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**SUBJECT:** Transitional Regulations

**DATE:** April 4, 2011

**ACTION PLAN:**

- Review ERCA's Planning and Regulations Functions
- Update ERCA's Planning and Regulations Policies
- Protect homes and people from flood and erosion
- Continue to reflect regional perspective in provincial policy development

### PURPOSE

To obtain the Board of Directors endorsement for the continued use of transitional policies for Regulations and Planning.

### REPORT SUMMARY

- ERCA's 1987 Board approved Guidelines, Policies and Procedures require updating, refinement and clarification in response to changes in 2006 to the Section 28 Content Regulation (Generic Regulation). The 1987 Policies generally meet the minimum requirements of the 2006 Section 28 Content Regulation however, require updates to include specific technical guidelines prepared by the Province for hazards, heritage matters and stormwater management requirements and mandatory compliance with the Provincial Policy Statement as amended..
- It was expected that Provincial reviews and approvals of proposed comprehensive amendments to the Conservation Ontario proposed Provincial Guidelines, Policies and Procedures would have been completed, and could be included in ERCA policy amendments. However, these reviews have been delayed due to parliamentary administrative processes affecting the timelines
- ERCA Staff are participating at the Provincial level on committees dealing with the update to the Provincial Policy Statement (PPS), Section 28 Regulations Guidelines Policies and Procedures, MNR Technical Guidelines on Hazard matters, as well as other related Conservation Ontario Committees.

### BACKGROUND

ERCA's *Guidelines, Policies and Procedures* were developed in 1987. In 2006, ERCA Administration advised of the need to modify and update the guidelines to reflect modifications and changes related to natural heritage, hazard and other technical components of the guidelines (ERCA BD 29/06). ERCA Administration also presented a Draft *Guidelines, Policies and Procedures* to the Board (ERCA BD 43/06) for endorsement, pending the completion of a review being undertaken by the Ministry of Natural Resources and Conservation Ontario, towards a revised and uniform standard in terms of regulated



activities by Conservation Authorities. It was anticipated that this review would be complete in 2006/07; and that ERCA's Draft *Guidelines, Policies and Procedures* would be approved in 2006/07, following the provincial review. The Board approved ERCA Administration's application of the existing 1987 *Guidelines, Policies and Procedures for Planning and Development Review* as transitional policies and procedures for natural hazard matters and heritage matters, pending completion of the Provincial review.

Since 2006, and because of our expertise, ERCA Staff have been directly involved at the Provincial level, participating on Committees dealing with the update to the 2005 Provincial Policy Statement (PPS), the Provincial Section 28 Review Committee, and other committees in response to amendments within the *Conservation Authorities Act* and the *Planning Act*. At this time, the review is not yet complete; and it is anticipated that Guidelines prepared at the Provincial level will be posted by the end of 2011/early 2012.

However, legislative changes that were triggered in 2006 in response to this review require that some current practices and procedures be clarified and refined, specifically related to natural heritage and natural hazard, and stormwater management; and be endorsed by the Board.

Staff involvement with proposed development matters within mapped natural hazard and natural heritage areas is typically triggered through mandated municipal circulation of applications due to the requirements stipulated within *the Planning Act, the Building Code Act, and the Municipal Drainage Act*. In addition, Authority staff members are requested to provide input on other development matters by municipal administration related to such issues as stormwater management, and reviewing and commenting on Environmental Impact Assessments (EIAs) for developments outside of mapped hazard areas and adjacent to mapped natural heritage areas. The standard minimum triggers for organized development reviews are defined, generally, by the Ministry of Municipal Affairs and confirmed in the PPS. Typically, in these cases ERCA comments have been and will continue to be addressed by conditions specified by development and/or site plan control agreements administered through planning processes in the affected municipality. ERCA staff reviews for natural hazard and natural heritage matters reflect current ERCA policy; the 2005 PPS; and the current MNR Technical Guidelines for Hazard Areas prepared in support of the PPS.

As it relates to stormwater, ERCA applies the 1987 Guidelines, Policies and Procedures for planning and development review and additional criteria prepared by MOE, with input from MNR and Conservation Ontario, to determine the appropriate level of stormwater measures to be implemented. These Stormwater Management Guidelines were developed in the early 1990s and updated in 2003. The current guidelines provide technical and procedural guidance for the planning, design and review of stormwater management practices utilizing a consistent provincial level framework.

It is proposed that ERCA's 1987 *Guidelines, Policies and Procedures* continue to be used as transitional policies and procedures; with modifications and refinements:

- For development proposals inside of Regulated Areas, staff will continue to proceed with current approved policy direction as refined
- For areas outside of the Regulated Areas the comments provided for site plan control agreements will typically, but not always, be provided on development and redevelopment issues proceeding on



lands greater than 0.25 of a hectare, or when issues brought forward by municipal administration identify specific concerns relative to drainage, water quality, natural hazards or natural heritage issues

## RECOMMENDATION

THAT the existing guidelines, policies and procedures for planning and development review continue to be utilized as transitional policies and procedures for natural hazards matters; and further

THAT planning, regulations and development review for natural hazard and natural heritage matters, be provided consistent with current ERCA policy; and the 2005 PPS; and the current MNR Technical Guidelines for Hazard Areas prepared in support of the PPS; and further;

THAT stormwater management reviews are completed utilizing current recommendations stipulated in the 2003 MOE Stormwater Management Guidelines through approved policy direction and site plan control agreements related to drainage, water quality, natural hazards and natural heritage issues; and further,

THAT Authority staff continues to be involved at the Provincial level, participating on committees completing preparation of the specific and applicable guidelines; and finalize a comprehensive guideline, policy and procedures document for Board approval in keeping with recommendations and standards developed at the Provincial level.



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*Signed by...*

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