in use from habitable to non-habitable structures will be encouraged by the Authority.

5.3.12 Residential Structures

The construction of new residential structures or discretionary replacement/reconstruction of existing residential structures will be permitted where:

- (a) there is no alternate location for the structure outside the flood hazard; and
- (b) the depth of flooding does not exceed 0.8 metres; and
- (c) the structure would not have an impact on the control of flooding, erosion, pollution, or the conservation of land; and
- (d) the structure is flood-proofed using dry passive flood-proofing to the applicable flood-proofing standard plus a 0.3 metres freeboard allowance; and

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- (e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- (f) It is demonstrated through the submission of the appropriate engineering studies that the proposed structure and any associated fill/grading will not impact the floodline upstream or downstream of the proposed development.
- (g) for riverine flood plains, the loss in flood storage capacity that would result from the construction of the proposed structure or addition as well as fill placement required to flood-proof the structure is compensated for to the satisfaction of the Authority; and
- (h) certification is provided from a registered professional engineer that the structure will be able to withstand the hydrostatic and lateral forces associated with flood waters; and
- (i) safe access as defined by the Authority is available to the site.

5.3.13 Septic Systems

The installation of new and replacement septic systems may be permitted subject to the following;

- (a) there is no alternate location for the septic system outside the flood hazard; and
- (b) the placement of fill associated with the septic system would not have an impact on the control of flooding, erosion, pollution, or the conservation of land; and
- (c) the septic system shall be flood-proofed using a watertight cap to prevent ingress of flood waters to the main tank and appropriate valves to prevent back- up into a structure;
- (d) septic systems shall be designed to withstand lateral and buoyant pressures associated with floodwaters.
- (e) for riverine flood plains, there shall be compensation for losses in flood storage capacity if possible;
- (f) tertiary treatment systems will be encouraged throughout the watershed, especially where required setbacks from rivers and lakes is not available.

5.3.14 Swimming Pools

The construction of above ground swimming pools will be permitted provided that:

- (a) there is no alternate location for the above ground pool located outside the flood hazard; and
- (b) the proposed above ground pool would not have an impact on the control of flooding, erosion, pollution, or the conservation of land; and

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- (c) the above ground pool would not obstruct flood flows; and
- (d) all electrical circuits associated with the above ground pool is flood proofed.

The construction of in-ground swimming pools may be permitted provided that:

- (a) there is no fill placement associated with the installation of the pool within riverine flood plains; and
- (b) all electrical services associated with the pool are flood proofed.

5.3.15 Trailer Parks

- (a) In general, the creation of new trailer parks or the expansion of existing trailer parks will not be permitted within the flood plain; and
- (b) In general, new trailers will not be permitted within the flood plain.

5.3.16 Spill Area

A flood plain spill area exists where flood waters are not physically contained within the valley or stream corridor and exit into surrounding lands. Consequently, the limit and depth of flooding are difficult to determine. Flood spill areas occur naturally or can occur as a result of downstream barriers to the passage of flood flows such as undersized bridges or culverts. Development in spill areas is not regulated in the same manner as development within flood plain areas, as these areas are not readily defined and the storage/flow that occurs in these areas is not considered as part of the natural floodplain, therefore preservation of flood storage is not typically required. Although flood risks parameters cannot be estimated within spill areas, they are nonetheless hazardous.

- 5.3.16.1 Authority will determine where floodplain spill area policies apply, considering the site-specific characteristics of the spill in accordance with Provincial standards. In general, where spill locations are identified, development may be permitted provided safe access is available and appropriate flood mitigation can be established including:
 - (a) Raising the elevation of proposed buildings or structures above the anticipated flood level; and/or
 - (b) Raising the lands within the spill location.

Chapter 6: Lake Simcoe Shoreline and Lakebed

6.1 General Guidelines

In accordance with the Lake Simcoe Protection Act and Plan, of which the Authority's permits are prescribed instruments, the Authority encourages the restoration, enhancement, or re-establishment of natural shorelines wherever these opportunities exist. This approach will assist in maintaining a healthy and functional watershed and minimize the need for future restoration and mitigation works.

6.1.1 In general, no new development will be permitted within the 30-metre minimum vegetation protection zone (MVPZ) of Lake Simcoe as defined in the relevant policies of the Lake Simcoe Protection Plan (LSPP) except as:

- Permitted under 6.1 DP of the LSPP

6.1.2 Where development or site alteration is permitted within the vegetation protection zone, the proposal must demonstrate that the following has been achieved:

- (a) the adjacent riparian areas will be maintained, protected and/or improved; and
- (b) that ecological functions be enhanced and/or improved wherever possible; and
- (c) erosion, sedimentation and introduction of excess nutrients or pollutants be minimized; and
- (d) planning and construction practices be utilized to maintain and improve water quality; and
- (e) any removal of vegetation that cannot be mitigated will be compensated to the satisfaction of the Authority.

6.2 Shoreline Alteration and Protection

- (a) In general, alterations to a shoreline shall not be permitted except in accordance with the policies 6.3 through 6.8.
- (b) No reasonable alternative for the proposed alteration to the shoreline exists and the alteration has been assessed through a Natural Heritage Evaluation.
- (c) Natural shoreline treatments (e.g., planting of natural vegetation, bioengineering, granite boulders) that maintain the natural contour of the shoreline will be used.

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- (d) The alteration will not adversely affect the ecological function of the shoreline and surrounding riparian area and will result in a net environmental improvement.
- (e) Shoreline hardening techniques such as the use of concrete, sheet steel, railway ties, pressure treated lumber, gabion baskets, and terracing will generally not be permitted.
- (f) Erosion and sediment control measures shall be put in place prior to any work along a shoreline and maintained during construction and until the site is permanently stabilized. This will include, where applicable, the use of silt fence, check dams, floating silt curtains, and/ or vegetation protection zones.
- (g) Surplus excavated fill material is removed from the shoreline and placed outside of the regulated area.
- (h) The transition between proposed protection works and adjacent shoreline properties must be designed so that erosion, debris accumulation and changes in sediment transport will not occur and/or impact neighbouring properties.
- (i) Shorelines that have steep slopes may require input from a geotechnical engineer to support the proposed development in the vicinity of the steep slope. If the slope is deemed to be stable by a geotechnical engineer than development and/or alteration to the slope will not be permitted.
- (j) The creation of new artificial sand beaches will not be permitted along the shoreline of Lake Simcoe.

6.3 Habitable Structures/Additions

- (a) Generally, new habitable structures/additions will not be permitted within the 30-metre minimum vegetation protection zone of the shoreline of Lake Simcoe. Exceptions may be permitted within existing settlement areas or where lot sizes are restricted and must meet policies 6.3 (b) through 6.3(h)
- (b) There is no area to locate the structure/addition outside of the setback.
- (c) The setback from the shoreline is maximized to the greatest extent possible.
- (d) The property is an existing lot of record, where the current zoning permits the development of a habitable structure/addition.
- (e) Any habitable structure/addition within 15 metres of the shoreline will be accompanied by a Coastal Engineering Report to the satisfaction of the Authority.
- (f) Additional natural protection measures and/or ecological enhancements along the shoreline are incorporated into the design (e.g., planting plans required to compensate for development within the MVPZ).
- (g) That all other applicable guidelines of this document can be met to the satisfaction of the Authority.

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- (h) When appropriate, a restrictive covenant under the Conservation Land Act be registered on title at the expense of the owner/applicant.

6.4 Boathouses

The Authority recognizes that the proximity to water is a key consideration in the use and enjoyment of recreational facilities such as **boathouses**. Boathouses have a long history on the Lake Simcoe shoreline.

Boathouse Definition: Single storey building that is designed and used solely for the purpose of storing and docking boats and related equipment. The structure does not contain habitable space, water and/or sanitary servicing and has an opening to the water of an appropriate size to accommodate a boat.

The Authority may permit the construction of boathouses along the shoreline or within Lake Simcoe provided that:

- (a) the structure is a single storey building; and
- (b) the structure is firmly anchored in place to ensure that it is not affected by changing water levels; and
- (c) the structure is to be wet flood-proofed to the fullest extent possible (e.g., electrical outlets 0.3 m above flood elevation); and
- (d) the structure does not include any habitable space including but not limited to living accommodations, kitchen or food prep areas, bedroom, washroom, hot tub, whirlpool, sauna, fireplace; and
- (e) the structure is not to be serviced by natural gas, propane, oil, other similar types of fuel or potable water and sanitary.
- (f) the structure is located within an area that was previously disturbed or developed and the ecological function of the vegetation protection zone be maintained (e.g., no alteration to naturally vegetated shorelines). If no previously disturbed area of the shoreline exists, the development will need to be supported through the submission of Natural Heritage Evaluation to the satisfaction of the Authority.
- (g) the structure does not impede the natural flow of water along the shoreline. Coastal Engineering Reports will be required if there is potential for an impact to the flow of water and/or natural hazards; and
- (h) the applicant/landowner registers a Restrictive Covenant under the Conservation Land Act acknowledging that the structure could be damaged by flooding and/or ice and floating debris and agrees to hold the Authority safe hold harmless and to remove or repair the structure should it be significantly damaged or destroyed.
- (i) the location of the structure is within the projected lot lines; and

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- (j) the structure shall not be permitted to include excavated and/or dredged wet boat slips.

6.5 Docks

Dock definition: Structure that is perpendicular to the shoreline, extending out from the shoreline into a body of water, and used to dock/moor boats.

The Authority may permit the construction of permanent docks in Lake Simcoe, provided that:

- (a) the structure does not impede the flow of water along the shoreline. Coastal Engineering Reports will be required if there is potential for an impact to the flow of water and/or natural hazards; and
- (b) the structure is designed to minimize damages that could occur as a result of coastal processes; and
- (c) the structure is anchored appropriately to the shoreline to minimize erosion;
- (d) the supporting structure of the proposed dock is not concrete, sheet steel, railway ties, pressure treated lumber or gabion baskets.
- (e) the location of the structure is within the projected lot lines.

6.6 Shore Decks

Shore deck definition: A platform structure that is situated partially on the shoreline and/or over the Lake that is used to anchor seasonal docks.

- (a) no more than 100 square feet (9.3 sq.m.) of total shore deck will be permitted on a lot.

6.7 Dredging

Dredging Definition: Excavating material from the bed of the Lake or along the shoreline area of Lake Simcoe.

The Authority may permit dredging in Lake Simcoe, provided that:

- (a) it does not impede the natural flow of water along the shoreline and does not have an impact on littoral drift.
- (b) the intent is not for the purposes of creating an inland boat slip, canal and/or lagoon.
- (c) the dredged material is placed in a manner that prevents it from re-entering the Lake. Proper Silt controls must be installed and maintained until the material is taken off-site.
- (d) the area has been previously dredged and is a known navigation channel.

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6.8 Groynes and Breakwaters

Groyne Definition: A structure that projects out from the shoreline in order to interrupt waterflow and limit the movement of sediment. Materials generally consist of stone, wood, or concrete.

Breakwater Definition: An offshore structure that is constructed to protect harbours and marinas from heavy wave action and currents. Materials generally consist of stone or concrete.

- (a) The construction of new groynes will not be permitted within Lake Simcoe.
- (b) The construction of new breakwaters will not be permitted within Lake Simcoe.

Special Note:

- (a) Boathouses are subject to the Building Code and as such require a Building Permit from the local municipality and may be subject to other municipal requirements and bylaws.
- (b) Any proposed development on or partially on Crown Land may require approval from the Ontario Ministry of Natural Resources and Forestry.
- (c) Any proposed development within or on the bed of Lake Simcoe may require a permit or authorization from Fisheries and Oceans Canada.

Chapter 7: Erosion Hazards

7.1 Defining Shoreline Erosion Hazard Limits for Lake Simcoe

The shoreline erosion hazard for Lake Simcoe is comprised of the following:

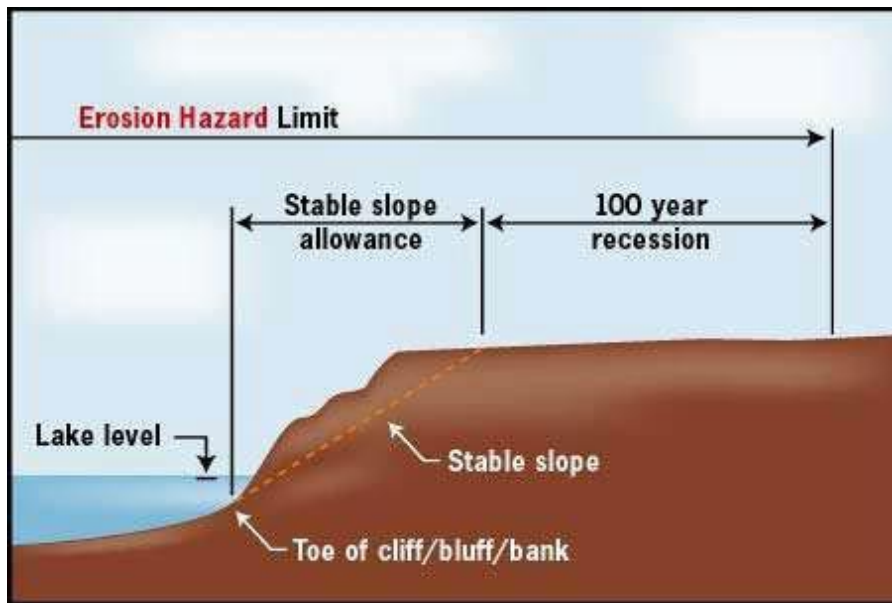
- (a) stable slope allowance (3:1); plus
- (b) 100-year recession allowance (15 metres).

Figure 12 illustrates the erosion hazard limit for Lake Simcoe.

The erosion hazard is applied to all sections of shoreline along Lake Simcoe, except where dynamic beaches exist.

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Figure 12: The Erosion Hazard Limit for Lake Simcoe



Source: (OMNR, 2001a)

7.2 Defining Erosion Hazard Limits for Rivers and Stream Valleys

River and stream systems are dynamic and constantly changing landforms, due mainly to the erosive forces of flowing water and the stability of the surrounding soil. This constant shaping and reshaping of river and stream systems by these physical processes results in hazardous conditions which may pose a risk to life and result in property damages. Erosion is a natural process; however, it can also be caused or rates of erosion can be accelerated by human activities.

To define the hazard limits for river and stream valleys, it is important to understand the landforms which they flow through. While there are many different types of systems, the application of the regulation limit for river and stream systems is based on two simplified landform types:

7.2.1 Confined system

7.2.2 Unconfined system

7.2.1 Confined River or Stream Valleys

Confined river and stream systems are characterized by a valley which contains a river or stream channel. The valley walls within this type of system are clearly definable as shown by Figure 13.

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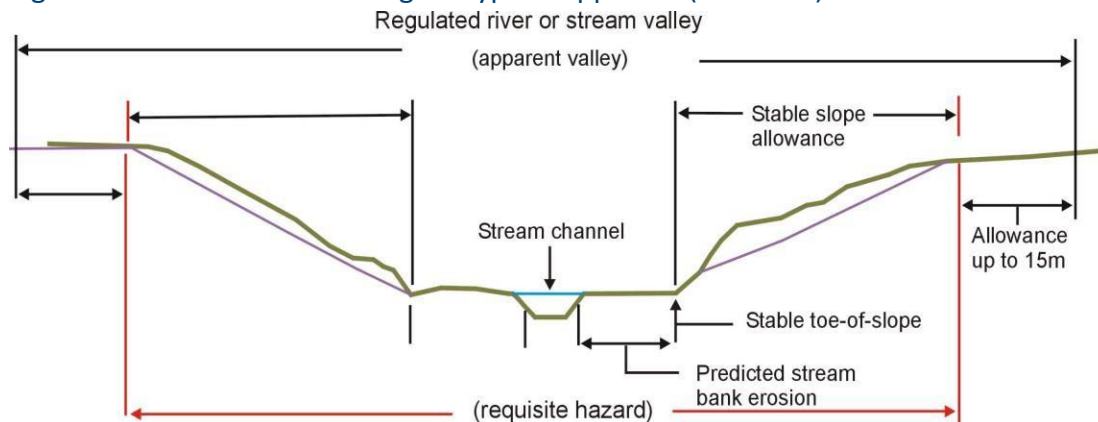
Figure 13: Example of a Confined River or Stream Valley



Source: (OMNR, 2001a)

Figure 14 illustrates a cross-section through a typical apparent (confined) river or stream valley.

Figure 14: Cross-section through a Typical Apparent (Confined) River or Stream Valley



Source: (OMNR, 2002b)

Defining the Regulated Area Erosion Hazard Limit for Confined Systems:

Erosion and slope instability are two different processes which are often associated together. Erosion is the process by which a material becomes dislodged and worn away due to the force of an erosive agent (I.e., water) at the particle level). Whereas slope instability consists of the sudden movement or sliding of a large mass of soil over a failure plane and is not restricted to the removal of the surface particles. Due to the possibility of unique soil properties at every site where the slopes are higher than 2 m and steeper than 3 to 1, (horiz. to vert.) or where there are issues of public safety or property value, a subsurface investigation of soil stratigraphy and strength properties should be considered.

Defining the regulated erosion hazard limit for a confined system should be based on the following:

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<p>Toe erosion allowance*</p> <p>(15 metres OR 100 times the average annual recession rate of the toe) OR as determined by a study using accepted geotechnical and engineering principles</p>	<p>+ allowance for stable slope</p> <p>3:1 (h:v) minimum OR as determined by a study using accepted geotechnical principles</p>	<p>+ erosion access allowance of 6 metres</p>
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7.2.2 Unconfined River or Stream Valleys

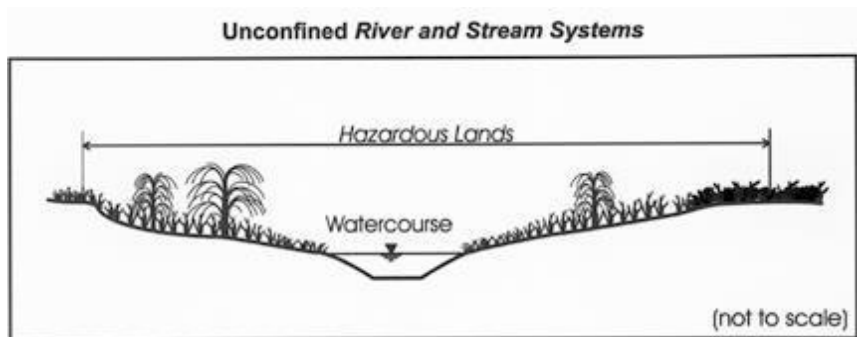
Unconfined river and stream valleys are characterized by fairly flat or gently rolling landscapes, with no discernible valley slope or bank that can be detected from the surrounding landscape as illustrated by Figure 15 and Figure 16. This type of system is typically found in the headwater areas of drainage basins. The river and stream channels are characterized by either perennial or ephemeral flows.

Figure 15: Example of an Unconfined River or Stream Valley



Source: (OMNR, 2001a)

Figure 16: Cross-section through an Unconfined River or Stream Valley



Source: (OMNR, 2002b)

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Defining the Erosion Hazard Limit Regulated Area for Unconfined Systems:

The term **meander belt allowance** is the maximum extent that a water channel migrates.

Defining the erosion hazard limit for an unconfined system should be based on the following:

20 times the bank full channel width centered over the meanderbelt axis OR as determined by a study using accepted engineering principles	+ erosion access allowance of 6 metres
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7.3 Erosion Hazard Guidelines

7.3.1 Development shall generally not be permitted within the erosion hazard limits unless the following can be demonstrated:

- (a) That no area for the proposed development exists outside of the hazard.
- (b) The hazard can be safely addressed, and the development and site alteration are carried out in accordance with established standards and procedures.
- (c) New hazards are not created, and existing hazards are not aggravated (no impact on existing or future slope stability).
- (d) No adverse environmental impact will result.
- (e) Vehicles and people have a way of safely entering and exiting the area during times of emergency.

7.3.2 In specific cases where buildings, structures or private access roads already exist within the erosion hazard limit, reconstruction or alteration may be permitted subject to the following:

- (a) Best efforts must be undertaken to relocate the existing structure outside of the riverine erosion hazard limit.
- (b) A qualified professional must complete necessary studies to determine that the development will not pose a risk to people or property. The study must be based on established provincial guidelines which determines an appropriate factor of safety

7.3.3 Non-habitable accessory buildings or structures associated with an existing use such as tool sheds, gazebos and other similar structures may be permitted within the erosion hazard limit in accordance with the other applicable policies provided that

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the structure does not increase the risk to the hazard and a development setback of not less than 6 metres is maintained from the top of bank.

7.4 Policies for Development within the Shoreline Erosion Hazard

7.4.1 Development within the shoreline erosion hazard limit may be permitted in accordance with the policies in Chapters 4, 5 and 6 where it can be demonstrated that:

- (a) There is no alternative site outside of the shoreline erosion hazard.
- (b) The proposed development is not impacted by the shoreline flooding hazard.
- (c) The proposed development does not result in an increased risk of erosion and is located in an area of the least risk.
- (d) A site specific geotechnical or coastal study based on established provincial guidelines demonstrates that the proposed development will not be within the stable slope allowance.
- (e) The potential for erosion is addressed through the submission of a proper drainage plan, erosion and sediment control plan and stabilization/restoration plan.
- (f) The potential of increased loading forces is addressed through the appropriate structural design.
- (g) Natural features and/or ecological functions contributing to the conservation of land are protected.
- (h) Development will not prevent access to the shoreline in order to undertake preventative actions/maintenance during an emergency.
- (i) The proposal is constant with all relevant designated policies of the Lake Simcoe Protection Plan.

7.4.2 Stabilization projects intended to reduce the stable slope allowance for new development will not be permitted. Where additional stabilization is recommended, enhancement, bioengineering, and other natural methods will be accepted.

7.4.3 Where stabilization is required for existing development, the proposal must be completed by a qualified geotechnical or costal engineer.

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7.5 Policies for Development within the Riverine Erosion Hazard – Confined Systems

- 7.5.1 Development within the Riverine Erosion Hazard limit may be permitted in accordance with the policies in Chapters 4, 5 and 6 and where a site-specific geotechnical assessment based on established provincial guidelines (using a 3:1 inclination) or an appropriate factor of safety establishes a more precise Riverine Erosion Hazard limit, and where it can be demonstrated that:
- (a) There is no impact on existing and future slope stability.
 - (b) The potential of increased loading forces on the top of slope is addressed through the appropriate structural design and supporting studies as required.
 - (c) The potential for surficial erosion is addressed by a drainage plan.
 - (d) The development is outside of the stable slope allowance.
 - (e) All other relevant sections of this document have been addressed.
 - (f) The proposal is consistent with all relevant designated policies of the LSPP.
- 7.5.2 Bank stabilization projects intended to protect new development will not be permitted. Where additional stabilization is recommended for existing development; enhancement, bioengineering, natural channel design techniques, revetments and other natural methods will be acceptable.

