



**Lake Simcoe Region**  
conservation authority

*A Watershed for Life*

# **Guidelines for the Implementation of Ontario Regulation 179/06**

**LSRCA Board of Directors' Meeting  
March 27, 2015**

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# Background:

- December 2014 - LSRCA Board of Directors directed staff to complete a comprehensive review of the Authority's Watershed Development Policies
- To bring forward revised guidelines for their consideration at the April 2015 Board of Directors meeting

# Current Policy Document

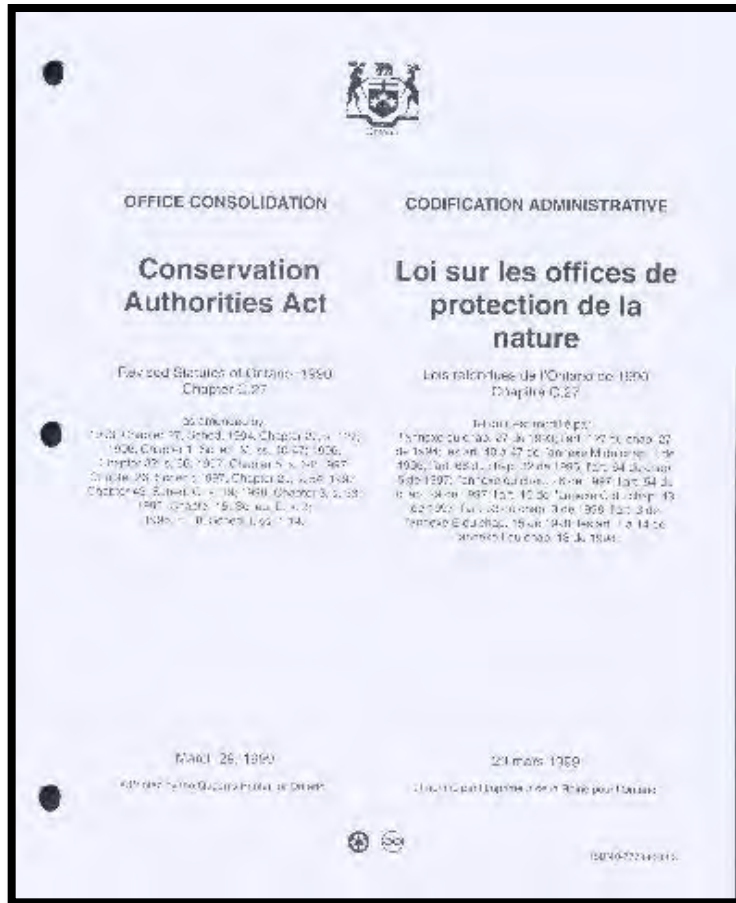
LAKE SIMCOE REGION  
CONSERVATION AUTHORITY  
WATERSHED  
DEVELOPMENT POLICIES

Approved by LSRCA Board of Directors September 1984  
Approved by LSRCA Board of Directors December 1994  
Resolution No. FA-94-29  
Approved by LSRCA Board of Directors April 17, 1998  
Resolution No. 18-98-BOD  
Approved by LSRCA Board of Directors July 23, 2000  
Resolution No. BOD-00-145  
Approved by LSRCA Board of Directors January 28, 2005  
Resolution No. BOD-01-05  
Approved by LSRCA Board of Directors April 28, 2006  
Resolution No. BOD-06-72  
Approved by LSRCA Board of Directors March 23, 2007  
Resolution No. BOD-36-07  
Approved by LSRCA Board of Directors October 26, 2007  
Resolution No. BOD-129-07  
Approved by LSRCA Board of Directors November 28, 2008  
Resolution No. BOD-08-140  
Approved by LSRCA Board of Directors February 25, 2011  
Resolution No. BOD-29-11  
Approved by LSRCA Board of Directors June 24, 2011  
Resolution No. BOD-98-11  
Approved by LSRCA Board of Directors March 23, 2012  
Resolution No. BOD-03-12  
Approved by LSRCA Board of Directors February 28, 2014  
Resolution No. BOD-03-14

