



Corporate Report

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EC.19.CON

DATE: March 14, 2006

TO: Chair and Members of Planning and Development Committee
Meeting Date: April 3, 2006

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Conservation Authority Regulations and Mapping**

- RECOMMENDATION:**
1. That the City of Mississauga support Conservation Authority regulation updates for Credit Valley Conservation, Toronto and Region Conservation Authority and Conservation Halton in conformity with *Ontario Regulation 97/04, the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations*.
 2. That staff continue to work with Credit Valley Conservation, Toronto and Region Conservation Authority and Conservation Halton staff to refine the regulation line mapping as new natural hazard and natural heritage mapping becomes available.
 3. That a copy of the report titled "*Conservation Authority Regulations and Mapping*" dated March 14, 2006 from the Commissioner of Planning and Building be forwarded, by the City Clerk, to Credit Valley Conservation, Toronto and Region Conservation Authority, Conservation Halton, the Region of Peel, the City of Brampton and the Town of Caledon.

REPORT SUMMARY: Ontario's 36 Conservation Authorities are required to bring their individual regulation into conformity with *Ontario Regulation 97/04*, known as the Generic Regulation, by May 1, 2006. The Generic Regulation provides the opportunity to regulate wetlands and shorelines of the Great Lakes in addition to features currently regulated: flood plains, watercourses and fill regulated areas (river and stream valleys, hazardous lands). This is consistent with the Provincial Policy Statement and the *Planning Act* and provides consistency among the Conservation Authorities. This further strengthens the environment goals of the City of Mississauga: to protect and maintain significant natural heritage systems; promote pollution prevention and reduction; and protect people and property from hazards.

BACKGROUND: In the late 1990's, the Provincial government carried out a review of the *Conservation Authorities Act* under its *Red Tape Reduction Act*. In 1997, amendments were made to Section 28 (1) of the *Conservation Authorities Act* under the direction of the Red Tape Commission.

Section 28 (1) of the *Conservation Authorities Act* empowers Conservation Authorities to establish regulations dealing with environmental protection. Based on changes to Section 28, *Ontario Regulation 97/04* was passed on May 1, 2004. The changes to the *Conservation Authorities Act* and the Generic Regulation underwent province-wide public consultation.

Within Mississauga, there are three Conservation Authorities: Credit Valley Conservation; Toronto and Region Conservation Authority; and Conservation Halton. All three held public consultation sessions, as well as information/consultation sessions with Mississauga staff in the fall of 2005.

An overview of the "Generic regulation" is scheduled to be presented to the Mississauga Building Liaison Team (BILT) on March 20, 2006.

The amendments to the *Conservation Authority Act* provide for the following changes:

- add definitions of development, hazardous land, pollution, watercourse and wetland, consistent with the Provincial Policy Statement;
- permit wetlands and shorelines to be regulated;
- permit “Other Areas” to be regulated, such as organic soils, unstable soils and lands adjacent to wetlands;
- allow Conservation Authority permits to be issued with or without conditions;
- provide ability to appeal conditions;
- provide province-wide consistency among the individual Conservation Authority Regulations;
- provide consistency among Conservation Authority Regulations, the *Planning Act* and the Provincial Policy Statement with respect to Natural Hazards and Natural Heritage;
- streamline approvals of individual Conservation Authority Regulations. To this end, the Peer Review Committee (consisting of Conservation Authority and Ministry of Natural Resources technical experts) ensures conformity with the Generic Regulation and the Minister of Natural Resources approves the individual Conservation Authority Regulation; and
- all Conservation Authorities are required to have their individual regulation approved by the Ministry of Natural Resources by May 1, 2006.

Appendix 1 summarises the changes between the current Conservation Authority Regulations and the Generic Regulation.

Conservation Authorities have the option of showing the regulated areas on maps. Currently, Conservation Authorities have “fill line” mapping which depicts regulated areas. To produce new regulation line mapping consistent with the Generic Regulation, the underlying natural hazard and natural heritage mapping (e.g. flood plain mapping) must be updated. As per Section 28 of the *Conservation Authorities Act*, Conservation Authorities were given 2 years to complete the mapping exercise, or provide written geographic descriptions of the regulated areas.