7.6 Policies for Development within the Riverine Erosion Hazard- Unconfined Systems

- 7.6.1 Development within the Riverine Erosion Hazard limit may be permitted in accordance with the policies in Chapters 4, 5 and 6, and where a site-specific geomorphologic (i.e., meander belt analysis) or engineering assessment based on established provincial guidelines-demonstrates that the proposed development will not negatively impact the hazard.
- 7.6.2 The minor alteration of a watercourse for the purpose of stabilization, erosion control or protection shall only be permitted if it is demonstrated that natural watercourse treatments that maintain the natural contour of the watercourse will be used, and a vegetative riparian area will be established to the extent possible.

Chapter 8: Development and Interference with Wetlands and Other Areas

8.1 The Importance of Wetlands

The role of wetlands is recognized in attenuating flooding; maintaining and improving water quality; protecting shorelines from erosion; providing important habitat for a wide variety of plant, fish, and wildlife species; controlling and storing surface water and the recharge and discharge of ground water; providing corridors for wildlife movement as well as providing for educational and research opportunities.

It is estimated that 13.5 percent (36,702 hectares) of the Lake Simcoe watershed is comprised of wetlands. Of this total, 70.7 percent (24,951 hectares) of these wetlands have been designated as being provincially significant, the remaining 29.3 percent (10,751 hectares) of the wetland areas are unevaluated (Authority, Beacon Environmental, 2007). These wetland areas are diminishing and their ability to function is being impaired as a result of increasing growth and development throughout the region.

Recognizing the many important functions and benefits of wetlands, the Authority has developed this guideline section to provide guidance to the Authority programs relating to wetlands management.

8.2 Regulatory Perspective on Development and Interference

In accordance with Ontario Regulation 179/06, the guidelines within this section address wetlands and adjacent lands in three ways:

- (a) development within the wetland boundary – refer to Section 2(1)(d) of the Regulation;
- (b) development within the other areas – refer to Section 2(1)(e) of the Regulation; and
- (c) interference with a wetland – refer to Section 5 of the Regulation.

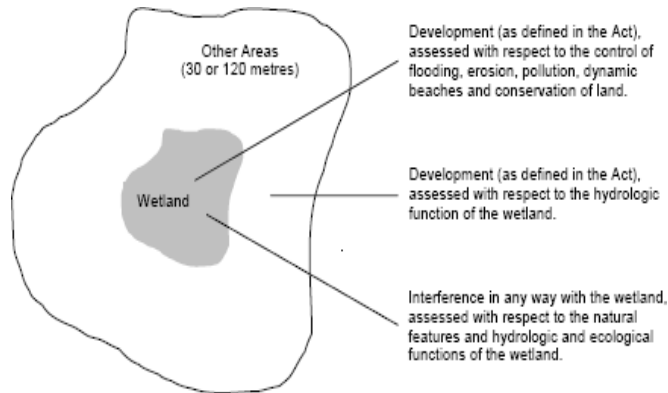
For the Authority watershed, the regulation of “other areas” where development could interfere with the hydrologic function of a wetland includes areas within 120 metres of all Provincially Significant Wetlands, and areas within 30 metres of all other wetlands.

Interference is considered to be anything that hinders, disrupts, degrades or impedes in any way the natural features or hydrologic and ecological functions of a wetland or watercourse (Conservation Ontario, 2008). An example of an activity that would be considered interference

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with a wetland is the removal of vegetation from the wetland. Figure 17 illustrates the difference between wetlands and other areas as defined by the Conservation Authorities Act.

Figure 17: The Difference between Wetlands and Other Areas as Defined by the Conservation Authorities Act



Development within portions of a wetland may also be regulated under Ontario Regulation 179/06 due to the presence of hazardous sites. Further Information related to hazards due to wetlands can be found in Chapter 10 – Organic Soils.

8.3 Development and Interference with Wetlands

When reviewing applications under Ontario Regulation 179/06 for development and interference within a wetland, the following guidelines shall apply:

- 8.3.1 Development and/or interference in any way shall generally be prohibited within all wetlands.
- 8.3.2 Notwithstanding Guideline 8.3.1, the Authority may grant approval for development within a Provincially Significant Wetland for public utilities or public infrastructure (e.g., roads, pipelines, water or sewer services); passive trails; conservation or restoration projects; provided that:
 - (a) there is a demonstrated need and no reasonable alternative location exists outside the wetland; and
 - (b) the control of flooding, erosion, pollution, or the conservation of land will not be affected; and
 - (c) the interference of the natural features and hydrologic and ecological functions of the wetland have been determined to be acceptable through the submission of the appropriate studies (e.g., Environmental Impact Study,

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geotechnical study, hydrogeological study) prepared to the satisfaction of the Authority.

8.3.3 Notwithstanding Guideline 8.3.1, the Authority may grant approval for development within a wetland, provided that:

- (a) the wetland has not been designated as a Provincially Significant Wetland; and
- (b) there is a demonstrated need, and no reasonable alternative location exists outside the wetland; and
- (c) the control of flooding, erosion, pollution, or the conservation of land will not be affected; and
- (d) the interference of the natural features and hydrologic and ecological functions of the wetland have been determined to have no negative impact through the submission of the appropriate studies (e.g., Environmental Impact Study, geotechnical study, hydrogeological study, water balance, etc.) prepared to the satisfaction of the Authority; and
- (e) a mitigation plan is prepared to the satisfaction of the Authority to compensate for the loss of wetland features and function.

8.3.4 Notwithstanding Guideline 8.3.1, where buildings, structures or septic systems already exist within a wetland, the Authority may grant approval for the replacement of the structure or for the construction of accessory structures (e.g., garages, sheds, pools) subject to the following;

- (a) the structure to be replaced is not a derelict building; and
- (b) the structure is replaced within the existing disturbed area; and
- (c) there is no viable alternate location on the property outside of the wetland; and
- (d) all other natural hazards which are associated with the site (e.g., flooding, unstable soils) must be addressed to the satisfaction of the Authority; and
- (e) all development is located above the high-water table; and
- (f) existing drainage patterns will be maintained; and
- (g) best management practices are used to maintain water balance and control erosion and sedimentation.

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- 8.3.5 Interference to a wetland by selective tree harvesting employing good forestry practices may be permitted provided it can be demonstrated through an EIS or equivalent, such as a Forest Management Plan, there will be no negative impact on the hydrologic and ecological functions of the wetland.

8.4 Development and Interference within “Other Areas”

- 8.4.1 The Authority shall require a 120-metre minimum setback from the boundary of all Provincially Significant Wetlands (PSW) for all new development.
- 8.4.2 Notwithstanding 8.4.1, the Authority may permit development within 120 metres of a PSW provided that the development will have no negative impact on the hydrologic function of the wetland. Depending upon the nature and scale of the proposed development, the Authority has the discretion of requiring the submission of a hydrologic study prepared to the satisfaction of the Authority to demonstrate that there will be no negative impacts on the wetland as a result of the proposed development. The submission shall also include a landscaping and habitat restoration plan to enhance the ecological features and functions associated with the wetland.
- 8.4.3 The Authority shall require a 30-metre minimum setback from the boundary of all unevaluated wetlands for all new development.
- 8.4.4 Notwithstanding 8.4.3, the Authority may permit development within 30 metres of an unevaluated wetland provided that the development will have no negative impact on the hydrologic function of the wetland. Depending upon the nature and scale of the proposed development, the Authority has the discretion of requiring the submission of a hydrologic study prepared to the satisfaction of the Authority to demonstrate that there will be no negative impacts on the wetland as a result of the proposed development. The submission shall also include a landscaping and habitat restoration plan to enhance the ecological features and functions associated with the wetland.

8.5 Mitigation/Compensation for Wetland Loss

It is important to realize that only so much loss of a finite resource such as wetlands can occur before permanent damage is done (North American Wetlands Conservation Council, 1998). To help achieve the no net loss principle, the following guidelines shall apply:

- 8.5.1 If an Environmental Impact Study, that has been prepared in support of a development proposal, identifies that the development would result in the loss of

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wetland features and ecological function; then the Authority shall require that a Mitigation Strategy be prepared by a qualified professional to the satisfaction of the Authority, and

- 8.5.2 the Authority shall consider **compensation** for loss of wetland features and functions when there is no other alternative available;
- 8.5.3 a Mitigation Strategy will be based on the principles of:
- replacing the **natural heritage feature** to achieve no net loss in area (e.g., 3:1); and
 - replacing the associated **ecological function** of the feature; and
 - **compensation** shall be as close to the site as possible, except where better/more wetland values can be protected by selecting a more distant location, or where the long-term integrity of near sites are threatened.

Chapter 9: Alteration to Watercourses

Activities such as altering, straightening, changing, diverting or interfering in anyway, with the channel of a watercourse or with the shoreline of a lake are considered alteration to a watercourse or shoreline.

The Authority supports the application of **natural channel design** principles in recognition of the environmental, human health, economic and aesthetic benefits of this approach.

The Authority reviews applications which involve alterations to watercourses in co-operation with the appropriate District/Area Offices of the Ontario Ministry of Natural Resources.

9.1 General Guidelines – Alteration to Watercourses

- 9.1.1. In general, alterations to a watercourse shall not be permitted except in accordance with the policies 9.1.2 through 9.2.6.
- 9.1.2. Notwithstanding Policy 9.1.1, the Authority may grant permission for the alteration of a watercourse provided that:
- (a) no reasonable alternative for the proposed alteration to the watercourse/shoreline exists and the alteration has been assessed through an Environmental Assessment or through site specific studies (e.g. geomorphological, flood plain), which are applicable based upon the scale and scope of the proposed works; and

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- (b) the alteration is designed in accordance with **natural channel design** principles where possible; and
 - (c) the alteration will not increase either upstream or downstream flood elevations, flood frequencies or rates of erosion; and
 - (d) the alteration will not adversely affect the **ecological function** of the **watercourse** and surrounding riparian area and will result in a net environmental improvement; and
 - (e) the alteration will not adversely affect neighboring properties.
- 9.1.3. Hardening techniques such as the use of concrete, sheet steel, railway ties, pressure treated lumber and gabion baskets will generally not be permitted.
- 9.1.4. Erosion and sediment control measures shall be put in place prior to any work along a watercourse or shoreline and maintained during construction and until the site is permanently stabilized. This will include, where applicable, the use check dams, silt screens, sediment ponds and/ or **vegetation protection zones**.
- 9.1.5. All surplus excavated fill material must be immediately removed from the work site and placed outside of the regulated area.
- 9.1.6. Baseflows must not be adversely affected by any work.

9.2 Specific Guidelines – Watercourse Alterations

- 9.2.1 Channel realignments may be permitted to improve hydraulic and fluvial processes or aquatic habitat provided that:
- (a) the need for the watercourse alteration has been demonstrated to the satisfaction of the Authority; and
 - (b) the alteration is designed in accordance with natural channel design principles; and
 - (c) the alteration will not increase either upstream or downstream flood elevations, flood frequencies or rates of erosion; and
 - (d) the alteration will not adversely affect the ecological function of the **watercourse** and surrounding riparian area; and
 - (e) the realigned channel may not be located any closer to a property line than the location of the original channel so that the development ability of the neighboring property (i.e., buffers, setbacks) is not affected.

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- 9.2.2 The construction of new in-stream or by-pass ponds which are directly connected with a watercourse will not be permitted. Where these ponds exist, the Authority will encourage their removal and the restoration of the site.
- 9.2.3 Watercourse crossings may be permitted provided that there is no alternative to the crossing and:
- (a) open bottom culverts are encouraged; and
 - (b) the crossing is sized and located such that there will be no increase in either upstream or downstream flooding or erosion; and
 - (c) the crossing is designed by a qualified professional, where appropriate.
- 9.2.4 The enclosure of a **watercourse** may be permitted where there is an existing risk to public health and safety and/or property damage; or where the work is supported by an Environmental Assessment or **comprehensive environmental study** which has been approved by the Authority.
- Proposed enclosures shall demonstrate:
- (a) all other feasible options have been explored to address the hazard(s); and
 - (b) the risk to public safety is reduced;
 - (c) there is no negative impact on wetlands;
 - (d) erosion and sedimentation both during and after construction is prevented.
- 9.2.5 Alterations and maintenance of existing dams and dykes may be permitted where it can be demonstrated that:
- (a) the proposed alterations have been designed by a qualified professional; and
 - (b) riparian rights of downstream property owners are respected; and
 - (c) the integrity of the original structure is maintained; and
 - (d) the capacity of the structure to pass flows is maintained; and
 - (e) the works will not result in increased flooding to either upstream or downstream property owners.
- 9.2.6 Dam decommissioning may be permitted where an Environmental Assessment or detailed decommissioning plan has been completed to the satisfaction of the Authority to demonstrate that:
- (a) all potential hydrologic and ecological impacts have been identified and taken into consideration; and

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- (b) significant natural features and hydrologic and **ecological functions** within or adjacent to the river, creek, stream or watercourse are restored and enhanced through the retirement or removal of the dam and a site restoration plan to the satisfaction of the Authority;
- (c) the risk of pollution and sedimentation during and after the removal or retirement of the structure is addressed through a Draw Down Plan to the satisfaction of the Authority;
- (d) new hazards are not created, and existing hazards are not aggravated as a result of the dam decommissioning.

9.3 PONDS

(Note: These guidelines do not apply to Storm Water Ponds which are dealt with through criteria established in the Authority 'Storm Water Management Submission Guidelines' and by the Ministry of the Environment)

- 9.3.1 These guidelines apply to ponds greater than 10 m² in size;
- 9.3.2 Ponds must be located at least 30 metres from all watercourses.
- 9.3.3 Ponds will not be permitted within a wetland.
- 9.3.4 Ponds to be placed within **other lands** adjacent to a **wetland** will require the submission of a hydrogeological report to demonstrate that the excavation of the pond will not adversely affect the hydrology of the **wetland**.
- 9.3.5 The decommissioning and filling of an existing pond located within 30 metres of a **watercourse** will be required to demonstrate that there will be not detrimental impact on baseflow of the adjacent watercourse.

Chapter 10: Hazardous Lands

10.1 Organic Soils

Organic soils are formed by the decomposition of vegetative and organic materials into humus, a process known as humification. A soil is deemed to be organic when the percentage weight loss of the soil when heated, is between five to eighty percent (MNR 2001).

Organic soils are typically found in wetland areas. Areas which have been mapped as wetland will be a good indicator to the presence of organic soils in an area.

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Due to the high variability of organic soils, the potential risks and hazards associated with **development** in this type of **hazardous land** are also highly variable. As a result, assessments of the development potential in an area of organic soils is site-specific. Section 4.0 of the Hazardous Sites Technical Guide prepared by the Ministry of Natural Resources (1996) provides important guidance in this regard.

10.2 Unstable Bedrock

Unstable bedrock includes but is not limited to areas identified as karst formations. Karst formations tend to be present in limestone or dolomite bedrock and are extremely variable in nature. Local, site-specific studies are required to identify karst formations.

As with **unstable soils**, the potential for development to be undertaken safely in an area of unstable bedrock is site specific. Section 5.0 of the Hazardous Sites Technical Guide prepared by MNR (1996) provides important guidance in this regard.

10.3 Guidelines for Hazardous Lands Associated with Organic Soils and Unstable Bedrock

When reviewing applications under Ontario Regulation 179/06 for development in **hazardous lands**, the following guidelines shall apply:

- 10.3.1 In general, **development** shall not be permitted within **hazardous lands** associated with **unstable soils** or unstable bedrock.
- 10.3.2 Notwithstanding 10.3.1, the Authority may grant permission for **development** within **hazardous lands** associated with organic soils and unstable bedrock, provided that:
 - (a) no reasonable alternative location for the development exists outside the hazardous lands; and
 - (b) the proposed **development** is supported by the completion of a Geotechnical Study to the satisfaction of the Authority; and
 - (c) the proposed **development** be designed to address the hazards and risks associated with the site as identified by the Geotechnical Study.

Chapter 11: Glossary

The following glossary provides definitions for terms used in this document:

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A

Accepted Engineering Principles: means those current coastal, hydraulic, hydrology and geotechnical engineering principles, methods and procedures that would be judged by a peer group of qualified engineers (by virtue of their qualifications, training, and experience), as being reasonable for the scale and type of project being considered, the sensitivity of the locations and the potential threats to life and property.

Access: means a primary route of ingress and egress to a property (e.g., a driveway, laneway and/or a municipal or provincial roadway).

Accessory Structure: means a secondary, freestanding, non-habitable building, or structure on the same lot as the main building to which it is subordinate, devoted exclusively to a use normally incidental to the main use of the premises (e.g., garden sheds, tool sheds and gazebos).

Adjacent Lands: means those lands, contiguous to a specific natural heritage feature or area, where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives.

Adverse Effects: means one or more of:

- (a) impairment of the quality of the natural environment for any use that can be made of it;
- (b) injury or damage to property or plant or animal life;
- (c) harm or material discomfort to any person;
- (d) an adverse effect on the health of any person;
- (e) impairment of the safety of any person;
- (f) rendering any property or plant or animal life unfit for human use;
- (g) loss of enjoyment of normal use of the property; and
- (h) interference with normal conduct of business. (Environmental Protection Act, 1990). Provincial Policy Statement, 2014

Alteration to a Watercourse: means the straightening, changing, diverting or interfering in anyway with the existing channel of a river, creek, stream or watercourse.

Apparent Valley (Confined): means a watercourse located within a valley corridor, either within or without a flood plain, and is confined by valley walls.

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Average Annual High-Water Mark: means the highest lake level on average for any given year. For Lake Simcoe, the Average Annual High-Water Mark is 219.15 metres a.s.l. geodetic.

B

Basement: means one or more storeys of a building located below the first storey.

Boathouse: means an accessory building that is not serviced and does not contain habitable living space, has an opening to the water of an appropriate size to accommodate a boat.

Buffer: means an area or band of permanent vegetation, preferably comprised of native species, located adjacent to a natural heritage feature and usually bordering lands that are subject to development and site alteration. The purpose of the buffer is to protect the feature and its function(s) by mitigating the impacts of the proposed land use and allowing for edge phenomena to continue.

C

Confined Systems: are those where the watercourse is located within a valley corridor, either with or without a flood plain, and is confined by valley walls.

Conservation Authority: means a body corporate formed under the *Conservation Authorities Act* R.S.O. 1990, Chapter 27 (or its predecessors) at the request of the member municipalities.

Conservation of Land: means the protection, management or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and hydrologic and ecological functions within the watershed (Conservation Ontario, 2008). The Mining and Lands Commissioner has ruled that the **conservation of land** includes all aspects of the physical environment, be it terrestrial, aquatic, biological, botanic or air and the relationship between them.

D

Derelict building: means a building or structure which is empty and in a bad state of repair because it has not been used or lived in for a long time.

Development: means,

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind,
- (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the

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building or structure, or increasing the number of dwelling units in the building or structure,

- (c) site grading, or
- (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere (Conservation Authorities Act, R.S.O. 1990).

Drainage Area: means for a point, the area that contributes runoff to that point.

Dry Flood-proofing: See Flood-proofing.

Dyke: means an embankment constructed to prevent flooding of adjacent lands.

Dynamic Beach Hazard: means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes - St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance (Provincial Policy Statement, 2014).

E

Ecological Function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes.

These may include biological, physical and socio-economic interactions. (Provincial Policy Statement, 2014).

Emergency Works: are defined as those works that are being completed to avoid the immediate threat of loss of life or catastrophic property damage (e.g., the repair of a washed-out road).

Environmental Impact Study (EIS): means a report prepared by a qualified professional (biologist, ecologist) to address the potential impacts of development on natural heritage features and areas. The types of EIS studies include

- (a) **Comprehensive EIS:** a landscape scale study which identifies natural heritage features for protection, potential development areas and development setbacks that are ecologically sustainable.
- (b) **Scoped EIS:** an area specific study that addresses issues of particular concern not previously addressed in sufficient detail in a comprehensive study. The factors which may be considered for a scoped EIS include:
 - the extent of the encroachment;

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- the potential impact of the use; and
- the sensitivity of the feature.

Erosion: is a natural process which results in the continual loss of earthen material (i.e., soil) over time as a result of water and wind.

Erosion Access Allowance: means the setback needed to allow people and equipment the ability to access erosion prone areas for regular maintenance and access to the site in the event of erosion or failure of a structure. The erosion access allowance should be at least 6 metres in width and should be applied within all confined and unconfined river and stream systems.

Erosion Hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100-year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance. (Provincial Policy Statement, 2014).

Essential Emergency Services: means services which would be impaired during an emergency as a result of flooding, the failure of flood-proofing measures and/or protection works, and/or erosion.

F

Fill: means earth, sand, gravel, rubble, rubbish, garbage, or any other material whether similar to or different from any of the aforementioned materials, whether originating on the site or elsewhere, used or capable of being used to raise, lower, or in any way affect the contours of the ground.

Flooding Hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- (a) along the shorelines of the Great Lakes-St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one-hundred-year flood level plus an allowance for wave uprush and other water related hazards;
- (b) along river, stream and small inland lakes, the flooding hazard limit is the greater of
 1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;

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2. the one-hundred-year flood;
3. a flood which is greater than 1) or 2) which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;

except where the use of the one-hundred-year flood or the actually experienced event has been approved by the Minister of Natural Resources as the specific watershed (where the past history of flooding supports the lowering of the standard). (Provincial Policy Statement, 2014).

Flood plain: means the area, usually lowlands adjoining a watercourse, which has been, or may be covered by flood waters.

Flood-proofing: means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding used to reduce or eliminate flood damages. (Flood Plain Planning Policy Statement, 1988). Total protection of buildings or structures cannot always be assured. There are three different types of flood-proofing: dry-passive flood-proofing, dry active flood-proofing and wet flood-proofing.