- Prepared in 1984
- Revised 12x's
- Do not reflect the current regulation (Ontario Regulation 179/06)
- Do not reflect the *Lake Simcoe Protection Act and Plan*



# Power to Make Regulations



Section 28(1) empowers Conservation Authorities to establish regulations dealing with environmental protection

# Power to Make Regulations

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;*

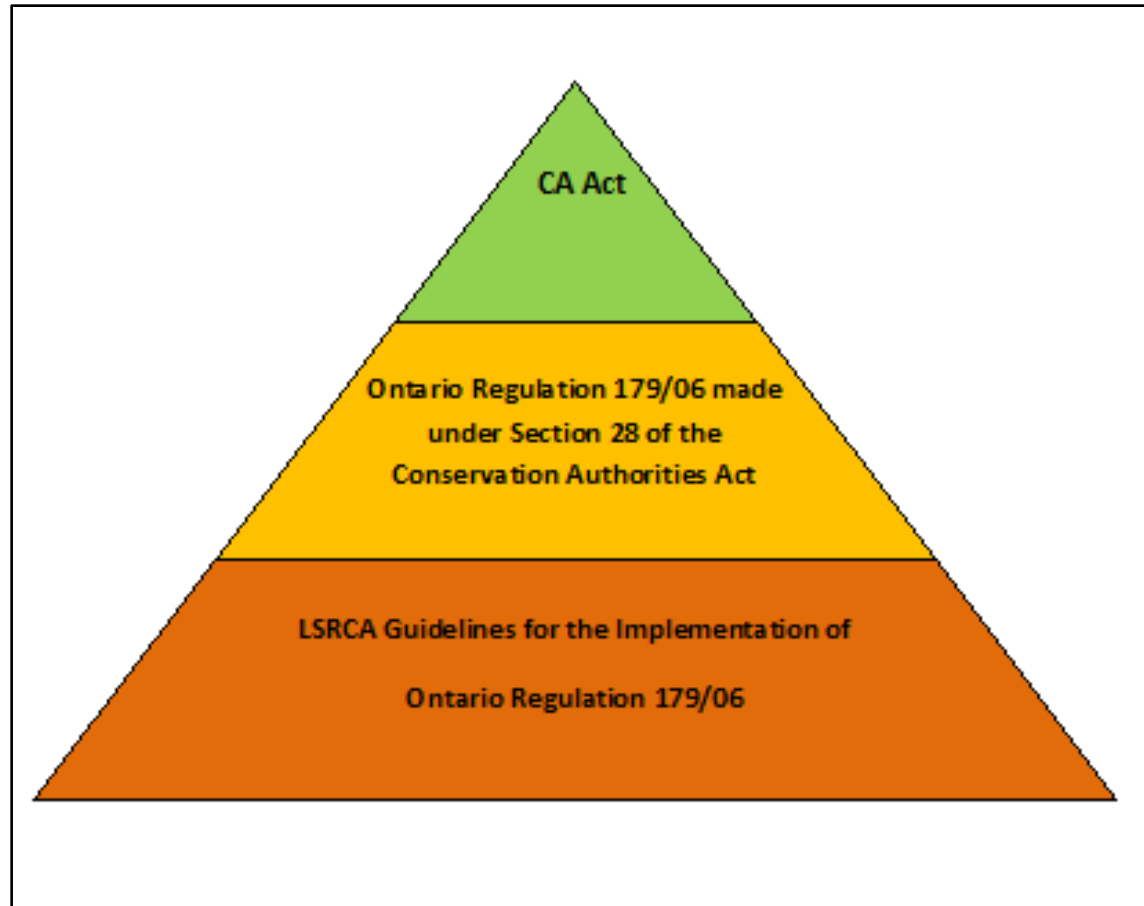
# Power to Make Regulations

- (c) *Providing for the appointment of officers to enforce any Regulation made under this Section or Section 29;*
- (d) *Providing for the appointment of persons to act as officers with all the powers and duties to enforce any Regulation made under this Section.*