The maps are illustrative in nature and the Conservation Authorities have the ability to refine the maps as more detailed information becomes available.

COMMENTS:

The Generic Regulation is permissive in nature. The regulation limit does not represent a development limit or a land use restriction but rather an area of interest where permit approval may be required from the Conservation Authority. In cases where there is a conflict between the regulated area described in the Regulation text and the mapping, the text prevails over the mapping. Regulated activities would be permitted only if the control of flooding, erosion, dynamic beaches or pollution or conservation of land is not affected by development.

The new Generic Regulation is largely the same as the current Conservation Authority regulations, except for the following changes:

- wetlands such as Creditview Wetland and Cawthra Woods will be regulated. Rattray Marsh is currently regulated through Fill Line mapping associated with Lake Ontario and flood plain mapping for Sheridan Creek and will continue to be regulated;
- additional areas along the Lake Ontario shoreline where Fill Line mapping does not currently exist;
- creeks presently regulated for construction in the flood plain and alteration to watercourse, will now be regulated as per the Generic Regulation, such as Applewood, Cawthra, Lakeside, Serson, Stavebank and Tecumseh; and
- along some creeks, the regulated areas will be reduced, for example, portions of the Credit River and the headwater areas of Cooksville Creek and Sawmill Creek.

All three Conservation Authorities have produced draft regulation line mapping. Appendix 2 illustrates the draft regulated areas in Mississauga. Mississauga staff have reviewed the draft regulation lines and provided feedback to each Conservation Authority to assist in finalizing the lines in time for the May 1, 2006 deadline. In addition, as further updated mapping becomes available (e.g. Etobicoke Creek flood plain mapping), Conservation Authorities will update the regulation line mapping accordingly.

In general, land owners affected most by the Generic Regulation are those in the rural areas, like Caledon. The Town of Caledon and affected land owners have expressed concern about the accuracy of the mapping and are requesting an extension to the review period. In Mississauga, the change to the Regulation and the increase (or decrease) in regulated areas is not substantial. Staff support the Conservation Authority Generic Regulations and the finalization of the regulation line mapping. When reviewing development applications and building permit applications, staff will use the new regulation mapping.

FINANCIAL IMPACT: None

CONCLUSION: The Conservation Authority Generic Regulation and new regulation line mapping will serve as an additional resource management tool to aid landowners and municipalities. The Generic Regulation provides consistency among Conservation Authorities, as well as consistency with the *Planning Act* and Provincial Policy Statement. It supports the environmental goals of the City of Mississauga, and also serves as an implementation tool for protecting public health, safety and the long-term ecological function and biodiversity of natural heritage systems in Ontario.

ATTACHMENTS: APPENDIX 1: Areas and Activities Subject to Conservation Authority Regulations
APPENDIX 2: Conservation Authority Draft Regulation Lines