- (a) **Dry Passive Flood-proofing** – includes the use of fill, columns, or design modifications to elevate openings to the building or structure at or above the level of the flood hazard. These measures do not require flood warning or any other action to put the flood protection measures into effect.
- (b) **Dry Active Flood-proofing** – includes techniques such as installing watertight doors, seals or floodwalls to prevent water from entering openings to the structure of building below the level of the flood hazard. Advance warning is almost always required to make the flood protection operational (i.e., closing of watertight doors, installation of flood shields).
- (c) **Wet Flood-proofing** – involves designing a building or structure using materials, methods and design measures that maintain structural integrity by avoiding external unbalanced forces from acting. Buildings and structures are designed so as to intentionally allow flood waters to enter and exit, ensuring the interior space below the level of the flood hazard remains unfinished, non-habitable and free of services.

Flood way: means the channel of a watercourse and that inner portion of the flood plain where flood depths and velocities are generally higher than those experienced in the flood fringe. The flood way represents that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential

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threat to life and/or property damages.). Where the one zone concept is applied, the flood way is the entire flood plain.

Freeboard Allowance: means a vertical distance (0.3 metres) added to the flood elevation to accommodate uncertainties in the calculation of the flood elevation, waves, surges and other natural phenomena.

G

Gross Floor Area: means, the total area of all floors measured between the outside surfaces of exterior walls and includes a basement.

H

Habitable: that portion of a building containing rooms or spaces required and intended for overnight occupancy and associated living space, and includes those portions which contain facilities for storage, heating, air-conditioning, plumbing, electrical, hot water supplies, which are necessary to maintain the habitable condition.

Hazardous Land: means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lakes systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits (PPS, 2014).

Hazardous Sites: means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. They may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography) (PPS, 2014).

Hazardous Substances: means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety, and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive, or pathological (PPS, 2014).

Hearing: means a hearing held under Section 28(12) of the *Conservation Authorities Act*.

High Water Mark: means the mark made by the action of water under natural conditions on the shore or bank of a water body, which action has been common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

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Hydrologic Function: means the functions of the hydrologic cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

|

Incrementally Balanced Cut and Fill: means all fill placed at or below the flood elevation must be compensated for by the removal of an equal volume of fill from the same incremental elevation above the flood elevation within the same reach of a watercourse. Cut and fill calculations are to be based on 0.3 metre elevation increments.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development (e.g., sewage and water systems, septage treatment systems, storm water management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities) (Provincial Policy Statement, 2014).

Institutional Uses: means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of flood-proofing measures or protection works, or erosion (PPS, 2014).

Intensification: means the development of a property, site or area at a higher density than currently exists through,

- (a) Redevelopment, including the reuse of brownfield sites;
- (b) The development of vacant and/or underutilized lots within previously developed areas;
- (c) Infill development;
- (d) The expansion or conversion of existing buildings. (Provincial Policy Statement, 2014); and
- (e) The addition of a second dwelling unit.

Interference in Any Way: means any anthropogenic act or substance which hinders, disrupts, degrades, or impedes in any way the natural features or hydrologic and ecological functions of a wetland or watercourse (Conservation Ontario, 2008).

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Intermittent Watercourse: means watercourses that contain water or are dry at times of the year that are more or less predictable, generally flowing during wet seasons of the year but not the entire year, and where the water table is above the stream bottom during parts of the year (Greenbelt Plan, 2005).

J

K

L

Large Scale Fill Placement: as defined by the Authority is considered to be the placement of 250 cubic metres of fill or more.

M

Major Development: means development consisting of the construction of a building or buildings with a ground floor area of 500 metres² or more. (Lake Simcoe Protection Plan, 2009)

Meander Belt Allowance: means the maximum extent that a water channel migrates. The meander belt allowance is defined as 20 times the bank full channel width of the reach and centred on the meander belt axis or as defined by a study completed by a qualified geomorphologist using accepted technical principles (Understanding Natural Hazards, 2001).

N

O

Observed Flood Event: means a flood event that was actually experienced in a particular watershed or portion thereof.

One Hundred Year Flood (1:100 Year): for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snowmelt or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year. For large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one-hundred-year flood level is based on the highest known water level and wind setup.

One Zone Concept: means the approach whereby the entire flood plain, as defined by the regulatory flood, is treated as one unit, and all development is prohibited or restricted. (Flood Plain Planning Policy Statement, 1988). This is the most effective way of minimizing threats to

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public health and safety or property damages. The one zone concept is the preferred approach for the management of flooding hazards within river and stream systems as it provides the most cost-effective means of minimizing potential threats to life and risks to property damage and social disruption.

Other Lands: means those lands adjacent to wetlands which exhibit a significant role in supporting the hydrologic functions of the wetland, where development could interfere with the hydrologic function of the wetland. Typically, these “other areas” are associated with the wetland through high ground water elevations, springs, seeps, vegetation, organic soils, or some other significant inter-relationship. Other lands are located within 120 metres of a provincially significant wetland and 30 metres of all other wetlands.

Other Water-related Hazards: means water-associated phenomena other than flooding hazards and wave uprush which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming (Provincial Policy Statement, 2014).

Other Wetlands: means any wetland that meets the definition of a wetland as defined by the *Conservation Authorities Act* that has not designated as a provincially significant wetland.

P

Permanent Stream: means a stream that continually flows during an average year (Green Belt Plan, 2005).

Permit: means written approval to undertake work in a regulated area issued by a Conservation Authority under the *Conservation Authorities Act*.

Pollution: means any deleterious physical substance or other contaminant which has the potential to be generated by development in an area where the Authority’s regulation applies (Conservation Authorities Act R.S.O. 1990).

Protection Works: means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, erosion hazards and other water related hazards, and allow access for their maintenance and repair.

Provincially Significant Wetland (PSW): means a wetland area identified as being provincially significant by the Ministry of Natural Resources using evaluation procedures established by the province, as amended from time to time (Provincial Policy Statement, 2014).

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Q

R

Reconstruction: means the restoration, repair or replacement of a building or structure within its original footprint, not to exceed its original ground floor area, gross floor area or height, and without any change to its original use.

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites (Provincial Policy Statement, 2014).

Regulation Limit: means the greatest extent of all regulated areas that define the hazards which are applicable to a property. The regulation limit does not represent the development limit.

Regulatory Flood: means the approved standard(s) used in a particular watershed to define the flood plain for regulatory purposes.

Regulatory Flood Plain: means the approved standard(s) which is used in a particular watershed to define the limits of the flood plain for regulatory purposes.

S

Safe Access (Safe Access/Egress): means vehicular and pedestrian access to and from a site to lands above the regulatory flood plain is safe from the risks due to flooding and/or erosion hazards consistent with Authority standards.

This is further defined as follows:

For vehicular access routes (e.g., municipal roadways and private rights-of-way) safe access will be considered to be available if the depth of flooding at the regulatory flood level along the full length of the travelled surface of the access route or right-of-way is no greater than 0.3 metres.

For pedestrian access routes (e.g., private laneways, driveways and walkways between residences and vehicular access routes) safe access will be considered to be available if the depth of flooding at the regulatory flood level along the entire length of the access route is no greater than 0.3 metres and the depth multiplied by the flow velocity does not exceed 0.4 m²/second. Furthermore, the access route must be clearly demarcated and visible during a flood event.

Site Alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site (Provincial Policy Statement, 2014).

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Special Policy Area: means an area within a community that has historically existed in the flood plain and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships for the community that would result from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province. A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain (Provincial Policy Statement, 2014).

Specialty Crop Area: means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other field crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- (a) soils that have suitability to produce specialty crops, or lands that are subject to special climate conditions, or a combination of both;
- (b) Farmers skilled in the production of specialty crops; and
- (c) A long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store or process specialty crops (Provincial Policy Statement, 2014).

T

Toe Erosion Allowance:

15 metre toe erosion allowance: Where the toe of the valley wall is subject to active erosion OR is within 15 metres of the watercourse, a toe erosion allowance has to be applied. The toe erosion allowance should be measured inland horizontally and perpendicular to the toe of the watercourse slope. The proximity of the watercourse to the base of the valley wall can be determined from aerial photography or site investigations.

stable slope allowance: A horizontal allowance measured farther landward (horizontal and perpendicular) from the toe of the watercourse or from the toe erosion allowance (if applicable) equivalent to at least 3.0 times the height of the slope.

OR

A stable slope allowance determined by a study using accepted geotechnical principles.

Erosion access allowance: To be applied within all confined, unconfined and terrain- dependent river and stream systems. The erosion access allowance is required to provide emergency

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access to erosion prone areas. The minimum erosion access allowance for river and stream systems is **6 metres**.

Toe of Slope: means the lowest point on a slope, where the surface gradient changes from relatively shallow to relatively steep.

Top of Slope: means the point of the slope where the downward inclination of the land begins, or the upward inclination of the land levels off. This point is situated at a high topographic elevation than the remainder of the slope.

Top of Stable Slope: means the physical top of slope where the existing slope is stable and not impacted by toe erosion; or the landward limit of the toe erosion allowance plus the stable slope allowance where the existing slope is unstable and/or impacted by erosion.

Two Zone Concept: means the approach whereby certain areas of the flood plain are considered to be less hazardous than others such that development potentially could safely occur. The flood fringe defines that portion of the flood plain where development may be permitted, subject to appropriate flood-proofing. The flood way defines that portion of the flood plain wherein development is prohibited or restricted. (Flood Plain Planning Policy Statement, 1988)

U

Unconfined Systems: are those systems where the watercourse is not located within a valley corridor with discernable slopes, but relatively flat to gently rolling plains and is not confined by valley walls. (Understanding Natural Hazards, 2001).

Unstable Soils: include organic and peat soils as well as sensitive marine clays (e.g., leda clays) or organic soils (MNR & Conservation Ontario, 2005). Leda clay deposits are not known to be present within the Authority watershed. Organic and peat soils are found within the Authority watershed.

V

Vegetation Protection Zone: means a vegetated buffer area surrounding a key natural heritage feature or key hydrologic feature within which only those land uses permitted within the feature itself are permitted. The width of the vegetation protection zone is to be determined when new development or site alteration occurs within 120 metres of a key natural heritage feature or key hydrologic feature and is to be of sufficient size to protect the feature and its functions from the impacts of the proposed change and associated activities that will occur before, during, and after, construction, and where possible, restore or enhance the feature and/or its function.

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W

Watercourse: an identifiable depression in the ground in which a flow of water regularly or continuously occurs (*Conservation Authorities Act, R.S.O. 1990*).

Watershed: an area drained by a river and its tributaries (*Conservation Authorities Act, R.S.O. 1990*).

Wave Uprush: means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline (Provincial Policy Statement, 2014).

Wetlands: are defined as lands that are:

- (a) seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- (b) directly contributes to the hydrologic function of a watershed through connection with a surface watercourse,
- (c) has hydric soils, the formation of which has been caused by the presence of abundant water, and
- (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,

but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d) (*Conservation Authorities Act, R.S.O. 1990*).

Wind Setup: means the vertical rise above the normal static water level on the leeward side of a body of water caused by wind stresses on the surface of the water.

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Chapter 13: Appendices

Appendix “A”: Conservation Authorities Act, Section 28 (only)

R.S.O. 1990, Chapter 27

Appendix ‘A’

Conservation Authorities Act

R.S.O. 1990, Chapter 27 Section 28 (only)

Section Amendments with date in force (d/m/y)

2019, c. 9, Sched. 2, s. 8 (1) - not in force;

2019, c. 9, Sched. 2, s. 8 (2) - no effect - see 2020, c. 36, Sched. 6, s. 28 - 08/12/2020

2020, c. 36, Sched. 6, s. 14 - no effect - see 2021, c. 4, Sched. 6, s. 81 (2) - 01/06/2021

2021, c. 4, Sched. 6, s. 39 (9) - 01/06/2021;

2021, c. 4, Sched. 6, s. 39 (10) - no effect - see 2021, c. 4, Sched. 6, s. 81 (2) - 01/06/2021

Regulations by authority re area under its jurisdiction

28 (1) Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction,

- (a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;
- (b) prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- (c) prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development;

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- (d) providing for the appointment of officers to enforce any regulation made under this section or section 29;
- (e) providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section. 1998, c. 18, Sched. I, s. 12.

Delegation of powers

(2) A regulation made under subsection (1) may delegate any of the authority's powers or duties under the regulation to the authority's executive committee or to any other person or body, subject to any limitations and requirements that may be set out in the regulation. 1998, c. 18, Sched. I, s. 12.

Conditional permission

(3) A regulation made under clause (1) (b) or (c) may provide for permission to be granted subject to conditions and for the cancellation of the permission if conditions are not met. 1998, c. 18, Sched. I, s. 12.

References to maps

(4) A regulation made under subsection (1) may refer to any area affected by the regulation by reference to one or more maps that are filed at the head office of the authority and are available for public review during normal office business hours. 1998, c. 18, Sched. I, s. 12.

Minister's approval of development regulations

(5) The Minister shall not approve a regulation made under clause (1) (c) unless the regulation applies only to areas that are,

- (a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beach hazards;
- (b) river or stream valleys;
- (c) hazardous lands;
- (d) wetlands; or
- (e) other areas where, in the opinion of the Minister, development should be prohibited or regulated or should require the permission of the authority. 1998, c. 18, Sched. I, s. 12.

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Regulations by L.G. in C. governing content of authority's regulations

(6) The Lieutenant Governor in Council may make regulations governing the content of regulations made by authorities under subsection (1), including flood event standards and other standards that may be used, and setting out what must be included or excluded from regulations made by authorities under subsection (1). 1998, c. 18, Sched. I, s. 12.

Invalid regulation

(7) A regulation made by an authority under subsection (1) that does not conform with the requirements of a regulation made by the Lieutenant Governor in Council under subsection (6) is not valid. 1998, c. 18, Sched. I, s. 12.

Transition

(8) Subject to subsection (9), if a regulation is made by the Lieutenant Governor in Council under subsection (6), subsection (7) does not apply to a regulation that was previously made by an authority under subsection (1) until two years after the regulation made by the Lieutenant Governor in Council comes into force. 1998, c. 18, Sched. I, s. 12.

Same

(9) If a regulation made by the Lieutenant Governor in Council under subsection (6) is amended by an amending regulation, subsection (7) does not apply, in respect of the amendment, to a regulation that was made by an authority under subsection (1) before the amending regulation, until such time as may be specified in the amending regulation. 1998, c. 18, Sched. I, s. 12.

Exceptions

(10) No regulation made under subsection (1),

- (a) shall limit the use of water for domestic or livestock purposes;
- (b) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
- (c) shall interfere with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario; or
- (d) shall interfere with any rights or powers under the *Electricity Act, 1998* or the *Public Utilities Act, 1998*, c. 15, Sched. E, s. 3 (8); 1998, c. 18, Sched. I, s. 12.

Activities under the *Aggregate Resources Act*

(11) A requirement for permission of an authority in a regulation made under clause (1) (b) or (c) does not apply to an activity approved under the *Aggregate Resources Act* after the *Red Tape Reduction Act, 1998* received Royal Assent. 1998, c. 18, Sched. I, s. 12.

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Right to hearing

(12) Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee. 1998, c. 18, Sched. I, s. 12.

Powers of authority

(13) After holding a hearing under subsection (12), the authority or executive committee, as the case may be, shall,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions. 1998, c. 18, Sched. I, s. 12.

Grounds for refusing permission

(13.1) If the permission that the person requests is for development related to a renewable energy project, as defined in subsection 2 (1) of the *Electricity Act, 1998*, the authority or executive committee, as the case may be,

- (a) shall not refuse the permission unless it is necessary to do so to control pollution, flooding, erosion, or dynamic beaches; and
- (b) shall not impose conditions unless they relate to controlling pollution, flooding, erosion, or dynamic beaches. 2009, c. 12, Sched. L, s. 2; 2018, c. 16, s. 3 (1).

Reasons for decision

(14) If the authority or its executive committee, after holding a hearing, refuses permission or grants permission subject to conditions, the authority or executive committee, as the case may be, shall give the person who requested permission written reasons for the decision. 1998, c. 18, Sched. I, s. 12.

Appeal

(15) A person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Ontario Land Tribunal, and the Tribunal may,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions. 1998, c. 18, Sched. I, s. 12; 2021, c. 4, Sched. 6, s. 39 (11).

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Offence: contravening regulation

(16) Every person who contravenes a regulation made under subsection (1) or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to a term of imprisonment of not more than three months. 1998, c. 18, Sched. I, s. 12; 2010, c. 16, Sched. 10, s. 1 (2).

Limitation for proceeding

(16.1) A proceeding with respect to an offence under subsection (16) shall not be commenced more than two years from the earliest of the day on which evidence of the offence is discovered or first comes to the attention of officers appointed under clause (1) (d) or persons appointed under clause (1) (e). 2010, c. 16, Sched. 10, s. 1 (3).

Orders

(17) In addition to any other remedy or penalty provided by law, the court, upon making a conviction under subsection (16), may order the person convicted to,

- (a) remove, at that person's expense, any development within such reasonable time as the court orders; and
- (b) rehabilitate any watercourse or wetland in the manner and within the time the court orders. 1998, c. 18, Sched. I, s. 12.

Non-compliance with order

(18) If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated. 1998, c. 18, Sched. I, s. 12.

Liability for certain costs

(19) The person convicted is liable for the cost of a removal or rehabilitation under subsection (18) and the amount is recoverable by the authority by action in a court of competent jurisdiction. 1998, c. 18, Sched. I, s. 12.

Powers of entry

(20) An authority or an officer appointed under a regulation made under clause (1) (d) or (e) may enter private property, other than a dwelling or building, without the consent of the owner or occupier and without a warrant, if,

- (a) the entry is for the purpose of considering a request related to the property for permission that is required by a regulation made under clause (1) (b) or (c); or

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- (b) the entry is for the purpose of enforcing a regulation made under clause (1) (a), (b) or (c) and the authority or officer has reasonable grounds to believe that a contravention of the regulation is causing or is likely to cause significant environmental damage and that the entry is required to prevent or reduce the damage. 1998, c. 18, Sched. I, s. 12.

Time of entry

(21) Subject to subsection (22), the power to enter property under subsection (20) may be exercised at any reasonable time. 1998, c. 18, Sched. I, s. 12.

Notice of entry

(22) The power to enter property under subsection (20) shall not be exercised unless,

- (a) the authority or officer has given reasonable notice of the entry to the owner of the property and, if the occupier of the property is not the owner, to the occupier of the property; or
- (b) the authority or officer has reasonable grounds to believe that significant environmental damage is likely to be caused during the time that would be required to give notice under clause (a). 1998, c. 18, Sched. I, s. 12.

No use of force

(23) Subsection (20) does not authorize the use of force. 1998, c. 18, Sched. I, s. 12.

Offence: obstruction

(24) Any person who prevents or obstructs an authority or officer from entering property under subsection (20) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 1998, c. 18, Sched. I, s. 12.

Definitions

(25) In this section,

“development” means,

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind,
- (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- (c) site grading, or
- (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; (“aménagement”)

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“Hazardous Land” means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock; (“terrain dangereux”)

“pollution” means any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which a regulation made under clause (1) (c) applies; (“pollution”)

“watercourse” means an identifiable depression in the ground in which a flow of water regularly or continuously occurs; (“cours d’eau”)

“wetland” means land that,

- (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- (b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
- (c) has hydric soils, the formation of which has been caused by the presence of abundant water, and
- (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,

but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d). (“terre marécageuse”) 1998, c. 18, Sched. I, s. 12.

Transition

(26) A regulation that was in force immediately before the day the *Red Tape Reduction Act, 1998* received Royal Assent and that was lawfully made under clause (1) (e) or (f) of this section as it read immediately before that day shall be deemed to have been lawfully made under clause (1) (c). 1998, c. 18, Sched. I, s. 12.

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Appendix “B”: Ontario Regulation 179/06

Development, Interference with Wetlands and Alterations to Shorelines
and Watercourses Regulation

Conservation Authorities Act
Loi sur les offices de protection de la nature

ONTARIO REGULATION 179/06

**LAKE SIMCOE REGION CONSERVATION AUTHORITY: REGULATION OF DEVELOPMENT, INTERFERENCE
WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES**

Consolidation Period: From February 8, 2013 to the [e-Laws currency date](#).

Last amendment: [64/13](#).

Legislative History: [64/13](#).

This Regulation is made in English only.

Definition

1. In this Regulation,

“Authority” means the Lake Simcoe Region Conservation Authority. O. Reg. 179/06, s. 1.

Development prohibited

2. (1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,

- (a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion, or dynamic beaches, including the area from the furthest offshore extent of the Authority’s boundary to the furthest landward extent of the aggregate of the following distances:
 - (i) the 100-year flood level, plus the appropriate allowance for wave uprush as calculated by the equations provided in the most recent document entitled “Shoreline Flood Elevation Study, Lake Simcoe, Lake Couchiching” available at the head office of the authority,
 - (ii) the predicted long term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period, and
 - (iii) where a dynamic beach is associated with the waterfront lands, an allowance in metres inland, determined by the authority, to accommodate dynamic beach movement.
- (b) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:
 - (i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,
 - (ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side,
 - (iii) where the river or stream valley is not apparent, the valley extends the greater of,

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- (A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side, and
- (B) the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side;

(c) hazardous lands;

(d) wetlands; or

(e) other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands, and areas within 30 metres of all other wetlands. O. Reg. 179/06, s. 2 (1); O. Reg. 64/13, s. 1 (1, 2).

(2) All areas within the jurisdiction of the Authority that are described in subsection (1) are delineated as the "Regulation Limit" shown on a series of maps filed at the head office of the Authority under the map title "Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". O. Reg. 64/13, s. 1 (3).

(3) If there is a conflict between the description of areas in subsection (1) and the areas as shown on the series of maps referred to in subsection (2), the description of areas in subsection (1) prevails. O. Reg. 64/13, s. 1 (3).

Permission to develop

3. (1) The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. O. Reg. 179/06, s. 3 (1).

(2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. 179/06, s. 3 (2).

(3) Subject to subsection (4), the Authority's executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for development in or on the areas described in subsection 2 (1). O. Reg. 64/13, s. 2.

(4) A designate under subsection (3) shall not grant a permission for development with a maximum period of validity of more than 24 months. O. Reg. 64/13, s. 2.

Application for permission

4. A signed application for permission to undertake development shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing the type and location of the proposed development.
2. The proposed use of the buildings and structures following completion of the development.
3. The start and completion dates of the development.
4. The elevations of existing buildings, if any, and grades and the proposed elevations of buildings and grades after the development.
5. Drainage details before and after the development.
6. A complete description of the type of fill proposed to be placed or dumped.
7. Such other technical studies or plans as the Authority may request. O. Reg. 179/06, s. 4; O. Reg. 64/13, s. 3.