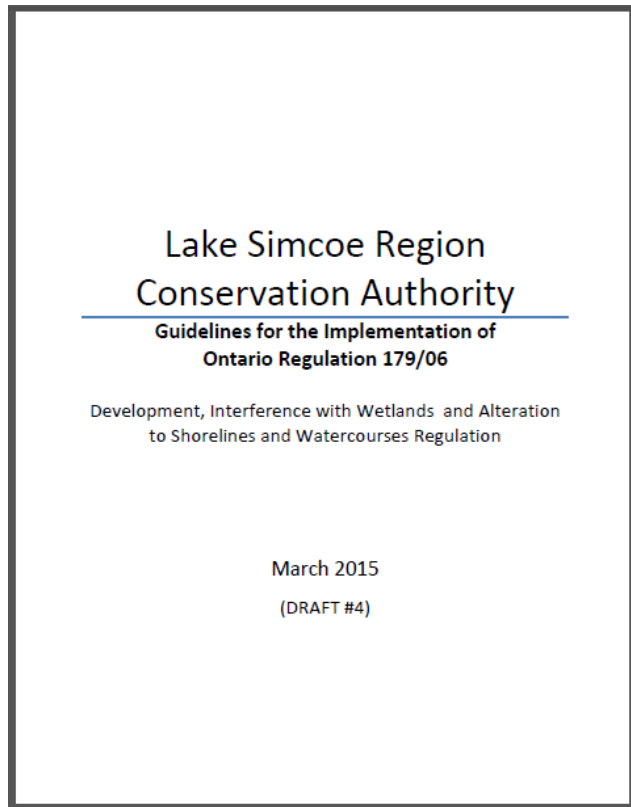
The Regulation does not:

- Limit the use of water for domestic or livestock purposes;
- Interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
- 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;
- Interfere with any rights or powers under the *Electricity Act* (1998) or the *Public Utilities Act* (1998)

# Legislative Context



# Watershed Development Guidelines



- Enhance consistency and administrative decision-making for the implementation of Ontario Regulation 179/06
- Provide general approaches to the processing of applications
- Should not be construed as law
- Tool to protect people, their property and the environment



# Planning First Philosophy

The LSRCAs shall **encourage** that all environmental matters be addressed for a development proposal under the *Planning Act* and/or approved under the *Environmental Assessment Act* process prior to submitting an application for approval under Ontario Regulation 170/06

- currently a practice
- seeking endorsement of the Board of Directors

# Guidelines Address Hazardous Lands Regulated under the Provisions of Ontario Regulation 179/06

- Floodplains
- Meander Belts
- Wetlands
- “Other Areas adjacent to wetlands”
- Slope Erosion
- Watercourses



# The Five Tests

Each application under Ontario Regulation must meet the following tests:

1. Control of Flooding
2. Erosion
3. Dynamic Beaches
4. Pollution
5. Conservation of Land

# Major Changes to LSRCA's Watershed Development Guidelines

## Floodplain (Chapter 5)

	Previous	New
<b>Flood depths</b>	Development would not be permitted in the floodplain where depths are 1 metre or greater	Development will not be permitted within areas where flood depths exceed 0.8 metres of flooding
<b>Flood-proofing</b>	Flood-proofing shall be to the regulatory flood elevation	Flood-proofing to the regulatory flood standard plus 0.3 metres allowance
<b>Basements</b>	Basements must be flood-proofed	No basements permitted in the floodplain
<b>Safe Access</b>	No greater than 0.3 metres of flooding on the roadway and no greater than 0.8 metres of flooding on a private driveway	No greater than 0.3 metres of flooding on the road or private driveway
<b>Parking</b>	Parking facility required to meet the low risk definition of the LSRCA	Barriers are required around the parking facility  Underground parking not permitted