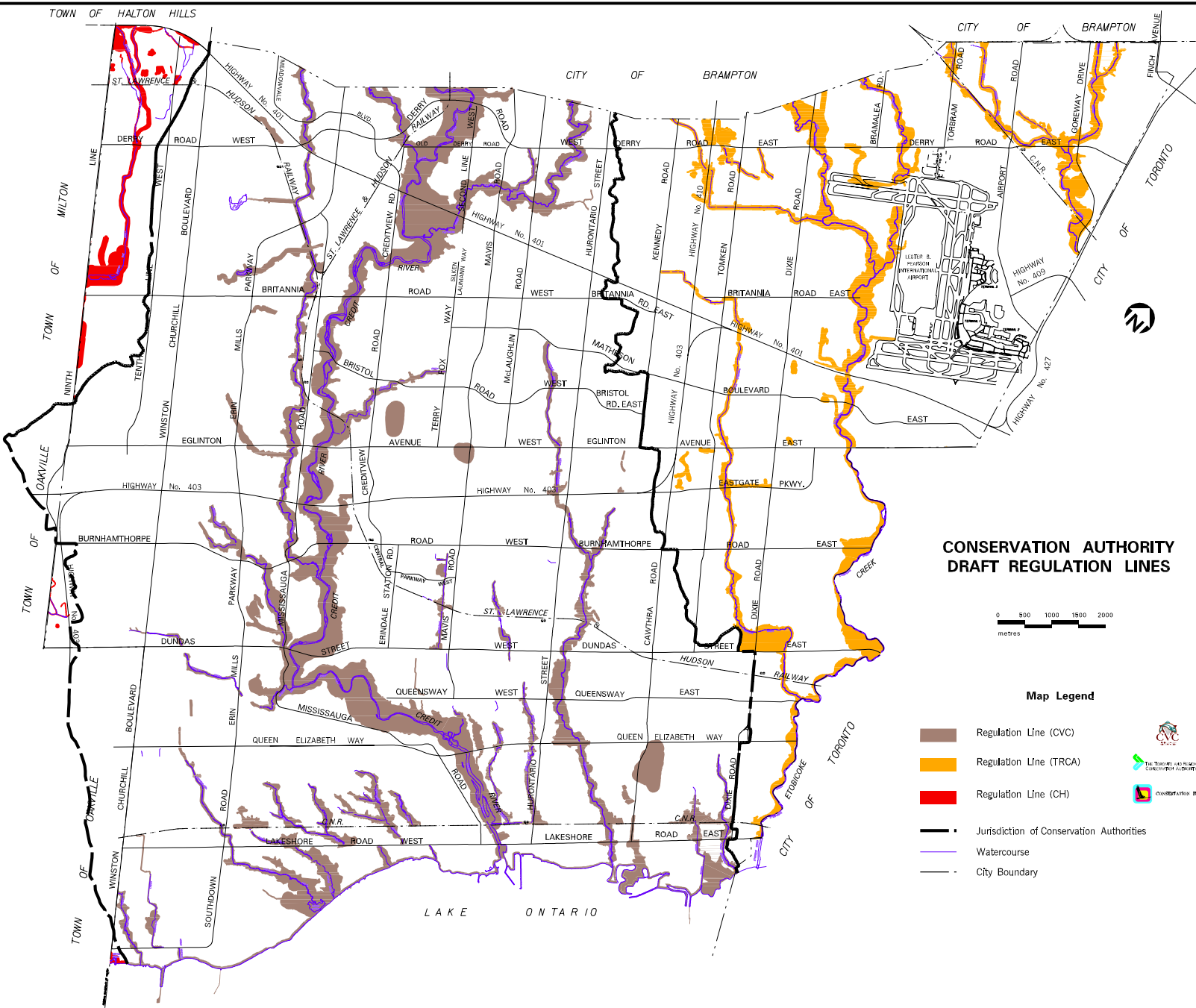
Edward R. Sajecki
Commissioner of Planning and Building

AREAS AND ACTIVITIES SUBJECT TO CONSERVATION AUTHORITY REGULATIONS

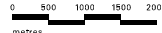
Current Regulations Individual “Fill, Construction and Alteration to Waterways” Regulation	New Generic Regulation “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” Ontario Regulation 97/04	
	Activities regulated:	Areas regulated: (most extensive hazard + allowance)
Placement of fill within fill regulated areas	Development within a <u>*regulated area</u> .	
Construction in regulatory flood plain	Development in regulated area, which includes area susceptible to flooding	Estimated flood plain + 15 metres
Interference and alteration to watercourses	Interference and alteration to <u>watercourses</u>	Watercourse/meander belt allowance + 15 metres
		Slope hazard + 15 metres
	Interference and alteration to <u>wetlands</u>	Limit of wetlands + 30 metres or 120 metres (for Provincially Significant wetlands)
	Interference and alteration to <u>shorelines</u>	Lake Ontario shoreline hazards + 15 metres
	Interference and alteration to “other areas” such as organic soils, unstable soils, lands adjacent to wetlands	

* Regulated area includes:

- hazardous lands (floodplain, slopes, erosion, meander belt)
- river and stream valley systems
- shorelines of the Great Lakes
- watercourses
- wetlands
- other areas - the Conservation Authorities Act allows the Minister to permit the regulation of “other areas”



CONSERVATION AUTHORITY DRAFT REGULATION LINES



Map Legend

- Regulation Line (CVC)
- Regulation Line (TRCA)
- Regulation Line (CH)
- Jurisdiction of Conservation Authorities
- Watercourse
- City Boundary