Alterations prohibited

5. Subject to section 6, no person shall straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream, or watercourse or change or interfere in any way with a wetland. O. Reg. 179/06, s. 5.

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Permission to alter

6. (1) The Authority may grant permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream, or watercourse or to change or interfere with a wetland. O. Reg. 179/06, s. 6 (1); O. Reg. 64/13, s. 4 (1).

(2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. 179/06, s. 6 (2).

(3) Subject to subsection (4), the Authority's executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for alteration. O. Reg. 64/13, s. 4 (2).

(4) A designate under subsection (3) shall not grant a permission for alteration with a maximum period of validity of more than 24 months. O. Reg. 64/13, s. 4 (2).

Application for permission

7. A signed application for permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream, or watercourse or change or interfere with a wetland shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing plan view and cross-section details of the proposed alteration.
2. A description of the methods to be used in carrying out the alteration.
3. The start and completion dates of the alteration.
4. A statement of the purpose of the alteration.
5. Such other technical studies or plans as the Authority may request. O. Reg. 179/06, s. 7; O. Reg. 64/13, s. 5.

Cancellation of permission

8. (1) The Authority may cancel a permission under section 3 or 6 if it is of the opinion that the conditions of the permission have not been met. O. Reg. 179/06, s. 8 (1); O. Reg. 64/13, s. 6 (1).

(2) Before cancelling a permission, the Authority shall give a notice of intent to cancel to the holder of the permission indicating that the permission will be cancelled unless the holder shows cause at a hearing why the permission should not be cancelled. O. Reg. 179/06, s. 8 (2).

(3) Following the giving of the notice under subsection (2), the Authority shall give the holder at least five days' notice of the date of the hearing. O. Reg. 179/06, s. 8 (3); O. Reg. 64/13, s. 6 (2).

Period of validity of permissions and extensions

9. (1) The maximum period, including an extension, for which a permission granted under section 3 or 6 may be valid is,

- (a) 24 months, in the case of a permission granted for projects other than projects described in clause (b); and
- (b) 60 months, in the case of a permission granted for,
 - (i) projects that, in the opinion of the Authority or its executive committee, cannot reasonably be completed within 24 months from the day the permission is granted, or
 - (ii) projects that require permits or approvals from other regulatory bodies that, in the opinion of the Authority or its executive committee, cannot reasonably be obtained within 24 months from the day permission is granted. O. Reg. 64/13, s. 7.

(2) The Authority or its executive committee may grant a permission for an initial period that is less than the applicable maximum period specified in subsection (1) if, in the opinion of the Authority or its executive committee, the project can be completed in a period that is less than the maximum period. O. Reg. 64/13, s. 7.

(3) If the Authority or its executive committee grants a permission under subsection (2) for an initial period that is less than the applicable maximum period of validity specified in subsection (1), the Authority or its executive committee may grant an extension of the permission if,

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- (a) the holder of the permission submits a written application for an extension to the Authority at least 60 days before the expiry of the permission;
 - (b) no extension of the permission has previously been granted; and
 - (c) the application sets out the reasons for which an extension is required and, in the opinion of the Authority or its executive committee, demonstrates that circumstances beyond the control of the holder of the permission will prevent completion of the project before the expiry of the permission. O. Reg. 64/13, s. 7.
- (4) When granting an extension of a permission under subsection (3), the Authority or its executive committee may grant the extension for the period of time requested by the holder in the application or for such period of time as the Authority or its executive committee deems appropriate, as long as the total period of validity of the permission does not exceed the applicable maximum period specified in subsection (1). O. Reg. 64/13, s. 7.
- (5) For the purposes of this section, the granting of an extension for a different period of time than the period of time requested does not constitute a refusal of an extension. O. Reg. 64/13, s. 7.
- (6) The Authority or its executive committee may refuse an extension of a permission if it is of the opinion that the requirements of subsection (3) have not been met. O. Reg. 64/13, s. 7.
- (7) Before refusing an extension of a permission, the Authority or its executive committee shall give notice of intent to refuse to the holder of the permission, indicating that the extension will be refused unless,
- (a) the holder requires a hearing, which may be before the Authority or its executive committee, as the Authority directs; and
 - (b) at the hearing, the holder satisfies the Authority, or the Authority's executive committee, as the case may be,
 - (i) that the requirements of clauses (3) (a) and (b) have been met, and
 - (ii) that circumstances beyond the control of the holder will prevent completion of the project before the expiry of the permission. O. Reg. 64/13, s. 7.
- (8) If the holder of the permission requires a hearing under subsection (7), the Authority or its executive committee shall give the holder at least five days notice of the date of the hearing. O. Reg. 64/13, s. 7.
- (9) After holding a hearing under subsection (7), the Authority or its executive committee shall,
- (a) refuse the extension; or
 - (b) grant an extension for such period of time as it deems appropriate, as long as the total period of validity of the permission does not exceed the applicable maximum period specified in subsection (1). O. Reg. 64/13, s. 7.
- (10) Subject to subsection (11), one or more employees of the Authority that have been designated by the Authority for the purposes of this section may exercise the powers and duties of the Authority under subsections (2), (3) and (4), but not those under subsections (6), (7), (8) and (9). O. Reg. 64/13, s. 7.
- (11) A designate under subsection (10) shall not grant an extension of a permission for any period that would result in the permission having a period of validity greater than 24 months. O. Reg. 64/13, s. 7.

Appointment of officers

10. The Authority may appoint officers to enforce this Regulation. O. Reg. 179/06, s. 10.

Flood event standards

11. (1) The applicable flood event standards used to determine the maximum susceptibility to flooding of lands or areas within the watersheds in the area of jurisdiction of the Authority are the Hurricane Hazel Flood Event Standard, the Timmins Flood Event Standard, the 100-year Flood Event Standard and the 100 year flood level plus wave uprush, described in Schedule 1. O. Reg. 179/06, s. 11 (1).
- (2) The Hurricane Hazel Flood Event Standard applies to all watersheds within the area of jurisdiction of the Authority except for,
- (a) Bunker's Creek and Sophia Creek where the 100 Year Flood Event Standard applies;
 - (b) Talbot River and the Trent-Severn waterway where the Timmins Flood Event Standard applies; and

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(c) Lake Simcoe where the 100-year flood level plus wave uprush applies. O. Reg. 179/06, s. 11 (2).

12. REVOKED: O. Reg. 64/13, s. 8.

13. OMITTED (REVOKES OTHER REGULATIONS). O. Reg. 179/06, s. 13.

SCHEDULE 1

1. The Hurricane Hazel Flood Event Standard means a storm that produces over a 48-hour period,
 - (a) in a drainage area of 25 square kilometres or less, rainfall that has the distribution set out in Table 1; or
 - (b) in a drainage area of more than 25 square kilometres, rainfall such that the number of millimetres of rain referred to in each case in Table 1 shall be modified by the percentage amount shown in Column 2 of Table 2 opposite the size of the drainage area set out opposite thereto in Column 1 of Table 2.

TABLE 1

73 millimetres of rain in the first 36 hours
6 millimetres of rain in the 37th hour
4 millimetres of rain in the 38th hour
6 millimetres of rain in the 39th hour
13 millimetres of rain in the 40th hour
17 millimetres of rain in the 41st hour
13 millimetres of rain in the 42nd hour
23 millimetres of rain in the 43rd hour
13 millimetres of rain in the 44th hour
13 millimetres of rain in the 45th hour
53 millimetres of rain in the 46th hour
38 millimetres of rain in the 47th hour
13 millimetres of rain in the 48th hour

TABLE 2

Column 1	Column 2
Drainage Area (square kilometres)	Percentage
26 to 45 both inclusive	99.2
46 to 65 both inclusive	98.2
66 to 90 both inclusive	97.1
91 to 115 both inclusive	96.3
116 to 140 both inclusive	95.4
141 to 165 both inclusive	94.8
166 to 195 both inclusive	94.2
196 to 220 both inclusive	93.5
221 to 245 both inclusive	92.7
246 to 270 both inclusive	92.0
271 to 450 both inclusive	89.4
451 to 575 both inclusive	86.7
576 to 700 both inclusive	84.0
701 to 850 both inclusive	82.4
851 to 1000 both inclusive	80.8
1001 to 1200 both inclusive	79.3
1201 to 1500 both inclusive	76.6
1501 to 1700 both inclusive	74.4
1701 to 2000 both inclusive	73.3
2001 to 2200 both inclusive	71.7
2201 to 2500 both inclusive	70.2
2501 to 2700 both inclusive	69.0
2701 to 4500 both inclusive	64.4
4501 to 6000 both inclusive	61.4
6001 to 7000 both inclusive	58.9
7001 to 8000 both inclusive	57.4

Lake Simcoe Region Conservation Authority

Implementation Guidelines

2. The Timmins Flood Event Standard means a storm that produces over a 12-hour period,
- (a) in a drainage area of 25 square kilometres or less, rainfall that has the distribution set out in Table 3; or
 - (b) in a drainage area of more than 25 square kilometres, rainfall such that the number of millimetres of rain referred to in each case in Table 3 shall be modified by the percentage amount shown in Column 2 of Table 4 opposite the size of the drainage area set out opposite thereto in Column 1 of Table 4.

TABLE 3

15 millimetres of rain in the 1st hour
20 millimetres of rain in the 2nd hour
10 millimetres of rain in the 3rd hour
3 millimetres of rain in the 4th hour
5 millimetres of rain in the 5th hour
20 millimetres of rain in the 6th hour
43 millimetres of rain in the 7th hour
20 millimetres of rain in the 8th hour
23 millimetres of rain in the 9th hour
13 millimetres of rain in the 10th hour
13 millimetres of rain in the 11th hour
8 millimetres of rain in the 12th hour

TABLE 4

Column 1	Column 2
Drainage Area (square kilometres)	Percentage
26 to 50 both inclusive	97
51 to 75 both inclusive	94
76 to 100 both inclusive	90
101 to 150 both inclusive	87
151 to 200 both inclusive	84
201 to 250 both inclusive	82
251 to 375 both inclusive	79
376 to 500 both inclusive	76
501 to 750 both inclusive	74
751 to 1000 both inclusive	70
1001 to 1250 both inclusive	68
1251 to 1500 both inclusive	66
1501 to 1800 both inclusive	65
1801 to 2100 both inclusive	64
2101 to 2300 both inclusive	63
2301 to 2600 both inclusive	62
2601 to 3900 both inclusive	58
3901 to 5200 both inclusive	56
5201 to 6500 both inclusive	53
6501 to 8000 both inclusive	50

3. The 100-Year Flood Event Standard means rainfall or snowmelt, or a combination of rainfall and snowmelt producing at any location in a river, creek, stream or watercourse, a peak flow that has a probability of occurrence of one per cent during any given year.

4. The 100-year flood level means the peak instantaneous still water level plus an allowance for wave uprush and other water-related hazards that has a probability of occurrence of one per cent during any given year.

O. Reg. 179/06, Sched. 1.

Lake Simcoe Region Conservation Authority

Implementation Guidelines

Appendix “C”: Ontario Regulation 64/13

Development, Interference with Wetlands and Alterations to Shorelines
and Watercourses Regulation

Ontario Regulation 64/13 made under the

CONSERVATION AUTHORITIES ACT

Implementation Guidelines

Amending Ontario Regulation 179/06

CONFIDENTIAL
Until filed with the
Registrar of Regulations

REGISTRAR OF REGULATIONS	
FILED O. Reg.	64/13
On	FEB 23 2013
Proposed source law publication date:	
O-Laws	by February 12, 2013
Ontario Gazette	February 23, 2013

REG2012.0421.e
3-JH

ONTARIO REGULATION
made under the
CONSERVATION AUTHORITIES ACT
Amending O. Reg. 179/06

(LAKE SIMCOE REGION CONSERVATION AUTHORITY: REGULATION OF
DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO
SHORELINES AND WATERCOURSES)

Note: Ontario Regulation 179/06 has not previously been amended.

1. (1) Subclause 2 (1) (a) (i) of Ontario Regulation 179/06 is revoked and the following substituted:

- (i) the 100 year flood level, plus the appropriate allowance for wave uprush as calculated by the equations provided in the most recent document entitled "Shoreline Flood Elevation Study, Lake Simcoe, Lake Couchiching" available at the head office of the authority,

(2) Clause 2 (1) (e) of the Regulation is amended by striking out "but not including those where development has been approved pursuant to an application made under the *Planning Act* or other public planning or regulatory process" at the end.

(3) Subsection 2 (2) of the Regulation is revoked and the following substituted:

(2) All areas within the jurisdiction of the Authority that are described in subsection (1) are delineated as the "Regulation Limit" shown on a series of maps filed at the head office of the Authority under the map title "Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

Implementation Guidelines

(3) If there is a conflict between the description of areas in subsection (1) and the areas as shown on the series of maps referred to in subsection (2), the description of areas in subsection (1) prevails.

2. Section 3 of the Regulation is amended by adding the following subsections:

(3) Subject to subsection (4), the Authority’s executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for development in or on the areas described in subsection 2 (1).

(4) A designate under subsection (3) shall not grant a permission for development with a maximum period of validity of more than 24 months.

3. (1) Paragraph 1 of section 4 of the Regulation is amended by striking out “the development” at the end and substituting “the proposed development”.

(2) Paragraph 4 of section 4 of the Regulation is amended by striking out “after development” at the end and substituting “after the development”.

(3) Paragraph 5 of section 4 of the Regulation is amended by striking out “after development” at the end and substituting “after the development”.

(4) Section 4 of the Regulation is amended by adding the following paragraph:

7. Such other technical studies or plans as the Authority may request.

4. (1) Subsection 6 (1) of the Regulation is amended by striking out “grant a person permission” and substituting “grant permission”.

(2) Section 6 of the Regulation is amended by adding the following subsections:

(3) Subject to subsection (4), the Authority’s executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for alteration.

(4) A designate under subsection (3) shall not grant a permission for alteration with a maximum period of validity of more than 24 months.

5. Section 7 of the Regulation is amended by adding the following paragraph:

5. Such other technical studies or plans as the Authority may request.

Implementation Guidelines

6. (1) Subsection 8 (1) of the Regulation is amended by striking out “cancel a permission” and substituting “cancel a permission granted under section 3 or 6”.

(2) Subsection 8 (3) of the Regulation is amended by striking out “the giving of the notice” and substituting “the giving of the notice under subsection (2)”.

7. Section 9 of the Regulation is revoked and the following substituted:

Period of validity of permissions and extensions

9. (1) The maximum period, including an extension, for which a permission granted under section 3 or 6 may be valid is,

- (a) 24 months, in the case of a permission granted for projects other than projects described in clause (b); and
- (b) 60 months, in the case of a permission granted for,
 - (i) projects that, in the opinion of the Authority or its executive committee, cannot reasonably be completed within 24 months from the day the permission is granted, or
 - (ii) projects that require permits or approvals from other regulatory bodies that, in the opinion of the Authority or its executive committee, cannot reasonably be obtained within 24 months from the day permission is granted.

(2) The Authority or its executive committee may grant a permission for an initial period that is less than the applicable maximum period specified in subsection (1) if, in the opinion of the Authority or its executive committee, the project can be completed in a period that is less than the maximum period.

(3) If the Authority or its executive committee grants a permission under subsection (2) for an initial period that is less than the applicable maximum period of validity specified in subsection (1), the Authority or its executive committee may grant an extension of the permission if,

- (a) the holder of the permission submits a written application for an extension to the Authority at least 60 days before the expiry of the permission;
- (b) no extension of the permission has previously been granted; and
- (c) the application sets out the reasons for which an extension is required and, in the opinion of the Authority or its executive committee, demonstrates that circumstances

Implementation Guidelines

beyond the control of the holder of the permission will prevent completion of the project before the expiry of the permission.

(4) When granting an extension of a permission under subsection (3), the Authority or its executive committee may grant the extension for the period of time requested by the holder in the application or for such period of time as the Authority or its executive committee deems appropriate, as long as the total period of validity of the permission does not exceed the applicable maximum period specified in subsection (1).

(5) For the purposes of this section, the granting of an extension for a different period of time than the period of time requested does not constitute a refusal of an extension.

(6) The Authority or its executive committee may refuse an extension of a permission if it is of the opinion that the requirements of subsection (3) have not been met.

(7) Before refusing an extension of a permission, the Authority or its executive committee shall give notice of intent to refuse to the holder of the permission, indicating that the extension will be refused unless,

- (a) the holder requires a hearing, which may be before the Authority or its executive committee, as the Authority directs; and
- (b) at the hearing, the holder satisfies the Authority, or the Authority's executive committee, as the case may be,
 - (i) that the requirements of clauses (3) (a) and (b) have been met, and
 - (ii) that circumstances beyond the control of the holder will prevent completion of the project before the expiry of the permission.

(8) If the holder of the permission requires a hearing under subsection (7), the Authority or its executive committee shall give the holder at least five days notice of the date of the hearing.

(9) After holding a hearing under subsection (7), the Authority or its executive committee shall,

- (a) refuse the extension; or
- (b) grant an extension for such period of time as it deems appropriate, as long as the total period of validity of the permission does not exceed the applicable maximum period specified in subsection (1).

(10) Subject to subsection (11), one or more employees of the Authority that have been designated by the Authority for the purposes of this section may exercise the powers and duties

Lake Simcoe Region Conservation Authority

Implementation Guidelines

of the Authority under subsections (2), (3) and (4), but not those under subsections (6), (7), (8) and (9).

(11) A designate under subsection (10) shall not grant an extension of a permission for any period that would result in the permission having a period of validity greater than 24 months.

8. Section 12 of the Regulation is revoked.

Commencement

9. This Regulation comes into force on the day it is filed.

Made by:

LAKE SIMCOE REGION CONSERVATION AUTHORITY:

[Handwritten signature]

Please sign in blue ink

D. GAYLE WOOD
CHIEF ADMINISTRATIVE OFFICER

Please print name and title legibly

[Handwritten signature]

Please sign in blue ink

VIRGINIA HACKSON, CHAIR

Please print name and title legibly

Date made: December 14, 2012

I approve this Regulation.

[Handwritten signature]

Minister of Natural Resources

Please sign in blue ink

Date approved: Feb 6, 2013

Implementation Guidelines

Appendix “D”: Schomberg Special Policy Area

(Source: Schomberg Community Plan - Township of King, November 1, 1998, pp. 3-5 - 3-8)

Appendix “D”

Schomberg Special Policy Area

(Source: Schomberg Community Plan - Township of King, November 1, 1998, pp. 3-5 - 3-8)

Permitted Uses:

No new development shall be permitted to locate within the Special Policy Area where:

- i. The use involves the sale and/or storage of chemical or hazardous or toxic substances which, under flood conditions or failure of flood proofing measures, would pose an unacceptable risk to public safety in the event of discharge from the normal containment device or facility;
- ii. The use is associated with institutional services, such as hospitals, nursing homes, children’s daycare centre, and schools which, under flood conditions or failure of flood proofing measures, a significant threat to safety of the inhabitants would exist if involved in an emergency evacuation; or,
- iii. The use is associated with the provision of fire and police protection, ambulance or other emergency services, electrical substances or other similar utilities which would be impaired during an emergency as a result of flooding or the failure of flood proofing measures.

Policies:

- a. The placing or removal of fill of any kind, whether originating on the site or elsewhere, construction in the flood plain, or the alteration of any kind of watercourse shall not be permitted within a Special Policy Area without the approval of the Lake Simcoe Region Conservation Authority in consultation with the Township of King pursuant to the provisions of Section 28 of the Conservation Authorities Act.

The alteration of any watercourse will require the approval of the Ministry of Natural Resources pursuant to the provisions of the Lakes and Rivers Improvement Act, R.S.O., 1980.

- b. Prior to the issuance of a building permit, the Township of King shall consult with the Lake Simcoe Region Conservation Authority regarding the administration of the Authority’s Fill, Construction and Alteration to Waterways Regulations made under

Lake Simcoe Region Conservation Authority

Implementation Guidelines

the Conservation Authorities Act, R.S.O., 1990, c.27, and, to assess any proposed or necessary flood damage reduction measures which may include such matters as:

- i. The design of the structure to withstand hydrostatic forces;
 - ii. The strength of structural materials and components to ensure that the materials used will not be subject to deterioration from flooding;
 - iii. The elevation of living space and exterior building openings relative to the Regulatory Flood as defined in Section 3.3.3.c of this Plan;
 - iv. The location and elevation of electrical and heating equipment relative to the Regulatory Flood as defined in Section 3.3.3.c of this Plan;
 - v. the location, elevation and design of municipal services and public utilities;
 - vi. The design of the structure to ensure that the interior ground floor level elevation is as close as possible or above the regulatory Flood level as defined in section 3.3.3c of this Plan; and,
 - vii. Such other traditional damage reduction measures as may be warranted in the context of the location and nature of the proposed building or structure.
- c. All new buildings and structures, additions to existing buildings or structures, or, the renovation and/or reconstruction of any existing structure shall, whenever practical, be protected from flooding to the level of the Regulatory Flood. However, if it is demonstrated that the specific level of protection is not attainable, then a lesser level of protection will be determined by the Lake Simcoe Region Conservation Authority in consultation with the Township of King.

In establishing the level of protection, the Lake Simcoe Region Conservation Authority and the Council of the Township of King shall have regard for the nature and characteristics of development on adjacent lands with specific regard for existing openings and floor elevations, and the elevation of abutting streets and/or sidewalks and the desirability of maintaining a uniform appearance in building elevations.

Notwithstanding any other provision of this Plan to the contrary, the minimum level of flood protection for those lands designated within the Special Policy Area shall not be less than one metre above the 1:100-year flood elevation. For the purposes of this Plan, the 1:100-year flood elevation is defined as the level of flooding associated with a flood event which has a return period of 100 years on average or which has a one per cent chance of occurring or being exceeded in any given year.