# Major Changes to LSRCA's Watershed Development Guidelines

## Shoreline Policies (Chapter 6)

	Previous	New
<b>General Shoreline Guidelines</b>	<p>The Authority shall strive to maintain shorelines in their natural state.</p> <p>A 15 metre buffer/setback be provided between all buildings and the average annual high water mark of all waterbodies (219.15masl)</p>	<p>In general all development shall be setback a minimum distance of 30 metres from the average high watermark of Lake Simcoe.</p> <p>In general, no new development will be permitted within the minimum vegetation protection zone of Lake Simcoe as defined in the relevant policies of the Lake Simcoe Protection Plan (LSPP) except as:</p> <ul style="list-style-type: none"> <li>• Permitted under 6.1 DP of the Lake Simcoe protection Plan.</li> </ul>
<b>Shoreline structures</b>	<p>The authority may require a slope stability, erosion or dynamic beach study for certain development</p>	<p>Boathouses, docks and shoreline protection may be permitted provided that:</p> <ul style="list-style-type: none"> <li>• The ecological function of the shoreline is maintained (may require an EIS if works are considered a significant alteration)</li> <li>• Geotechnical or other studies may be required</li> <li>• The natural flow of water is not impeded</li> </ul> <p>Pervious materials and designs are used where feasible</p>

# Major Changes to LSRCA's Watershed Development Guidelines

## Shoreline Policies (Chapter 6)

	Previous	New
<b>Boathouses</b>		No habitable space is permitted (e.g. living accommodations, potable water, septic facilities, etc.)
<b>Docks</b>		Docks may be permitted provided that: <ul style="list-style-type: none"> <li>• They do not impede the flow of water</li> <li>• The structure is designed to minimize damages that could occur as a result of coastal processes</li> <li>• The dock is properly anchored</li> </ul>
<b>Shore Decks</b>		Generally, shore decks will not be permitted along the shoreline of Lake Simcoe.

# Major Changes to LSRCA's Watershed Development Guidelines

## Wetlands (Chapter 8)

	Previous	New
<b>Provincially Significant Wetlands (PSW)</b>	<p>No new development within a PSW</p> <p>The LSRCA will grant approval for development on lots within registered plans of Subdivision</p>	<p>No new development within a PSW</p> <p>Exceptions may be made for new development within a PSW for public utilities and infrastructure, trails, or conservation and restoration projects provided a number of conditions are met.</p>
<b>Non-Evaluated wetlands</b>	<p>Exceptions may allow new development in non-evaluated wetlands provided that:</p> <ul style="list-style-type: none"> <li>• There is no alternative location</li> <li>• An Environmental Impact Study is can demonstrate no impact on flooding, erosion, conservation of land or pollution</li> </ul>	<p>New development is generally prohibited in all wetlands.</p> <p>Exceptions may allow new development in non-evaluated wetlands provided that:</p> <ul style="list-style-type: none"> <li>• There is no alternative location</li> <li>• An Environmental Impact Study is can demonstrate no impact on flooding, erosion, conservation of land or pollution</li> <li>• A mitigation plan is prepared to compensate for any loss of the feature</li> </ul>

# Major Changes to LSRCA's Watershed Development Guidelines

## *Additional Changes:*

- Section 5.3.4 – recognizes agricultural practices
- Section 4.1 – activities not requiring written permission by the approval of this Document



# Monitoring

- Guidelines to be reviewed on an on-going basis to evaluate their effectiveness
- Amended to reflect changes in legislation, regulations, policies as well as changes in practices of the LSRCA
- Significant changes require the approval of the LSRCA Board of Directors
- Minor technical amendments (e.g. correcting ambiguous language) may be made by staff
- Board of Directors may consider amendments at any time
- Subject to a comprehensive review every 5 years

# Transition

- LSRCA has undertaken a comprehensive public consultation process
  - multiple posting of draft guidelines on website
  - public open houses
  - municipal consultation
  - notices in watershed newspapers and municipal offices
  - special meeting of the Board of Directors for delegations
- Guidelines revised where appropriate
- Reviewed by LSRCA legal counsel
- Planning comments provided after February 12, 2013 will be honored following the adoption of these guidelines

**Effective *June 1, 2015***