Lake Simcoe Region Conservation Authority

Implementation Guidelines

- d. Accessory buildings, structures and uses which are normally considered incidental and subordinate to a principal permitted use, exclusive of buildings intended for human habitation, may be exempted from certain flood proofing measures subject to the approval of the Lake Simcoe Region Conservation Authority in consultation with the Township of King.
- e. Notwithstanding the provisions of subsections a., b., c., or d. hereof to the contrary, no new buildings or structures inclusive of additions to existing structures, shall be permitted within the Special Policy Area designation where, after consulting with the Lake Simcoe Region Conservation Authority, Council determines that such structures would be subjected to flows which, due to their velocity and/or depth, would result in an unacceptable high risk to human life or major structural damage as a result of a flood less than or equal to the Regulatory Flood.
- f. Council shall undertake, with the Ministry of Transport, to investigate the feasibility of improved drainage works in the vicinity of Highway No. 9 which would reduce the potential impact of flooding in the Main Central Area and adjacent lands.
- g. Notwithstanding any other provision of this Plan to the contrary, no building permit shall be issued by the Township of King for any building or structure located within the Special policy Area until such time as the Township of King has been advised , in writing, by the Lake Simcoe Region conservation Authority of the approval of the application as required under the Fill, Construction and Alteration To Waterways Regulations made under the Conservation Authorities Act, R.S.O., 1990, c.27.
- h. In accordance with the provisions of Section 8.8 of this Plan, Council may, following consultation with the Lake Simcoe Region Conservation Authority, require that the proponent enter into a Site plan Agreement with the township of King in accordance with Section 41 of the Planning Act R.S.O., 1990., Chapter P. 13, as amended. Where Council considers it necessary to require a site plan agreement, the agreement shall contain a provision which requires that notice, in a form satisfactory to the Township and the Conservation Authority, be given to prospective tenants and/or owners that the lands are located within an area which is susceptible to flooding.

Lake Simcoe Region Conservation Authority

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- i. Where a building permit is issued for a new building or structure or the renovation or reconstruction of an existing building or structure within the Special Policy Area following adoption of this Plan, the Township of King will require, prior to the issuance of a Certificate of Occupancy and/or Letter of Compliance, that the owner provide to the Municipality a reporting letter, prepared by a professional Engineer or Ontario Land Surveyor, which verifies that the floor level and minimum elevation of any exterior openings conform with the requirements of the Lake Simcoe Region Conservation Authority, that all flood proofing measures specified by the Authority have been implemented in conformity with the policies of this Plan, and that the applicable requirements of the zoning by-law have been complied with.
- j. Council shall undertake, upon approval of the Schomberg Community Plan, to amend forthwith the comprehensive zoning by-law of the Township of King as far as is necessary to identify the boundary and extent of the flood susceptible areas affected by this Special Policy Area designation. The regulatory provisions established under the zoning by-law shall specify that the area is subject to the Special Policy Area provisions of this Plan and the Fill, Construction and Alteration To waterways Regulations made under the Conservation Authorities Act, R.S.O., 1990, Chapter C.27.

It shall further be the policy of this Plan that the implementing zoning by-law shall contain provisions, where appropriate, relating to building setbacks, maximum lot coverage, the minimum elevation of exterior openings or such other matters as may be determined by the Council of the Township of King in consultation with the Lake Simcoe Region Conservation Authority.

Lake Simcoe Region Conservation Authority

Implementation Guidelines

Appendix “E”: Hearing Guidelines

SECTION 28 CONSERVATION AUTHORITIES ACT

MODEL HEARING GUIDELINES

October 2005, Amended 2018 re. MLT, Amended 2020 re.

Electronic Hearings, Amended 2021 re. s. 28.0.1(7) Hearings



Conservation
ONTARIO
Natural Champions



Ministry of Natural Resources
Ministère des Richesses Naturelles

Lake Simcoe Region Conservation Authority

Implementation Guidelines

SECTION 28 CONSERVATION AUTHORITIES ACT

MODEL HEARING GUIDELINES

October 2005, Amended 2018, 2020, 2021

Summary of Revisions

Revision No.	Date	Comments	Approval Authority
0	October, 2005	Guidelines prepared as an update to the October 1992 hearing guidelines.	Ministry of Natural Resources and Forestry Conservation Ontario council
1	May, 2018	Housekeeping amendments made reflecting changes to appeal process as a result of the <i>Building Better Communities and Conserving Watersheds Act, 2017</i> and subsequent Order in Council. Note: changes to appeal process are no longer valid	Conservation Ontario Staff
2	September, 2020	Amendments made to incorporate the use of electronic hearings.	Conservation Ontario Council
3	September, 2021	Amendments made to incorporate hearings under 28.0.1 and update references to the Ontario Land Tribunal (OLT)	Conservation Ontario Council

Lake Simcoe Region Conservation Authority

Implementation Guidelines

August 23, 2021

Re: Interim Update to the CONSERVATION AUTHORITIES ACT HEARING GUIDELINES

With the passage of Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, a new section of the *Conservation Authorities Act* came into force. Section 28.0.1 (Permission for development, zoning order) applies to applications for permission submitted to an Authority where a zoning order has been made by the Minister of Municipal Affairs and Housing authorizing the proposed development project. While the Act outlines that the Authority must issue these permissions, an Authority has the ability to attach conditions to the permission. In the case of these applications for permission, applicants must be given the opportunity for a hearing before the Authority, prior to conditions being attached. As such, hearings under section 28.0.1 of the Act differ from those under section 28, in that the intent of the hearing is not to determine whether or not to issue a permission, but rather, to finalize the conditions of a permission. The purpose of the interim update to the Hearing Guidelines is to incorporate direction for hearings under section 28.0.1 of the *Conservation Authorities Act* through a new Attachment.

Further, with the passage of Bill 245, Accelerating Access to Justice Act, 2021, on June 1st, 2021, the Local Planning Appeal Tribunal, Environmental Review Tribunal, Board of Negotiation, Conservation Review Board and Mining and Lands Tribunal were merged into a new single tribunal called the Ontario Land Tribunal (OLT). Amendments have been throughout the Hearing Guidelines to update references to the Mining and Lands Tribunal to now reference the Ontario Land Tribunal.

Sincerely,



Leslie Rich

Policy and Planning Liaison
Conservation Ontario

Lake Simcoe Region Conservation Authority

Implementation Guidelines

September 14, 2020

Re: Interim Update to the SECTION 28 (3) CONSERVATION AUTHORITIES ACT
HEARING GUIDELINES

The corona virus disease (COVID-19) was declared a pandemic by the World Health Organization on March 11, 2020. During the Provincial state of emergency as a result of the COVID-19 virus, the Provincial government enacted Order in Council 73/20 under s. 7.1 of the *Emergency Management and Civil Protection Act*. While that order was enacted, Provincial limitation periods and procedural time periods were under suspension between March 16, 2020, and September 14th.

With the suspension on limitation periods being revoked as of September 14th and the need for continued social distancing, conservation authorities require alternate means to provide hearings under Section 28 of the *Conservation Authorities Act*. The purpose of this interim update to the Section 28 Hearing Guidelines is to incorporate the use of electronic hearings. The update to the Hearing Guidelines is complementary to an update to the “Conservation Authority Best Management Practices (BMPs) and Administrative By-Law Model” to incorporate electronic Board meetings.

As a reminder, the decision by the Provincial government to enact Order in Council 73/20 under s. 7.1 of the *Emergency Management and Civil Protection Act* will impact the scheduling of CA Hearings under Section 28 as well as the requirement for an applicant to file an appeal with the Mining and Lands Tribunal within 30 days. For any hearings that took place between March 16th and September 14th, 2020, the person who has been refused permission or who objects to conditions imposed on a permission will have 30 days after September 14th to file an appeal to the Mining and Lands Tribunal. For those CAs who have postponed hearings during the emergency period, they should be scheduled as soon as practical, keeping in mind that Administrative By-Laws and Hearing Guidelines may need to be amended to incorporate electronic meetings.

Amendments have been made throughout this document to incorporate electronic hearings. Conservation authorities are advised to review their internal Hearing Procedures to incorporate this update.

Sincerely,



Leslie Rich

Policy and Planning Liaison
Conservation Ontario

Jan 3, 2022

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Lake Simcoe Region Conservation Authority

Implementation Guidelines

May, 2018

Re: Interim Update to the SECTION 28 (3) CONSERVATION AUTHORITIES ACT
HEARING GUIDELINES

Note: with the passage of Bill 245 (see memo dated September 2021) this memo is out of date.

Subsection 28(15) of the *Conservation Authorities Act* provides that a person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons may appeal to the Minister of Natural Resources and Forestry. Further to the passage of the *Building Better Communities and Conserving Watersheds Act, 2017* effective April 3, 2018, this appeal has been assigned to the Mining and Lands Tribunal through Order in Council 332/2018. The Mining and Lands Tribunal is now a part of the Environment and Land Tribunal Cluster (ELTO) of the Ministry of the Attorney General.

By law, the appeal made under subsection 28(15) should be filed directly with the Mining and Lands Tribunal. A copy of the appeal letter to the Minister of Natural Resources and Forestry is unnecessary and can be treated as optional. Conservation authorities should notify appellants that they must file their appeals with the Tribunal within 30 days of their receipt of notice. An appeal may be invalidated if it is not filed with the proper office within that time period. The appellants should also be instructed to copy the conservation authority in their appeal letter.

Further to this updated information, an amendment has been made to **Appendix D “Notice of Decision – Model”** to incorporate the revised contact information for the appeal. Conservation authorities are advised to review their internal Hearing Procedures to incorporate this update. It is anticipated that this “Interim Update to the Section 28(3) Conservation Authorities Act Hearing Guidelines” will provide guidance to conservation authorities related to Section 28 hearings until such time as a new Section 28 regulation is created by the province.

Sincerely,



Leslie Rich

Policy and Planning Liaison
Conservation Ontario

Lake Simcoe Region Conservation Authority

Implementation Guidelines

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Implementation Guidelines

1.0 PURPOSE OF HEARING GUIDELINES

The purpose of the Hearing Guidelines is to provide model hearing guidelines to be adopted by conservation authorities in respect to hearings under the *Conservation Authorities Act*.

The Conservation Authorities Act requires that the applicant be provided with an opportunity for a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. The Hearing Board is empowered by law to make a decision, governed by the *Statutory Powers Procedures Act*.

The Hearing Rules are adopted under the authority of Section 25.1 of the *Statutory Powers Procedures Act* (SPPA). The SPPA applies to the exercise of a statutory power of decision where there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The SPPA sets out minimum procedural requirements governing such hearings and provides rule-making authority for to establish rules to govern such proceedings.

The Hearing Board shall hear and decide whether the application will be approved with or without conditions or refused. In the case of hearings related to applications submitted pursuant to Section 28.0.1, the Hearing Board shall determine what conditions, if any, will be attached to the permission. See Attachment 1 for further details.

These guidelines have been prepared as an update to the October 1992 hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28(12), (13), (14) of the *Conservation Authorities Act*. Similar to the 1992 guidelines, it is hoped that the guidelines will promote the necessary consistency across the Province and ensure that hearings meet the legal requirements of the *Statutory Powers Procedures Act* without being unduly legalistic or intimidating to the participants. Additional considerations have been included related to hearings under Section 28.0.1 (7) in Attachment 1.

Implementation Guidelines

2.0 PREHEARING PROCEDURES

2.1 Role of the Hearing Board

In considering the application, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or reasonable apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.

- (a) No member of the Authority taking part in the hearing should have prior involvement with the application that could lead to a reasonable apprehension of bias on the part of that member. Where a member has a personal interest, the test is whether a reasonably well-informed person would consider that the interest might have an influence on the exercise of the official's public duty. Where a member is a municipal councillor, the *Municipal Conflict of Interest Act* applies. In the case of a previously expressed opinion, the test is that of an open mind, i.e., is the member capable of persuasion in participating in the decision making.
- (b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before the hearing, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.
- (c) The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.

Individual Conservation Authorities shall develop a document outlining their own practices and procedures relating to the review and reporting of Section 28 applications, including the role of staff, the applicant and the Authority or Executive Committee as well as, the procedures for the hearing itself. Such policy and procedures manual shall be available to the members of the public upon request and on the Authority's website. These procedures shall have regard for the above information and should be approved by the Conservation Authority Board of Directors.

2.2 Application

The right to a hearing arises where staff is recommending refusal of an application or is recommending conditions to the approval of an application. The applicant is entitled to reasonable notice of the hearing pursuant to the *Statutory Powers Procedures Act*.

Implementation Guidelines

2.3 Notice of Hearing

The Notice of Hearing shall be sent to the applicant within sufficient time to allow the applicant to prepare for the hearing. To ensure that reasonable notice is given, it is recommended that prior to sending the Notice of Hearing, the applicant be consulted to determine an agreeable date and time based on the local Conservation Authority's regular meeting schedule.

The Notice of Hearing must contain or append the following:

(a) Reference to the applicable legislation under which the hearing is to be held (i.e. the *Conservation Authorities Act*).

(b) The time, place and the purpose of the hearing. OR for Electronic Hearings:

The time, purpose of the hearing, and details about the manner in which the hearing will be held.

Note: for electronic hearings, the Notice must also contain a statement that the applicant should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority shall assume the applicant has no objection to the electronic hearing if no such notification is received.

(c) Particulars to identify the applicant, property and the nature of the application which are the subject of the hearing.

Note: If the applicant is not the landowner but the prospective owner, the applicant must have written authorization from the registered landowner.

(d) The reasons for the proposed refusal or conditions of approval shall be specifically stated. This should contain sufficient detail to enable the applicant to understand the issues so he or she can be adequately prepared for the hearing.

It is sufficient to reference in the Notice of Hearing that the recommendation for refusal or conditions of approval is based on the reasons outlined in previous correspondence or a hearing report that will follow.

(e) A statement notifying the applicant that the hearing may proceed in the applicant's absence and that the applicant will not be entitled to any further notice of the proceedings.

Except in extreme circumstances, it is recommended that the hearing not proceed in the absence of the applicant.

Implementation Guidelines

(f) Reminder that the applicant is entitled to be represented at the hearing by a representative such as legal counsel, if desired. The conservation authority may be represented at the hearing by counsel or staff.

(g) A copy of the Authority's Hearing Guidelines.

It is recommended that the Notice of Hearing be directed to the applicant and/or landowner by registered mail. Please refer to **Appendix A** for an example Notice of Hearing.

2.4 Pre-submission of Reports

If it is the practice of the local Conservation Authority to submit reports to the Board members in advance of the hearing (i.e., inclusion on an Authority/Executive Committee agenda), the applicant shall be provided with the same opportunity. The applicant shall be given two weeks to prepare a report once the reasons for the staff recommendations have been received. Subsequently, this may affect the timing and scheduling of the staff hearing reports.

3.0 HEARING

3.1 Public Hearing

Pursuant to the *Statutory Powers Procedure Act*, hearings, including electronic hearings, are required to be held in public. For electronic hearings, public attendance should be synchronous with the hearing. The exception is in very rare cases where public interest in public hearings is outweighed by the fact that intimate financial, personal or other matters would be disclosed at hearings.

3.2 Hearing Participants

The *Conservation Authorities Act* does not provide for third party status at the hearing. The hearing however is open to the public. Any information provided by third parties should be incorporated within the presentation of information by, or on behalf of, the applicant or Authority staff as appropriate.

3.3 Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, those members of the Authority who will decide whether to grant or refuse the application must be present during the full course of the hearing. If it is necessary for a member to leave, the remaining members can continue with the hearing and render a decision.

Implementation Guidelines

3.4 Adjournments

The Board may adjourn a hearing on its own motion or that of the applicant or Authority staff where it is satisfied that an adjournment is necessary for an adequate hearing to be held.

Any adjournments form part of the hearing record.

3.5 Orders and Directions

The Authority is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. A hearing procedures example has been included as **Appendix C**.

3.6 Information Presented at Hearings

- (a) The *Statutory Powers Procedure Act* requires that a witness be informed of their right to object pursuant to the *Canada Evidence Act*. The *Canada Evidence Act* indicates that a witness shall be excused from answering questions on the basis that the answer may be incriminating. Further, answers provided during the hearing are not admissible against the witness in any criminal trial or proceeding. This information should be provided to the applicant as part of the Notice of Hearing.
- (b) It is the decision of the hearing members as to whether information is presented under oath or affirmation. It is not a legal requirement. The applicant must be informed of the above, prior to or at the start of the hearing.
- (c) The Board may authorize receiving a copy rather than the original document. However, the Board can request certified copies of the document if required.
- (d) Privileged information, such as solicitor/client correspondence, cannot be heard. Information that is not directly within the knowledge of the speaker (hearsay), if relevant to the issues of the hearing, can be heard.
- (e) The Board may take into account matters of common knowledge such as geographic or historic facts, times measures, weights, etc. or generally recognized scientific or technical facts, information or opinions within its specialized knowledge without hearing specific information to establish their truth.

3.7 Conduct of Hearing

3.7.1 Record of Attending Hearing Board Members

A record shall be made of the members of the Hearing Board.

Implementation Guidelines

3.7.2 Opening Remarks

The Chairperson shall convene the hearing with opening remarks which generally; identify the applicant, the nature of the application, and the property location; outline the hearing procedures; and advise on requirements of the *Canada Evidence Act*. Please reference **Appendix D** for the Opening Remarks model. In an electronic hearing, all the parties and the members of the Hearing Board must be able to clearly hear one another and any witnesses throughout the hearing.

3.7.3 Presentation of Authority Staff Information

Staff of the Authority presents the reasons supporting the recommendation for the refusal or conditions of approval of the application. Any reports, documents or plans that form part of the presentation shall be properly indexed and received.

Staff of the Authority should not submit new technical information at the hearing as the applicant will not have had time to review and provide a professional opinion to the Hearing Board.

Consideration should be given to the designation of one staff member or legal counsel who coordinates the presentation of information on behalf of Authority staff and who asks questions on behalf of Authority staff.

3.7.4 Presentation of Applicant Information

The applicant has the opportunity to present information at the conclusion of the Authority staff presentation. Any reports, documents or plans which form part of the submission should be properly indexed and received.

The applicant shall present information as it applies to the permit application in question. For instance, does the requested activity affect the control of flooding, erosion, dynamic beach or conservation of land or pollution? The hearing does not address the merits of the activity or appropriateness of such a use in terms of planning.

- The applicant may be represented by legal counsel or agent, if desired
- The applicant may present information to the Board and/or have invited advisors to present information to the Board
- The applicant(s) presentation may include technical witnesses, such as an engineer, ecologist, hydrogeologist etc.

Implementation Guidelines

The applicant should not submit new technical information at the hearing as the Staff of the Authority will not have had time to review and provide a professional opinion to the Hearing Board.

3.7.5 Questions

Members of the Hearing Board may direct questions to each speaker as the information is being heard. The applicant and /or agent can make any comments or questions on the staff report.

Pursuant to the *Statutory Powers Procedure Act*, the Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented. Please note that the courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.

3.7.6 Deliberation

After all the information is presented, the Board may adjourn the hearing and retire in private to confer. The Board may reconvene on the same date or at some later date to advise of the Board's decision. The Board members shall not discuss the hearing with others prior to the decision of the Board being finalized.

4.0. DECISION

The applicant must receive written notice of the decision. The applicant shall be informed of their right to appeal the decision within 30 days upon receipt of the written decision to the Ontario Land Tribunal.

It is important that the hearing participants have a clear understanding of why the application was refused or approved. The Board shall itemize and record information of particular significance which led to their decision.

4.1 Notice of Decision

The decision notice should include the following information:

- (a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.
- (b) The decision to refuse or approve the application. A copy of the Hearing Board resolutions should be attached.

Implementation Guidelines

It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision and cover letter has been included as **Appendix F**.

4.2 Adoption

A resolution advising of the Board's decision and particulars of the decision should be adopted.

5.0 RECORD

The Authority shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the Ontario Land Tribunal. The record must include the following:

- (a) The application for the permit.
- (b) The Notice of Hearing.
- (c) Any orders made by the Board (e.g., for adjournments).
- (d) All information received by the Board.
- (e) Attendance of hearing Board members
- (f) The decision and reasons for decisions of the Board.
- (g) The Notice of Decision sent to the applicant.

Attachment 1:

Hearings under Section 28.0.1 of the *Conservation Authorities Act*

(Permission for Development, Zoning Order)

Section 28.0.1 of the *Conservation Authorities Act* came into force with the Royal Assent of Bill 229, *Protect, Support and Recover from COVID-19 Act* (Budget Measures), 2020. This section applies to any application submitted to an authority under a regulation made under Section 28 of the Act for permission to carry out all or part of a development project associated with an approved Minister's Zoning Order (MZO). For such applications, an Authority **must** grant permission to the applicant to carry out the activity, provided an MZO has been made by the Minister of Municipal Affairs and Housing, and provided that the authority's regulated area in which the development activity is proposed to take place is not located in the Greenbelt Area designated under section 2 of the *Greenbelt Act*. A permission which is granted under s.28.0.1 may be subject to conditions as prescribed by the issuing Authority.

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Understanding that an Authority **must** grant permission for applications submitted pursuant to an approved MZO (pending the above-noted conditions are met), hearings for these applications differ from those under Section 28(12) of the Act, in that a hearing **cannot** be held to determine if a permission should be refused. The Authority may refuse to grant a permit only if i) a zoning order has not been made to authorize the development project, ii) the project is proposed to be carried out in the Greenbelt Area, and iii) if all other prescribed requirements have not been satisfied. Per s.28.0.1 (7) of the Act, the applicant for a permission will be given the opportunity to be heard by the Authority prior to any conditions being attached to the granted permission.

The following table is intended to provide a step-by-step process to conducting hearings required under Section 28.0.1 (7) of the *Conservation Authorities Act*. It is recognized that much of the guidance provided in the body of the Section 28 Hearing Guidelines will be applicable to the s. 28.0.1 (7) hearing process. Where processes differ, the table outlines the necessary considerations for the s. 28.0.1 (7) processes. Where the processes are the same, the table refers to the appropriate sections of the Section 28(3) hearing guidelines.

Sections of the <i>Section 28 Conservation Authorities Act Hearing Guidelines</i>	Specific Guidance and/or Processes for S. 28.0.1 (7) Hearings
1.0 Purpose of Hearing Guidelines	<p>The purpose of the Hearing Guidelines is to provide model hearing guidelines to be adopted by conservation authorities in respect to hearings under the <i>Conservation Authorities Act</i>.</p> <p>The <i>Conservation Authorities Act</i> requires that the applicant be provided with an opportunity for a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. In the case of</p>

Implementation Guidelines

	<p>hearings related to applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i>, the Authority must grant permission to the applicant, provided the requirements set out under this section are met. In this scenario, a hearing will only be held to determine conditions which will be attached to a permission. Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. In the case of applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i>, the Authority may refuse to grant a permit only if i) a zoning order has not been made to authorize the development project, ii) the project is proposed to be carried out in the Greenbelt Area, and</p> <p>iii) if all other prescribed requirements have not been satisfied. The Hearing Board is empowered by law to make a decision, governed by the <i>Statutory Powers Procedures Act</i>.</p> <p>The Hearing Rules are adopted under the authority of Section 25.1 of the <i>Statutory Powers Procedures Act</i> (SPPA). The SPPA applies to the exercise of a statutory power of decision where there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The SPPA sets out minimum procedural requirements governing such hearings and provides rule-making authority for to establish rules to govern such proceedings.</p> <p>The Hearing Board shall hear and decide whether the application will be approved with or without conditions or refused. In the case of hearings related to applications submitted pursuant to Section 28.0.1, the Hearing Board shall determine what conditions, if any, will be attached to the permission. See Attachment 1 for further details.</p> <p>These guidelines have been prepared as an update to the October 1992 hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under</p>
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Implementation Guidelines

	<p>Section 28 (12), (13), (14) of the <i>Conservation Authorities Act</i>. Similar to the 1992 guidelines, it is hoped that the guidelines will promote the necessary consistency across the Province and ensure that hearings meet the legal requirements of the <i>Statutory Powers Procedures Act</i> without being unduly legalistic or intimidating to the participants. Additional considerations have been included related to hearings under Section 28.0.1 (7) in Attachment 1.</p>
<p>2.0 Prehearing Procedures</p>	<p>Not applicable to S.28.0.1(7) hearings</p>
<p>2.1 Apprehension of Bias</p>	<p>In considering the application, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under</p>
	<p>general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or reasonable apprehension of bias.</p> <p>The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.</p> <p>(a) No member of the Authority taking part in the hearing should have prior involvement with the application that could lead to a reasonable apprehension of bias on the part of that member. Where a member has a personal interest, the test is whether a reasonably well-informed person would consider that the interest might have an influence on the exercise of the official's public duty. Where a member is a municipal councillor, the <i>Municipal Conflict of Interest Act</i> applies. In the case of a previously expressed opinion, the test is that of an open mind, i.e., is the member capable of persuasion in participating in the decision making</p> <p>(b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before</p>

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	<p>the hearing, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.</p> <p>(c) The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.</p> <p>(d) Where a hearing is required for applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i> (e.g., to determine the conditions of the permission), final decisions on the conditions shall not be made until such a time as the applicant has been given the opportunity to attend a hearing.</p> <p>Individual Conservation Authorities shall develop a document outlining their own practices and procedures relating to the review and reporting of Section 28 applications, including the role of staff, the applicant and the Authority or Executive Committee as well as, the procedures for the hearing itself. Such policy and procedures manual shall be available to the members of the public upon request and on the Authority’s website. These procedures shall have regard for the above information and should be approved by the Conservation Authority Board of Directors.</p>
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2.2 Application	The right to a hearing arises where staff is recommending refusal of an application or is recommending conditions to the approval of an application. Additionally, in the case of applications submitted pursuant to s. 28.0.1 of the CA Act, the authority shall not attach conditions to a permission unless the applicant has been given an opportunity to be heard by the authority. The applicant is entitled to reasonable notice of the hearing pursuant to the <i>Statutory Powers Procedures Act</i> .
2.3 Notice of Hearing	<i>Refer to Section 2.3</i>
2.4 Presubmission of Reports	<i>Refer to Section 2.4</i>
3.0 Hearing	Not applicable to S.28.0.1(7) hearings
3.1 Public Hearing	<i>Refer to Section 3.1</i>
3.2 Hearing participants	<i>Refer to Section 3.2</i>
3.3 Attendance of Hearing Board Members	<i>Refer to Section 3.3</i>
3.4 Adjournments	<i>Refer to Section 3.4</i>
3.5 Orders and Directions	<i>Refer to Section 3.5</i>
3.6 Information Presented at Hearings	<i>Refer to Section 3.6</i>
3.7 Conduct of Hearing	N/A
3.7.1 Record of Attending Hearing Board Members	<i>Refer to Section 3.7.1</i>
3.7.2 Opening Remarks	<i>Refer to Section 3.7.2</i>

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3.7.3 Presentation of Authority Staff Information	<i>Refer to Section 3.7.3</i>
3.7.4 Presentation of Applicant Information	<i>Refer to Section 3.7.4</i>
3.7.5 Questions	<i>Refer to Section 3.7.5</i>
3.7.6 Deliberation	<i>Refer to Section 3.7.6</i>
4.0 Decision	<i>Refer to Section 4.0</i>
4.1 Notice of Decision	<p>The decision notice should include the following information:</p> <p>(a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.</p> <p>(b) The decision to refuse or approve the application, and in the case of applications under s. 28.0.1 of the CA Act, the decision to approve the application with or without conditions. A copy of the Hearing Board resolution should be attached.</p> <p>It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision and cover letter has been included as Appendix E.</p>
4.2 Adoption	<i>Refer to section 4.2</i>
5.0 Record	<i>Refer to Section 5.0</i>
Appendix B	<p>A new Appendix B has been prepared which provides an example “Notice of Hearing” for hearings under Section 28.0.1 (7) of the <i>Conservation Authorities Act</i>.</p>
Appendix E	<p>A new Appendix E has been prepared which provides an example “Notice of Decision” for hearings under Section 28.0.1 (7) of the <i>Conservation Authorities Act</i></p>

Lake Simcoe Region Conservation Authority

Implementation Guidelines

Appendix A

NOTICE OF HEARING

IN THE MATTER OF

The Conservation Authorities Act,

R.S.O. 1990, Chapter 27

AND IN THE MATTER OF an application by

FOR THE PERMISSION OF THE CONSERVATION AUTHORITY

Pursuant to Regulations made under Section 28, Subsection 12 of the said Act

TAKE NOTICE THAT a Hearing before the Executive Committee of the Conservation Authority will be held under Section 28, Subsection 12 of the *Conservation Authorities Act* at the offices of the said Authority (ADDRESS), at the hour of , **on the day of , 202X**, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the application by (**NAME**) to permit development within an area regulated by the Authority in order to ensure no adverse effect on (***the control of flooding, erosion, dynamic beaches or pollution or conservation of land./alter or interfere with a watercourse, shoreline or wetland***) on Lot , Plan/Lot , Concession , (**Street**) in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Executive Committee for the meeting of (**meeting number**). If you intend to appear [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact (**name**). Written material will be required by (**date**), to enable the Committee members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the effect of any evidence that a witness may give.

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AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the Executive Committee of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the _____ day of _____, 202X

The Executive Committee of the
Conservation Authority

Per:
Chief Administrative Officer/Secretary-Treasurer

Lake Simcoe Region Conservation Authority

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Appendix B

NOTICE OF HEARING

(Subsection 28.0.1 (7) of the *Conservation Authorities Act*)

IN THE MATTER OF

The Conservation Authorities Act,

R.S.O. 1990, Chapter 27

AND IN THE MATTER OF an application by

FOR THE PERMISSION OF THE CONSERVATION AUTHORITY

Pursuant to Regulations made under Section 28.0.1, Subsection 7 of the said Act

TAKE NOTICE THAT a Hearing before the Executive Committee of the Conservation Authority will be held under Section 28.0.1, Subsection 7 of the *Conservation Authorities Act* at the offices of the said Authority (ADDRESS), at the hour of , **on the day of , 2020**, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the application by (**NAME**) to permit development within an area regulated by the Authority in association with a Minister's Zoning Order (REGULATION NUMBER) on Lot , Plan/Lot , Concession , (**Street**) in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Executive Committee for the meeting of (**meeting number**). If you intend to appear [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact (**name**). Written material will be required by (**date**), to enable the Committee members to review the material prior to the meeting.

TAKE NOTICE THAT pursuant to Section 28.0.1 of the *Conservation Authorities Act*, a conservation authority is required to grant the permission applied for and may only impose conditions to the permission. The Hearing will therefore focus on the conditions to be imposed to the granting of the permission.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of

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perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the effect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the Executive Committee of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the _____ day of _____, 202X

The Executive Committee of the
Conservation Authority

Per:
Chief Administrative Officer/Secretary-Treasurer

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Appendix C

HEARING PROCEDURES

1. Motion to sit as Hearing Board.
2. Roll Call followed by the Chairperson's opening remarks. For electronic hearings, the Chairperson shall ensure that all parties and the Hearing Board are able to clearly hear one another and any witnesses throughout the hearing.
3. Staff will introduce to the Hearing Board the applicant/owner, his/her agent and others wishing to speak.
4. Staff will indicate the nature and location of the subject application and the conclusions.
5. Staff will present the staff report included in the Authority/Executive Committee agenda.
6. The applicant and/or their agent will present their material
7. Staff and/or the conservation authority's agent may question the applicant and/or their agent if reasonably required for a full and fair disclosure of matters presented at the Hearing.¹
8. The applicant and/or their agent may question the conservation authority staff and/or their agent if reasonably required for full and fair disclosure of matters presented at the Hearing.
9. The Hearing Board will question, if necessary, both the staff and the applicant/agent.
10. The Hearing Board will move into deliberation. For electronic meetings, the Hearing Board will separate from other participants for deliberation.
11. Members of the Hearing Board will move and second a motion.
12. A motion will be carried which will culminate in the decision.
13. The Hearing Board will move out of deliberation. For electronic meetings, the Hearing Board will reconvene with other participants. As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding. As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-

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examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

14. The Chairperson or Acting Chairperson will advise the owner/applicant of the Hearing Board decision.
15. If decision is "to refuse" or "approve with conditions", the Chairperson or Acting Chairperson shall notify the owner/applicant of his/her right to appeal the decision to the Ontario Land Tribunal within 30 days of receipt of the reasons for the decision.
16. Motion to move out of Hearing Board and sit as Executive Committee.

Implementation Guidelines

Appendix D

CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS (Section 28,
**Subsection 12 of the *Conservation Authorities Act*) WITH RESPECT TO
ONTARIO REGULATION ___/06**

We are now going to conduct a hearing under section 28 of the *Conservation Authorities Act* in respect of an application by _____; for permission to: _____

The Authority has adopted regulations under section 28 of the *Conservation Authorities Act* which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse effect on (the control of flooding, erosion, dynamic beaches or pollution or conservation of land) or to permit alteration to a shoreline or watercourse or interference with a wetland.

The Staff has reviewed this proposed work and prepared a staff report, a copy of which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under Section 28 (12) of the *Conservation Authorities Act*, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

In holding this hearing, the Authority Board/Executive Committee is to determine whether or not a permit is to be issued, with or without conditions. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the *Statutory Powers Procedure Act*. Under Section 5 of the *Canada Evidence Act*, a witness may refuse to answer any question on the ground that the answer may tend to incriminate the person or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

Implementation Guidelines

Appendix E

CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS (Section 28.0.1,
**Subsection 7 of the *Conservation Authorities Act*) WITH RESPECT TO ONTARIO
REGULATION ___/06**

We are now going to conduct a hearing under section 28.0.1 of the *Conservation Authorities Act* in respect of an application by _____: , for permission to:_____

Under Section 28.0.1 of the *Conservation Authorities Act*, an Authority is required to grant permission for any application submitted under a regulation made under subsection 28(1) for permission to carry out all or part of a development project, in an area regulated by the Authority, associated with a Minister's Zoning Order, provided the criteria listed under subsection 28.0.1 (1) are met. A permission is subject to any conditions as may be prescribed by the Authority.

The Staff has reviewed this proposed work and prepared a staff report, including the proposed conditions of approval for the proposed work, which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under Section 28.0.1 (7) of the *Conservation Authorities Act*, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

In holding this hearing, the Authority Board/Executive Committee is to determine the prescribed conditions to be attached to the approved permission. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only Information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the *Statutory Powers Procedure Act*. Under Section 5 of the *Canada Evidence Act*, a witness may refuse to answer any question on the ground that the answer may tend to incriminate the person or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

Lake Simcoe Region Conservation Authority

Implementation Guidelines

Appendix F

(Date)

BY REGISTERED MAIL

(name)

(address)

Dear:

**RE: NOTICE OF DECISION
Hearing Pursuant to Section 28(12) of the Conservation Authorities Act
Proposed Residential Development
Lot, Plan; ?? Drive City of
(Application #)**

In accordance with the requirements of the *Conservation Authorities Act*, the (**name**) Conservation Authority provides the following Notice of Decision:

On (**meeting date and number**), the Hearing Board/Authority/Executive Committee refused/approved your application/approved your application with conditions. A copy the Boards/Committee's resolution # has been attached for your records. Please note that this decision is based on the following reasons: (**the proposed development/alteration to a watercourse or shoreline adversely affects the control of flooding, erosion, dynamic beaches or pollution or interference with a wetland or conservation of land**).

In accordance with Section 28 (15) of the *Conservation Authorities Act*, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may refuse the permission; or grant permission, with or without conditions. Through Order in Council 332/2018 the responsibility for hearing the appeal has been transferred to the Ontario Land Tribunal. For your information, should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

Ontario Land Tribunal 655
Bay Street, Suite 1500
Toronto, Ontario M5G 1E5

A carbon copy of this letter should also be sent to this conservation authority. Should you require any further information, please do not hesitate to contact (**staff contact**) or the undersigned.

Yours truly,

Chief Administrative Officer/Secretary Treasurer Enclosure

Jan 3, 2022

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Implementation Guidelines

Appendix “F”: Customer Service Strategy

Our Client Service Strategy

As part of our commitment to a consistent client centric approach to permit approvals the Lake Simcoe Region Conservation Authority (LSRCA) is implementing a Service Delivery and Streamlining Initiative.

Guided by Conservation Ontario, the Lake Simcoe Region Conservation Authority’s Customer Services Strategy is designed to complement our overall Strategic Plan and aims to provide a high standard of effective service to all our clients.

An important aspect of this process is to understand how customers perceive the standards of care we currently offer as well as evaluating the activities within our business process that most impacts customer satisfaction. To achieve this, we have developed a customer service survey. Through the review of questions answered as part of the survey, we will be in a better position to evaluate the needs of our clients.

Customer Service Standards

Our commitment is to:

- Serve customers with professionalism, skill, and knowledge
- Act with integrity and treat customers with dignity and respect
- Treat customers fairly while complying with our policies, guidelines and regulations
- Respond to customer requests in a timely, accurate manner consistent with our **Review Timelines**
- Be flexible while applying judgment and discretion
- Be fair and honest
- Ensure our services are accessible for all customers
- Be courteous and helpful
- Be accountable to all customers and use feedback to improve our performance and service to our customers
- Ensure all customer service guidelines, standards and processes are accessible

Implementation Guidelines

- Measure and improve work processes by implementing innovative ideas, applying appropriate technology, training staff to be helpful and knowledgeable, and encourage teamwork among staff

Our expectations from customers:

We ask that you please:

- Behave courteously toward our staff and other customers
- Respect posted rules including those regarding parking, and smoking

Timelines

A critical area of customer service is our ability to respond to customer's inquiries and applications in a reasonable timeline. Currently, we adhere to the Service Standard Timelines specified by the Ministry of Natural Resources and Forestry (MNR) through the "Policies and Procedures for Conservation Authority Plan Review and Permitting Activities" (2010) document. However, as part of the commitment to improve client service and accountability, CAs are adapting Conservation Ontario's "Client Service Standards for Conservation Authority Plan and Permit Review". As such, we will be adhering to and reporting on timelines as outlined below in permit categories and timelines (table 1).

Permit Categories

Major Application

A major application is defined as a complex project that includes one or more of the following factors:

- Significant staff time for review
- Technical staff review
- Includes a technical study/ report
- Does not comply with Authority's Guidelines

Minor Applications

Minor applications include projects with a lower level of risk and includes one or more of the following factors:

- Moderate staff time for review
- No technical staff review
- Technical information requirements are limited

Implementation Guidelines

Routine Applications

Routine applications involve very minimal staff review time and are limited in risk as outlined in one or more of the following:

- Minimal staff time for review (e.g., Previously approved through another approval process such as a site plan approval)
- No technical staff review
- Development is low risk in terms of location in relation to the hazards

Table 1: Permit Timelines

Application Process Step	Timeline
Pre-consultation: Notification of application requirements by the CA (checklist), and discussion of application type and fees.	Major applications: Within 14 days of the pre-consultation meeting. Minor applications: Within 7 days of the pre-consultation meeting. Routine applications: Within 3 days of the pre-consultation.
Acceptance/declaration of complete or incomplete application (i.e., it has met submission requirements).	Major applications: Within 21 days of receipt. Minor applications: Within 14 days of receipt. Routine applications: Within 10 days of receipt. NOTE: LSRCA may choose to issue a permit prior to the end of the 21-day period. If this is the case, no notice of complete application is required.
Decision (recommendation to approve or refer to a hearing)	If the application is incomplete, the decision timeline does not begin.
Decision Major application	Within 28 days of complete application. 30 additional business days upon re-submission.
Decision Minor application	Within 21 days of complete application. 15 additional business days upon re-submission.
Decision Routine application	Within 14 days of complete application. 7 additional days upon each re-submission

Implementation Guidelines

Reporting

To ensure timelines are being met and customer service goals are achieved, Authority staff will report annually to our Board of Directors on the timelines of our approvals under Section 28 of the Conservation Authorities Act. The report will contain both MNRF timelines as well as the Conservation Ontario timelines as shown in Table 2. In addition, after being received by the Board, the report will be publicly available on our website.

Table 2: Reporting

Conservation Authority	Number of Permits Issued Within Policy and Procedure Timeline		Number of Permits Issued Outside of Policy and Procedure Timeline			Reason for Variance from Policy and Procedure (Optional)			
	Major	Minor	Major	Minor		Major	Minor		
	Number of Permits Issued Within CO Timeline			Number of Permits Issued Outside of CO Timeline			Reasons for Variance from Guidelines (Optional)		
	Major	Minor	Routine	Major	Minor	Routine	Major	Minor	Routine

Our Commitment

The Lake Simcoe Region Conservation Authority is committed to delivering excellent customer service and maintaining and improving relationships with our clients and partners. This document provides a template to ensure expectations are transparent throughout the permitting process and to communicate the roles and expectations of all parties.

Implementation Guidelines

Appendix “G”: Pre-Consultation and Permit Application Check List

Pre-Consultation and Permit Application Check List

The following checklist has been compiled by the Lake Simcoe Region Conservation Authority (Authority) in order to assist applicants with the preparation of a complete permit application pursuant to Ontario Regulation 179/06.

The Authority encourages pre-consultation with staff at the beginning of the permit process to ensure complete applications to enable a quick and efficient review. Please contact Authority staff before applying to discuss the application requirements.

General Information:

Municipal Address and/or Roll Number/Legal Description of Location, and/or APID:

Landowner: _____ Agent: _____

Start & complete dates: _____ Contact: _____

Pre-Consultation Date: _____ Permit Type & Fee: _____

Proposed Works:

The location of your proposed development is regulated for the following:

	Erosion Hazard (confirmed)		Regulatory Floodplain
	Erosion Hazard (Unconfirmed)		Adjacent Lands PSW (120m)
	Provincially Significant Wetlands		Adjacent Lands Other Wetlands (30m)
	(PSW) Unevaluated Wetlands		Lake Simcoe Shoreline Hazards (flooding, erosion, other water related hazards)

Lake Simcoe Region Conservation Authority

Implementation Guidelines

Components of a Complete Application:	Required	Received	Notes:
Completed application form, signed, and dated by the applicant			
Application fee \$			
Landowner authorization form			

Components of a Complete Application:	Required	Received	Notes:
One digital set and one hardcopy of the following:			
Detailed Site Plan (showing existing and proposed structures and the location of the proposed development in relation to other significant features)			
Drainage/Grading Plan (pre and post development)			
Cross-section Plan (existing and proposed grades and/or finished floor/opening elevations, etc.)			
Amount and type of fill required for the proposed development			
Erosion and Sediment Control Plan			
Topographic Survey (prepared by a certified Ontario Land Surveyor in geodetic format)			
Additional Technical Requirements			
Engineered Cut/Fill Analysis			
Hydraulic Analysis			
Structural Engineering report/letter/drawings			
Stormwater Management Report/Plan			

Lake Simcoe Region Conservation Authority

Implementation Guidelines

As-built survey			
Geotechnical Investigation and/or Slope Stability Study			
Environmental Impact Study			
Wetland delineation site inspection			
Planting/Restoration Plan			

Components of a Complete Application	Required	Received	Notes:
Costal Engineering Report			
Geomorphological Assessment			
Hydrogeological Assessment			
Fill quality Report*			

*Projects involving large fill require more detailed information to be submitted. The site-specific guidelines for large fill are included in Section 4.3 of the Authority’s Implementation Guidelines. A separate list of requirements will be provided.

Disclosure:

Lake Simcoe Region Conservation Authority uses the Implementation Guidelines in its review of all permit applications, which provides detailed policy guidance in relation to our legislated and delegated roles and responsibilities as the representative of the provincial interest for natural hazards.

Proposals and details may change through-out the pre-consultation process and as such, staff may determine that additional information, materials, and/or fees will be required during the course of the application review process. Staff will provide an explanation of the changes if this occurs.

Implementation Guidelines

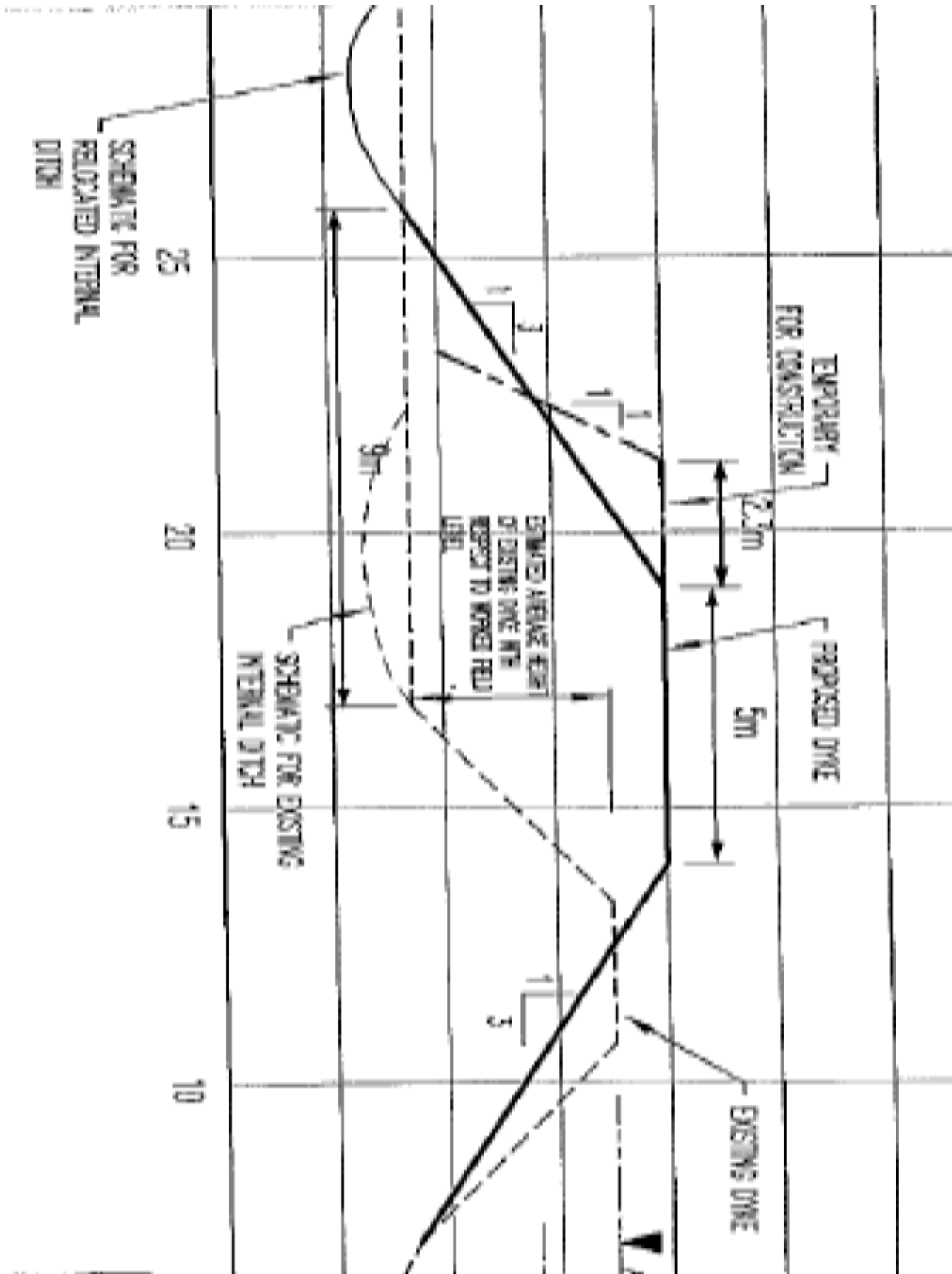
Appendix “H”: Dyke Construction Guidelines

Dyke Construction Guidelines

June 2014

- Existing dykes can be widened in accordance with the preferred layout detail (see Page 2).
- Existing dykes that already exceed the width of the preferred detail must be maintained at the current width.
- The following options are available for setting top of dyke elevations:
 - Option 1 – Raise the top of dyke to a higher elevation than currently exists for the dyke system in the immediate area. A study will need to be completed showing that the new higher top of dyke will not impact on flood levels or obstruct flows. The terms of reference for such a study will need to be reviewed and approved by the Authority.
 - Option 2 - Maintain the dyke elevation at the same elevation as what currently exists for the dyke system in the immediate area. Sufficient information will need to be available showing that, in general, the proposed dyke elevation will match the original dyke elevation.
- Dykes must be constructed out of suitable clean material in accordance with the Authority’s fill policies. Material used must conform with the following basic criteria:
 - A clean clay/silt material is to be used with minimum clay and silt content of 35%.
 - Topsoil thickness of 150 to 200mm, seeded using a mixture of 5% White Clover, 20% Perennial rye, 20% Tall Fescue, 15% Creeping Red Fescue, 10% Timothy, 10% Kentucky Bluegrass, 20% Annual Ryegrass. Topsoil and seeding are to be done within 30 days of construction.
- Dyke construction must be done in a proper and workmanlike manner.
- The newly constructed dyke shall not encroach further into the Holland River. An energy dissipation system should be incorporated on the river side to minimize shoreline erosion.
- We strongly encourages pre-consultation prior to the submission of permit applications.

Implementation Guidelines



Staff Report

To: Board of Directors

From: Kenneth Cheney, Acting Director, Engineering

Date: December 10, 2021

Subject

Lake Simcoe Shoreline Hazard Project – Request for Proposal – Award to Consultant

Recommendation

That Staff Report No. 65-21-BOD regarding the Request for Proposal for the Lake Simcoe Shoreline Hazard Project be received; and

Further that the award of the Lake Simcoe Shoreline Hazard Project to W.F. Baird & Associates Coastal Engineers Ltd. be approved.

Purpose of this Staff Report:

The purpose of this Staff Report No. 65-21-BOD is to advise the Board of Directors regarding the Authority's Lake Simcoe Shoreline Hazard Project and to seek approval to award this project to W.F. Baird & Associates Coastal Engineers Ltd.

Background:

Shoreline hazards are the natural hazards that occur at or near the shoreline. These include flooding and erosion caused by high water levels (both static and due to wind), wave heights (caused by wind) and wave uprush (the runup due to waves crashing on the shore).

Authority staff use shoreline hazard mapping daily to inform the processing of permit and planning applications to screen for compliance with applicable regulations regarding shoreline hazards. The current mapping used by staff to process applications is based on studies from 1978 and 1981 that were completed by Marshall Macklin Monaghan Limited.

Issues and Proposed Solution:

Since the original shoreline hazard studies were completed by Marshall Macklin Monaghan Limited, much has changed. Climate change has become recognized as a global issue and has impacted weather patterns, resulting in the potential for impacts to the shoreline hazards. Technology used to collect terrain (ground surface) information has greatly advanced. This information can now be collected in a digital format with a high degree of accuracy with a high resolution. Similarly, techniques for collecting bathymetry (lake bottom) data have also advanced. Computer technology has also evolved greatly, resulting in the ability to process large amounts of complex data inputs, such as digital terrain and bathymetry, along with

weather patterns such as wind. This computer processing power also allows computers to model shoreline hazards in greater detail.

The above advances in technology have also advanced the discipline of coastal engineering, rendering the Authority’s current shoreline hazard studies in need of updating.

As a result of the above information, staff issued a Request for Proposal in accordance with Authority purchasing policies on Bidding that proposed to undertake an update to the shoreline hazards of Lake Simcoe. Three responses were received, and bids from the consultants including HST are as follows:

- WSP Canada Inc. at \$311,755.00;
- Stantec Consulting Ltd. at \$263,224.46, and;
- W.F. Baird & Associates Coastal Engineers Ltd. at \$272,097.22.

Based on the ranking criteria included in Section 7 of the Request for Proposal issued by the Authority, W.F. Baird & Associates Coastal Engineers Ltd. received the highest overall score, as determined by taking the average of the scoring from reviews of the proposals completed by five members of the Authority’s engineering and regulation staff. W.F. Baird & Associates Coastal Engineers Ltd. also demonstrated greater experience in shoreline hazard mapping for conservation authorities than the other bidders. Therefore, it is recommended that W.F. Baird & Associates Coastal Engineers Ltd. undertake the updates to the Lake Simcoe shoreline hazards. A summary of the RFP results is summarized below:

Bidders	Fee Proposal including HST	Average Evaluation Score (Out of 245)
W.F. Baird & Associates Coastal Engineers Ltd.	\$272,097.22	236.6
Stantec Consulting Ltd.	\$263,224.46	221.2
WSP Canada Inc.	\$311,755.00	216.9

Relevance to Authority Policy:

Under Section 28 of the *Conservation Authorities Act*, the Authority is responsible for determining if the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land may be affected by development.

As the number of development applications continues to increase, up-to-date, accurate shoreline hazard mapping is an essential tool in determining where a hazard, such as flooding, or erosion exists. By extension, hazard mapping is also used to determine if a proposed development will have an impact to the control of said hazard.

To defend Authority decisions made related to applications, it is important to have current information based on the coastal engineering industry's standard practices. Should Authority decisions related to applications be challenged, up-to-date information will be critical in defending those decisions.

Authority purchasing policies were followed as prescribed.

Impact on Authority Finances:

The recommended proposal with a cost of \$272,097.22 is expected to be paid for by deferred special capital in the amount of \$352,940.40. This deferred special capital has come from the Authority's flood management, hazard mapping and flood warning budgets.

Completing the entire shoreline hazard study at one time will provide continuity of coastal engineering methods around the lake and will result in less staff time to process individual studies and update the Authority's shoreline hazard mapping. One comprehensive study will also mean applications received will be processed consistently around the shoreline, minimizing discrepancies and the opportunity for challenges to application decisions based on differing shoreline hazard study methodologies. Reducing challenges to application decisions will have a positive impact by way of reducing staff time spent defending application decisions.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 65-21-BOD regarding the Request for Proposal for the Lake Simcoe Shoreline Hazard Project be received; and **Further that** the award of the Lake Simcoe Shoreline Hazard Project to W.F. Baird & Associates Coastal Engineers Ltd. be approved.

Pre-Submission Review:

This Staff Report has been reviewed by the General Manager, Planning, Development and Restoration and the Chief Administrative Officer.

Signed by:

Signed by:

Glenn MacMillan
General Manager, Planning, Development
and Restoration

Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: Mark Critch, GM of Corporate and Financial Services/CFO

Date: December 8, 2021

Subject

Updates to Lake Simcoe Region Conservation Authority's Purchasing Policy

Recommendation

That Staff Report No. 66-21-BOD regarding recommended updates to Lake Simcoe Region Conservation Authority's Purchasing Policy be received; and

Further that the delegation of authority to the Chief Administrative Officer (CAO) for project approvals up to \$500,000 and purchase order approvals within the projects up to \$200,000 be approved; and

Further that Schedule E of the Purchasing Policy be updated to allow for standard procurement/purchase order awards between \$200,000 and \$500,000 to be authorized by the Chief Administrative Officer (CAO), along with the Chair or Vice Chair of the Board of Directors; and

Further that the Schedule D of the Purchasing Policy be updated to increase the threshold for the CAO from \$100,000 to \$200,000 on standard procurement; and

Further that the Schedule E of the Purchasing Policy be updated and amended to remove the term "designate" from the authorization table.

Purpose of this Staff Report:

The purpose of this Staff Report No. 66-21-BOD is to recommend updates to the Lake Simcoe Region Conservation Authority's Purchasing Policy (see Attachment A) to improve the balance between Board of Directors' transparency on Authority spending with the need for business expediency.

Background:

The Authority continues to look for improved business processes to better achieve organizational outcomes. As governance of the Authority's Offsetting and Restoration committees has changed (internal committee vs external), the Purchasing Policy also needs to be changed.

The Authority's Purchasing Policy was designed to ensure that the Board of Directors is informed of all large projects and related purchase orders. With a shift to commissioning larger projects, keeping the Board of Directors updated through monthly meetings has the potential to cause project delays.

Issues:

As the business needs change for the Authority, so must the policies that enable the work to be done. Staff have experienced the following challenges in the Purchasing Policy that this staff report seeks to address:

- a) Confusion over whether the Board of Directors must approve the project or the purchase order or both for the work to be done;
- b) Delays in the start of work as staff seek Board of Directors' approval on a standard procurement (multiple quotes received, lowest quote and/or best score);
- c) As larger, more impactful projects are being sought, there is a trend towards higher dollar value projects being undertaken; and
- d) Schedule E contains the "designate" wording that is undefined and therefore unclear.

The recommended changes in this report would not limit the Board of Directors' involvement if any of the following were to occur:

- a) The lowest price or the highest score on a proposal is not being awarded the work;
- b) A sole source award exceeds the purchasing thresholds identified in Schedule D of the Purchasing Policy is recommended for selection;
- c) A project or award is deemed high profile enough by the CAO's discretion that despite having the delegated authority, Board of Director approval is being recommended.

Staff will continue to be fully transparent on all purchase order awards through the annual process at year end (Q4 Reporting each year).

Relevance to Authority Policy:

Upon approval of the Board, staff will amend the Purchasing Policy (see Attachment A), in particular Schedule E, for Project Awards. Schedule E will then reflect the following authorization limits:

- a) General Manager up to \$50,000 (Projects and/or Purchase Orders), this is unchanged;
- b) CAO may approve a Project up to \$500,000 and Purchase Orders up to \$200,000;
- c) The CAO, along with the Chair or Vice Chair of the Board of Directors (on behalf of the Board) may authorize Purchase Orders within a Project up to \$500,000 provided it is awarded through a standard procurement process; and

- d) Board of Directors' approval will still be required for projects and purchase orders exceeding \$500,000.

Changes will also be required to Schedule D and E thresholds and the removal of the term "designate" from Schedule E. The result of the recommended changes would strike the right balance between Board transparency and business expediency at the Authority.

Impact on Authority Finances:

There are no financial impacts with the recommended changes. The result of the policy change would enable improvements in procurement and project awards, enabling staff to achieve organizational outcomes.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 66-21-BOD regarding recommended updates to Lake Simcoe Region Conservation Authority's Purchasing Policy be received; and **Further that** the delegation of authority to the Chief Administrative Officer (CAO) for project approvals up to \$500,000 and purchase order approvals within the projects up to \$200,000 be approved; and **Further that** Schedule E of the Purchasing Policy be updated to allow for standard procurement/purchase order awards between \$200,000 and \$500,000 to be authorized by the Chief Administrative Officer (CAO), along with the Chair or Vice Chair of the Board of Directors; and **Further that** the Schedule D of the Purchasing Policy be updated to increase the threshold for the CAO from \$100,000 to \$200,000 on standard procurement; and **Further that** the Schedule E of the Purchasing Policy be updated and amended to remove the term "designate" from the authorization table.

Pre-Submission Review:

This Staff Report has been reviewed by the Chief Administrative Officer.

Signed by:

Signed by:

Mark Critch
General Manager, Corporate and Financial
Services, CFO

Rob Baldwin
Chief Administrative Officer

Attachments

Draft Updated Purchasing Policy December 17, 2021



Lake Simcoe Region
conservation authority

DRAFT

Purchasing Policy

Presented: December 17, 2021

Adopted:

Financial Policies and Procedures		
Subject: Purchasing Policy		Policy No:
Section: Procurement		Revision:
Date Approved by the Board of Directors:		Res #:
Effective Date: Revised: December 18, 2015 Last Revision Date: July 26, 2019 Last Amendment Date:	Issued To: All Employees	
Reviewed By CAO: Rob Baldwin	Distributed:	

POLICY:

The Lake Simcoe Region Conservation Authority (Authority) requires every employee to comply with the purchasing policy and purchasing procedures when making authorized purchases on behalf of the organization. The Authority is materially funded by local government and therefore transparency, responsible spending, and internal controls over spending are essential requirements to support good governance decision-making.

Employees must adhere to all purchasing policies and procedure guidelines when entrusted with procurement responsibility.

1. Purpose and objectives

The purpose of this document is to provide authority & guidelines in relation to purchasing transactions to satisfy the procurement needs of the Lake Simcoe Region Conservation Authority, herein referred to as “the Authority”. The objectives of this Policy and the methods of Procurement authorized herein are:

- a) to encourage competition among Bidders;
- b) to ensure that Bidders, Contractors and Proponents are accountable to the Authority;
- c) to ensure openness, accountability and transparency while protecting the financial best interest of the Authority;
- d) to obtain the best value for the Authority when procuring Goods, Services and Construction;
- e) to avoid conflicts between the interests of the Authority and those of Authority’s employees and related parties; and
- f) to encourage the procurement of goods and services with due regard to the conservation of the natural environment. Bidders, Contractors, Proponents may be selected to supply goods made by methods resulting in the least damage to the environment and supply goods incorporating recycled materials where proven to be practicable.

2. Procurement principles and practices

Procurement affects and is affected by the public sector organization as a whole, and the community it serves, whether at the local, provincial, or national level. Therefore, the Authority has adopted the Public Procurement Principles and Practices, as follows:

Financial Policies and Procedures		
Subject: Purchasing Policy		Policy No:
Section: Procurement		Revision:
Date Approved by the Board of Directors:		Res #:
Effective Date: Revised: December 18, 2015 Last Revision Date: July 26, 2019 Last Amendment Date:	Issued To: All Employees	
Reviewed By CAO: Rob Baldwin	Distributed:	

Accountability:

We take ownership for our actions, and we measure our success so that we know if we’re doing the right things in the right way. This value is essential to preserve the public trust and protect the public interest.

Ethics:

Acting in a manner true to the values listed herein. Acting ethically is essential to preserve the public’s trust.

Impartiality:

Unbiased decision-making and action are values that are essential to ensure fairness for the public good.

Professionalism:

Upholding high standards of job performance and ethical behavior is a value that is essential to balance diverse public interests.

Transparency:

Easily accessible and understandable policies and processes are values that are essential to demonstrate responsible use of public funds.

3. Application

This statement of policy applies to all employees. Staff authorized to undertake purchasing functions on behalf of the Authority should be at all times cognizant of their responsibility to the Board of Directors, funding partners and other members of staff.

This policy shall apply to all purchases of Goods, Services, or Construction or Sale of Personal Property, and no purchase shall be authorized unless it is compliant with this policy. The General Manager, Corporate and Financial Services is authorized to develop and approve procedures to support and implement the Authority’s Purchasing Policy.

4. Definitions and interpretation

In this Policy:

- a) **Award** means the authorization to proceed with the purchase of Goods, Services or Construction from a chosen Bidder.

Financial Policies and Procedures		
Subject: Purchasing Policy		Policy No:
Section: Procurement		Revision:
Date Approved by the Board of Directors:		Res #:
Effective Date: Revised: December 18, 2015 Last Revision Date: July 26, 2019 Last Amendment Date:	Issued To: All Employees	
Reviewed By CAO: Rob Baldwin	Distributed:	

- b) **Bid** means a Tender, Proposal, or quotation submitted in response to a Solicitation from the Authority.
- c) **Bid Review Committee** means a formal committee to review bid submissions as required.
- d) **Bidder** means the individual or legal entity submitting a Bid. For clarity, the word “Bidder” shall also include “Proponent”, “Respondent” and “Offeror”.
- e) **Construction** means a creation, reconstruction, demolition, repair or renovation of a building, structure or other civil engineering or architectural work, including site preparation, excavation, drilling, seismic investigations, soil investigations, the supply of products and materials and equipment and machinery if they are included in and incidental to the construction, and the installation, and repair of fixtures of a building, structure or other civil engineering design or architectural work, but does not include the Consulting and Professional Services related to the construction Contract unless they are included in the specifications for that Procurement.
- f) **Contingency:** An allowance to exceed the Purchase Order amount by up to 15%, based on unexpected events. Contingency can only be activated by Authority staff. The contingency provision is still subject to proper signing authority thresholds and careful consideration must be given if contingency and/scope provisions require alternate approvals.
- g) **Contract** means the agreement in writing governing the performance of the work which has been executed by the Authority and the selected Bidder following Acceptance by the Authority of the selected Bidder’s Bid. A Contract is also a binding agreement between two or more parties that creates an obligation to do or provide a particular Good, Service, sale of Real or Personal Property, or Construction for money or other consideration.
- h) **Contractor** means the selected Bidder to whom the Contract is awarded and who is undertaking the execution of the work under the terms of the Contract. Also, an individual or business having an agreement with the Authority to furnish Goods, Services, or Construction for an agreed upon price. For clarity, “Contractor” shall also include “Vendor” and “Supplier”.
- i) **Department** means an operational department of the Authority.
- j) **Department Head** means a CAO, General Manager, or Manager who is responsible for the operational budget to which the purchase is allocated.
- k) **Designate** means a person authorized by the CAO, General Manager or Manager to act as their delegated authority.

Financial Policies and Procedures		
Subject: Purchasing Policy		Policy No:
Section: Procurement		Revision:
Date Approved by the Board of Directors:		Res #:
Effective Date: Revised: December 18, 2015 Last Revision Date: July 26, 2019 Last Amendment Date:	Issued To: All Employees	
Reviewed By CAO: Rob Baldwin	Distributed:	

- l) **Direct Award** means entering into a contact with a pre-qualified Bidder. Purchase Order scope and pricing will be negotiated based on negotiated scope and pricing.
- m) **Division** means one of the following business units headed by either the CAO or a General Manager;
 1. Office of the CAO (includes Communications and Human Resources)
 2. Corporate and Financial Services
 3. Conservation Lands (includes Education)
 4. Planning and Development (includes Watershed Restoration Services)
 5. Integrated Watershed Management
- n) **General Manager** means the person responsible for the direction and operational control of a Division.
- o) **Goods and Services** include supplies, equipment, materials, maintenance and service contracts, including consultants.
- p) **Irregular bid** means that a submitted bid received by the Authority is missing a required element (such as a form clearly indicated on the request document) or contains errors that would impact the evaluation process. The Purchasing Procedural Guideline outlines examples of irregular bids and provides staff direction on how to deal with an irregular bid.
- q) **Offeror** means an individual or legal entity that makes an offer in response to a sale of Personal Property.
- r) **Open Market Procedure** is a procedure whereby price quotations are obtained from more than one supplier, either verbally or in writing, through a bid solicitation.
- s) **Personal Property** means tangible or intangible property, other than Real Property, and includes moveable property subject to ownership, with exchange value.
- t) **Price Agreement** means an agreement between the Authority and the supplier of the goods and services, whereby the supplier commits to the Authority to provide goods and services, as and when needed by the Authority, at a pre-determined price, for a pre-determined period of time, upon pre-determined terms and conditions. It does not obligate the Authority to purchase any goods and services through the price agreement.
- u) **Project** means defined work that has a start and an end date, with a clearly defined outcome. There can be both operating and capital projects. LSRCA's projects are defined by our Purchasing Policy. The total value of the project is the full amount being paid to the vendor(s), LSCRA's contribution and anyone else's (i.e. Foundation, Provincial grant etc.)

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The total project is approved through the budget or through Schedule E of this Purchasing Policy. When Authority funds projects completed by other entities, approval thresholds (for Authority contributions only) for projects should apply.

- v) **Proposal** means an offer submitted in response to a Request for Proposal, acceptance of which may be subject to further negotiation.
- w) **Proponent** means the individual or legal entity who submits a response to a RFEOI, RFPQ and/or RFP
- x) **Purchase Order** means a written order to a supplier formally stating all terms and conditions for the purchase of goods and services.
- y) **Quotation** means a binding offer submitted in response to a Request for Quotation.
- z) **Related Parties** means the Authority board or staff members' immediate family and any relative as defined in the Authority's Code of Conduct.
- aa) **Request for Expression of Interest or RFEOI** means a written, formal non-binding solicitation document to determine if there is any interest in the marketplace to provide Goods and Services and/or Construction that the Authority is contemplating procuring. A subsequent call for Bids may follow an RFEOI.
- bb) **Request for Pre-Qualification or RFPQ** means a written, formal, non-binding solicitation document to obtain detailed information from firms and/or individuals that may include their experience, financial strength, education, background and personnel to prequalify to supply Goods and Services and/or Construction to the Authority. The RFPQ may precondition to a further call for Bid opportunity.
- cc) **Request for Proposal or RFP** means a request for proposals which may or may not result in further negotiations, or the creation of contractual obligations between the parties, depending on the terms of the RFP, for the provisions of goods and services to the Authority.
- dd) **Request for Quotation or RFQ** means a request for prices submitted by the supplier.
- ee) **Request for Tender or RFT** means a request for tenders for the provisions of goods and services to the Authority.
- ff) **Responsive** means that a Bidder has complied in all respects with the requirements set out in the Bid documentation.
- gg) **RFEOI and RFPQ Review Committees** means formal committee to review RFEOI and RFPQ submissions as required.

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- hh) **Scope:** An allowance to exceed the Purchase Order amount by up to 15%, based on an unexpected change in the scope of the project. Scope can only be activated by the Authority staff. The change of scope provision is still subject to proper signing authority thresholds and careful consideration must be given if contingency and/scope provisions require alternate approvals.
- ii) **Services means** the contract for labour to meet a specific requirement and includes consulting and professional services.
- jj) **Standard Procurement** means an evaluation process where the supplier/vendor with the highest point total and/or the lowest price is selected, without any “Bid Irregularities” as defined by the Purchasing Procedural Guidelines.
- kk) **Standing Agreement** refers to a master agreement between the Authority and a supplier for a stated period of time and covering specific goods and services with stated prices, or items of a general category that are covered by a published price list.
- ll) **Tender** means a documented submitted by a Bidder in response to a Request for Tender (RFT), to be used as the basis for entering into a Contract.

5. Responsibilities

Department Heads shall have the responsibility and authority for procurement activity within the prescribed limits of this policy, and shall be responsible for:

- a) ensuring all of the purposes, goals, and objectives of section 1 of this policy are complied with;
- b) all Procurement activities in their Department within the prescribed limits of this policy, including recommendation of Award and preparing the necessary report to the Board of Directors if required;
- c) delegating spending authority limits to Department staff in compliance with this policy and all applicable Authority policies;
- d) ensuring all procurement activities and decisions are authorized by this policy and are carried out within the financial and other limitations set out herein;
- e) ensuring that no Procurement activity or decision in their Department is contrary to this policy and informing the Board of Directors, in consultation with the General Manager, Corporate and Financial Services and the CAO, when serious and material non-compliance has occurred;

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- f) ensuring that all required documentation (e.g. WSIB clearance, insurance certificate, executed Contract) has been received prior to commencement of any work;
- g) monitoring all contract expenditures and ensure that all financial limitations have been complied with and that all accounts are paid within the times set out in the contract;
- h) ensuring that all Goods, Services or Construction contracted for have been received as per the terms of the contract;
- i) ensuring that all Awards are subject to the identification and availability of sufficient approved funding in appropriate accounts with Board approved estimates prior to awarding a contract;
- j) call, open and ensure compliance to the terms and conditions of the call for Bid; and
- k) administering the RFEOI, RFPQ, RFP, RFQ and/or RFT procedures for all Goods and Services and/or Construction.

The **General Manager, Corporate & Financial Services/CFO (GM, Corp & FS)**, shall be responsible for:

- a) Providing Procurement advice and services to each Department, the CAO, and the Board of Directors for purposes of fulfilling the Procurement needs of the Authority.
- b) All aspects of the Solicitation process and ensuring compliance to the terms and conditions of Bid Documents.
- c) All Authority goods declared as surplus by a Department Head shall be identified to the GM, Corp & FS for further disposition. An employee shall not personally obtain any goods that have been declared surplus unless through a public process.
- d) Ensuring compliance by staff with this policy and reporting non-compliance to the appropriate Department Head, and to the CAO as necessary.
- e) Developing appropriate processes or procedures (Purchasing Procedure Guidelines) to ensure that the provisions of this policy are met and to ensure the proper functioning of Procurement for the Authority.
- f) Compliance with section 1 of this policy.

6. Authority

In the event that a Bid has been approved by the Board of Directors and Awarded to the selected Bidder and the selected Bidder fails to enter into a Contract, the GM, Corp & FS shall be granted the Authority to proceed to the next lowest Compliant and Responsible Bidder or

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the next highest evaluated Compliant and Responsible Proponent for the Award of a Contract, without going back to the Board of Directors for approval to Award, providing the requirements remain unchanged and the new Contract is within budget. Prior to such new Award, the GM, Corp & FS shall obtain approval from both the responsible Department Head and the Chief Administrative Officer (CAO). The Department Head shall prepare a report to the Board of Directors for information purposes.

The CAO has the Authority to:

- a) instruct Department Heads not to award contracts and to submit recommendations for Contract Award to the Board of Directors for approval, and may provide additional restrictions concerning procurement where such action is considered necessary and in the best interest of the Authority;
- b) Award Contracts during the time that regular Board of Directors meetings are suspended provided that a report is submitted to the Board of Directors (as soon as reasonably possible) setting out the details of any Contract Awarded pursuant to this Authority;
- c) Award Contracts for an Emergency Purchase, in accordance with Schedule “B” of this policy;
- d) delegate spending authority limits to staff in compliance with this policy and all applicable Authority policies, and
- e) Approve projects and associated awards, in accordance with Schedule E of this policy.

7. Restrictions and exceptions

- 7.1 The acquisition methods described in this policy are not required for the Purchase of those items listed in Schedule “A” – Exceptions, or as otherwise listed in this policy.
- 7.2 No Contract or Purchase Order for Goods, Services, or Construction may be divided into two or more parts to avoid the application of the provisions of this policy;
- 7.3 No Authority employee or Board member shall personally obtain any Real or Personal Property of the Authority that have been declared surplus unless it is obtained through a public process.
- 7.4 No Authority employee, Related Parties, or Board member shall Purchase on behalf of the Authority any Goods, Services or Construction, except in accordance with this policy.
- 7.5 All Board members and employees of the Authority shall declare any Conflict of Interest to the GM, Corp & FS and the CAO (and to their Department Head if they are an employee of the Authority), and such persons shall not participate in the Procurement process to which the Conflict of Interest relates.

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7.6 All procurement undertaken by the Authority shall be in accordance with the Authority's Code of Conduct.

7.7 No employee or related party shall accept, directly or indirectly, from any individual, company, firm or corporation to which any contract is, or might be awarded, any gift, benefit, money, discount, favour or other assistance, except:

- a) gifts of a very small intrinsic value;
- b) gifts given for the use or benefit of the Authority;
- c) moderate hospitality during the normal course of business that would not significantly exceed what the Authority, through the employee's expense account, would likely provide in return; and/or
- d) where there is no real or perceived impression that a procurement decision(s) has been or will be adversely affected or influenced by accepting such hospitality.

8. Procurement approval and methods

8.1 Prescribed Board of Directors Approval

Save and except for the circumstances in Section 5 of this policy, setting out additional and alternative Authority, the following Awards are subject to the Board of Directors approval;

- a) where there is no provision in the Authority's annual budget, or annual potential working capital reserve draw budget for the item subject to the Contract or Purchase Order;
- b) any Contract prescribed by a court order;
- c) any Award where the Board of Directors has requested final approval to Award.
- d) where Authority to approve has not been expressly delegated by the Board of Directors or by Schedule D or E – regarding purchasing thresholds of this policy.

8.2 Bid Review Committee and Bid Irregularities

A Bid Review Committee shall be established under the following circumstances:

- a) Review of any tender submission in excess of \$200,000.00;
- b) Review of noted informality or irregularities in a particular bid (such irregularities defined in the Purchasing Procedure Guidelines);
- c) There is a challenge to the bid process;
- d) In the event that 2 or more equal lowest bids are received; or

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e) Other circumstances where it is deemed helpful to the selection process.

A Bid Review Committee shall be composed of, at a minimum, the following members of Authority staff:

- a) a representative from the department requesting the procurement of the goods and services;
- b) a Department Head who is not responsible for the call for Bids or designate; and
- c) the GM, Corporate & Financial Services, or designate.

The Bid Review Committee shall provide a recommendation to the CAO for approval by the Board of Directors.

8.3 RFEOI and RFPQ Review Committees

Review Committees shall be established to review and score the submitted RFEOI and RFPQ submissions received. The Committee will provide a recommendation to the CAO which submissions meet the minimum experience (RFEOI) and are deemed qualified (RFPQ).

Review Committees shall be comprised of, at a minimum, the following members of Authority staff:

- a) a representative from the Department requesting the procurement;
- b) a Department Head who is not responsible for the call for Bids or designate: and
- c) the GM, Corporate & Financial Services or designate.

8.4 Procurement Methods

The prescribed standard procurement methods are hereby authorized as the acceptable methods for the majority of procurement undertaken by or on behalf of the Authority. The methods may be utilized individually or in combination with one another, as may be appropriate in the given circumstances. Procurement methods #1 to #7 listed below shall comply with the approval requirements set out in Schedule 'D' – Purchasing Thresholds. Prequalification methods #8 and #9 shall comply with the approval requirements set out in Schedule 'E' – Projects and Prequalification of Goods and Services and/or Construction Purchasing Thresholds.

The prescribed **standard procurement methods** are:

1. Request for expression of Interest (RFI)
2. Request for Pre-Qualification (RFPQ)

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3. Low Value Purchase (LVP)
4. Request for Quotation (RFQ) – Informal
5. Request for Quotation (RFQ) – Formal
6. Request for Tender (RFT)
7. Request for Proposal (RFP)
8. Request for Expression of Interest (RFEOI)
9. Request for Pre-qualification (RFPQ)

8.4.1. Alternative Procurement Methods

The prescribed alternative procurement methods are:

1. Emergency Purchases
2. Sole Source Purchases
3. Single Source Purchases

The process and procedure details of the prescribed standard and alternative procurement methods are described in the Authority Purchasing Procedure Guidelines, a supporting document, which is used in conjunction with this policy. Schedule F provides a process map for how Offsetting Projects are approved, based predominantly on the value of the project.

9. Contract execution

Prior to the commencement of the provision of Goods, Services, or Construction, the selected Bidder shall be required to:

- a) execute a Contract; or
- b) acquire a Purchase Order from the Authority,

depending on the type and dollar amount threshold of the Procurement as set out in Schedule “D” or “E” – Purchasing Thresholds. Where applicable for LVPs, Authority staff may utilize P-Cards or Authority Credit Cards, for the acquisition of Goods and Services.

Where applicable, a selected Bidder shall be required to submit any and all such documents, certificates, and securities as a condition precedent to, and for the performance of, a Contract, at the discretion of the GM, Corporate & Financial Services. Such items may include, without limiting the generality of the foregoing: a Bond, other security for damages in the form of a negotiable instrument, insurance certificates, a certificate of clearance from the Workplace

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Safety and insurance Board (WSIB), the contractor’s Health & Safety policy, confirmation of compliance with the AODA, and a project schedule.

Contracts will be issued in the form as defined in the Purchasing Procedures Guidelines.

10. Contractor/Consultant performance

- a) The Department Head shall be responsible for monitoring the performance of Contractors/Consultants and documenting evidence in writing where the performance of a Contractor/Consultant has been unsatisfactory in terms of failure to meet contract specifications, performance, terms and conditions, health and safety requirements, environmental protections, or any other violations.
- b) A contractor/consultant may be prohibited from submitting a bid in response to a call for Bids if their performance has been deemed unsatisfactory.

11. Access to information

The disclosure of information received pursuant to any Procurement process, Solicitation, or the Award of a Contract shall be made in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act*, as amended.

12. Personal and real property

Personal Property of the Authority, such as furniture, vehicles, equipment, stocks of all supplies, and other Goods and materials, which are no longer used by the Authority or which have become obsolete, worn out, or incapable of being used, shall be identified as surplus by the applicable Department Head. Any disposal or Sale of such surplus items shall be in accordance with the provisions of this policy where applicable.

There shall be a process that enables the sale of surplus furniture, vehicles, equipment, stock, supplies and other goods and material that shall be made, through a public process, to the highest responsive compliant bidder and the sale shall be made in accordance with the provisions of this policy where applicable, and the terms of the sale shall be documented.

Personal Property shall be disposed of following the processes outlined in the Purchasing Procedure Guidelines.

This policy shall not apply to the acquisition or Sale of Real Property. Real Property interests of the Authority shall be acquired or disposed of in accordance with directions received from the Board of Directors.

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13. Procurement schedules

The following schedules are included in this policy;

- a) Schedule A – Exceptions
- b) Schedule B – Emergency Purchases
- c) Schedule C – Price Agreement Purchases
- d) Schedule D – Purchasing Thresholds
- e) Schedule E – Projects and Prequalification of Goods and Services and/or Construction Purchasing Thresholds
- f) Schedule F – Process Map for Offsetting Projects Approval

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Schedule A – Exceptions

The following items are excluded from Procurement requirements relating to acquisition methods described in this policy.

1. Professional services for standard business services which includes:

- a) insurance premiums and expenses;
- b) legal;
- c) appraiser;
- d) land surveyor;
- e) specific payments related to land purchases and easements;
- f) real estate agent;
- g) arbitrator, mediator, and other similar professionals;
- h) suppliers and entertainers for special events and programs;
- i) utility charges – including water, sewer, electricity, natural gas, telecommunication services, internet, cable television, maintenance utility charges, utility relocations, utility construction, and utility acquisition;
- j) postage and courier services;
- k) Authority sponsored employee purchase plans;
- l) events or programs supporting non-profit organizations.

2. Training and education, including:

- a) conferences, courses, conventions and seminars;
- b) magazines, books and periodicals (including subscriptions thereto);
- c) membership dues/fees, continuing education, or certification processes;
- d) facilitators and program hosts;
- e) staff development, training, and workshops (including all related equipment, resources and supplies).

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3. Authority's General Expenses:

- a) payroll, benefit premiums, and employee remittances;
- b) medical evaluations, consultations, or expenses for related services required by the Authority;
- c) vehicle and equipment licenses (vehicle, elevators, software, etc.);
- d) purchase or disposition of financial investments;
- e) liability, property and other forms of insurance premiums, payments and adjusting fees;
- f) adjuster service expenses;
- g) grants to agencies, and program partners and participants (in accordance with any applicable Authority policies);
- h) newspaper, social media, or other media advertising/notices;
- i) Authority promotional material;
- j) ancillary banking or financial services;
- k) bank charges and brokerage fees;
- l) payments regarding Real Property (Building lease payments, etc.);
- m) tax remittances (all forms);
- n) charges to and from other governmental bodies (e.g., school boards, federal and provincial ministries/bodies/agencies);
- o) payments for employment and temporary help;
- p) petty cash replacement and;
- q) honorariums and per diems.

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Schedule B – Emergency Procurements

An Emergency Purchase may be made when an event occurs that is determined by the CAO to be a threat to any of the following:

- a) public health;
- b) requirement to maintain essential services;
- c) the safety or welfare of persons or public property; or
- d) the security of the Authority’s interests and the occurrence requires the immediate delivery for Goods, Services, or Construction;
- e) and time does not permit for competitive Bids.

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Schedule C – Price Agreements

1. A call for Bids may be issued in order to establish a price agreement for specified goods and services for a specified period of time.
2. The Authority shall have no obligation to any contractor to order any goods and services under a price agreement.
3. Goods and services purchased under a price agreement shall be made in accordance with the provisions of this policy and the Purchasing Procedure Guidelines.

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Schedule D – Purchasing Thresholds

For the purpose of this policy, the following are the required Procurement methods, approval Authority, and Contract requirements for the specified amount thresholds.

Low Value Purchases, Bids and Proposals				
Dollar Thresholds	Method of Procurement	Source of Bids (Advertising)	Authorization Required	Contract/ Commitment Type
up to \$2,500	Low Value Purchases (LVP)	Purchases made from the competitive marketplace where possible and practicable. Advertising is not required	Authority staff as delegated by the applicable Department Manager/ Director	P-Card, or Authority Credit Card/Invoice from vendor
\$2,500.01 up to \$15,000.00	Informal Request for Quotation (RFQ)	Minimum of 3 quotes where possible, invitational or open competitive procurement (advertising optional)	Approval required by Department Manager/ Director	Purchase Order
\$15,000.01 up to \$50,000.00	Formal Request for Quotation (RFQ) or Formal Request for Proposal/Tender (RFP/RFT)	Minimum of 3 quotes where possible, invitational or open competitive procurement (advertising optional)	Approval required by Department General Manager	Purchase Order Contract, if applicable (executed by the CAO and CFO)
\$50,000.01 up to \$200,000.00	Formal Request for Quotation (RFQ) or Formal Request for Proposal/Tender (RFP/RFT)	Minimum of 3 quotes where possible, invitational or open competitive procurement (advertising optional)	Approval required by CAO	Purchase Order and Contract (executed by the CAO and CFO)
\$200,000.01 +	Formal Request for Tender (RFT) or Formal Request for Proposal (RFP)	Open competitive procurement (advertising required)	Approval required by Board of Directors	Purchase Order and Contract (executed by the CAO and CFO)

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Low Value Purchases, Bids and Proposals				
Dollar Thresholds	Method of Procurement	Source of Bids (Advertising)	Authorization Required	Contract/ Commitment Type
Emergency Purchases				
Up to \$100,000	Not applicable	Advertising not required	CAO	Purchase Order if over \$2,500
Over \$100,000.01	Not applicable	Advertising not required	Approval required by Board of Directors	Purchase Order and Contract (executed by the CAO and CFO)
Sole Source, Single Source				
Dollar Thresholds	Method of Procurement	Source of Bids (Advertising)	Authorization Required	Contract/ Commitment Type
Up to \$15,000	Sole Source, Single Source	Advertising not required	Department Manager/Director	Purchase Order if over \$2,500
\$15,000.01 to \$50,000	Sole Source, Single Source	Advertising not required	Approval required by Department General Manager and CFO	Purchase Order Contract, if applicable (executed by the CAO and CFO)
\$50,000.01 to \$100,000	Sole Source, Single Source	Advertising not required	CAO and CFO	Purchase Order and Contract (executed by the CAO and CFO)
Over \$100,000	Sole Source, Single Source	Advertising not required	Approval required by Board of Directors	Purchase Order and Contract (executed by the CAO and CFO)
You must have sufficient documentation as outlined in the Purchasing Procedure Guidelines in order to justify the Sole or Single sourcing of goods and services. An annual report of all Sole Source and Single Source purchases not requiring Board approval shall be prepared by the CFO and reported to the CAO.				

The Authority acknowledges some of the content of this policy has been aligned with the Town of Aurora's By-law Number 5500-13.

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Schedule E – Projects* and Prequalification of Goods and Services and/or Construction Purchasing Thresholds

For the purpose of this policy, the following are the required Procurement methods, approval Authority, and Contract requirements for the specified amount thresholds. **Projects and Prequalification of Goods and Services and/or Construction Purchasing Thresholds**

Dollar Thresholds	Method of Procurement	Source of Bids for Projects	Source of Bids for Prequalified work	Authorization Required	Contract/ Commitment Type
NA	RFEOI	Advertising is required in such a manner as directed by the CFO	Advertising is required in such a manner as directed by the CFO	Approval required by CAO	NA
NA	RFPQ	Not applicable	Selected Proponents by RFEOI Review Committee	Approval required by CAO	NA
Up to \$50,000	Formal RFQ , RFP or RFT; Direct Award ¹ is an option for prequalified	Advertising is required in such a manner as directed by the CFO	Pre-qualified Bidders ²	Approval required by Departmental General Manager	Purchase Order and Contract, if applicable (executed by the CAO and CFO)
\$50,000.01 up to \$200,000	Formal Request for Tender (RFT) or Formal Request for Proposal (RFP)	Advertising is required in such a manner as directed by the CFO	Pre-qualified Bidders ² : Minimum of Three (3) Bidders	Approval required by CAO	Purchase Order and Contract (executed by the CAO and CFO)
\$200,000.01 up to \$500,000	Formal Request for Tender (RFT) or Formal Request for Proposal (RFP)	Open competitive procurement (advertising required)	Open competitive procurement (advertising required) ³	Approval required by CAO and Chair of Board of	Purchase Order and Contract (executed by the CAO and Authority Chair as

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Dollar Thresholds	Method of Procurement	Source of Bids for Projects	Source of Bids for Prequalified work	Authorization Required	Contract/ Commitment Type
				Directors (delegated)	per Board of Directors direction)
Over \$500,000.01	Formal Request for Tender (RFT) or Formal Request for Proposal (RFP)	Open competitive procurement (advertising required)	Open competitive procurement (advertising required) ³	Approval required by the Board of Directors	Purchase Order and Contract (executed by the CAO and Authority Chair as per Board of Directors direction)

¹Direct award will be based on rotation and best fit. Projects will be evenly offered to each of the pre-qualified bidders. A summary of offered and accepted direct awards will be provided to the Board of Director’s on a semi-annual basis.

²Term of prequalification will be at the direction of the CAO. The CAO will review annually the performance of each pre-qualified bidder to ensure they continue to be deemed qualified. Bidders will be provided a performance evaluation at the end of each project and may, at discretion of the CAO, be removed from the pre-qualified bidders. RFEOI’s will be re-issued every 2-3 years (at the discretion of the CAO) to allow new bidders to submit and previous bidders wishing to resubmit.

³Pre-qualified Bidders will not be required to resubmit qualifications, unless it is at the request of the CAO.

*Capital and Operating projects may be approved in the budget process by the Board of Directors or in year, up to \$500,000 by the CAO. The Board of Directors delegates approval authority to the CAO and the Chair to authorize purchase orders/contracts on all standard procurement processes within the \$500,000 threshold, with annual reporting required as part of year end reporting.

Financial Policies and Procedures		
Subject: Purchasing Policy		Policy No:
Section: Procurement		Revision:
Date Approved by the Board of Directors:		Res #:
Effective Date: Revised: December 18, 2015 Last Revision Date: July 26, 2019 Last Amendment Date:	Issued To: All Employees	
Reviewed By CAO: Rob Baldwin	Distributed:	

Schedule F – Process Map for Offsetting Project Approvals

For the purpose of this policy, the following process map outlines the unique nature of the Offsetting Projects (Phosphorous, Ecological and Water Balance) approval process.

