



June 8, 2017

Memo to Board of Directors for June Board Meeting

RE: Minor Edits to the Watershed Planning and Regulations Policy Manual

The Policy Manual is a living document that from time to time requires minor updates. Generally these updates are minor in that they do not change the overall intent of the manual or our current practices in the planning and regulations program. The following updates range from re-numbering a section to adding in wording to reflect a practice we employ and re-wording and spacing individual policies. Small changes are also recommended to fix erroneous errors such as spacing issues and wording. A brief description is provided with each suggested edit if necessary. Updated or new wording is indicated in *blue* text.

Proposed Minor Edits to the Policy Manual – June 2017

1. On page 24 regarding technical reports, add in *“and will be requested at the discretion of the CVCA”* at the end of the first sentence. This is to recognize that in some situations an Environmental Impact Study (EIS) or other technical reports may not be required to support development if the site characteristics and staff expertise deem it unnecessary. An example would be a proposed addition on piers to a dwelling where a small portion of the addition is in the setback to a wetland and the existing dwelling is located at the top of and set back from a steep ridge.
 2. The section numbers for Section 5 are incorrect; they do not correspond to the numbers in the text and will be re-numbered accordingly.
 3. In a previous update the sections were renumbered and some references to them were not updated. As such all instances in the River/Stream Valley Section that refers to “subject to Section 6.2 – Erosion Hazards (Policies 6.2.1 to 6.2.6 inclusive).” will be changed to *“subject to Section 5.5 – Erosion Hazards and Policies 5.6 through 5.8 inclusive.”*
 4. For lakes and rivers with no known flood hazard we do not permit development within 15m of the shoreline on vacant land and do not permit development to encroach closer to the shoreline on developed land. Although the setbacks are mentioned in the Quick Reference Guide there is no text in the document that explicitly states that policy. As such Section 4.2 should include the following text: *“For watercourses and waterbodies that do not have a known flood hazard the following general policies will apply in addition to any relevant policies in Section 4.2 and 6.0: Development will not be permitted within a 15m setback from the shoreline with the exception of properties with existing development in the setback. In those instances dwellings and structures may be replaced on the same footprint and no part shall encroach any closer to the shoreline. Additions to existing structures may be permitted provided a site assessment reveals that the extent of the flood hazard can be established (i.e. a high granite bank) and/or that there are site specific factors that would indicate there is no risk of impact to or from a natural hazard. Waste water and sewage systems will be permitted to be replaced within the 15m setback provided the system cannot be relocated elsewhere, will not negatively impact the environment and is servicing an existing dwelling.”*
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5. A new section “Development Within the Allowance of Unstable Soils/Bedrock” was omitted in the last revision and should be added. It is almost identical to the same sections regarding flood and erosion hazards and should be added to be consistent with the other Natural Hazard policies. It reads as follows:

“5.12 Development Within the Allowance of Unstable Soils/Bedrock

The guidelines for development within the 15 metre adjacent lands to unstable soils/bedrock hazards include an access setback. Note that access is required along the hazard as well as between buildings to allow for heavy equipment access to the hazard area. Three main principles support the inclusion of an erosion access setback:

- providing for emergency access to areas of unstable soil/bedrock;*
- providing for construction access for regular maintenance and access to the site in the event of a geologic event or failure of a structure; and*
- providing protection against unforeseen or predicted external conditions which could have an adverse effect on the natural conditions or processes acting on or within an area of unstable soils/bedrock.*

The CVCA will require all new development to be setback 6m from any natural hazard.

5.8.1 Development may be permitted within the allowance adjacent to unstable soils/bedrock if it has been demonstrated to the satisfaction of CVCA that the control of flooding, erosion, pollution or the conservation of land will not be affected. The submitted plans should demonstrate that:

- development does not create a new hazard or aggravate the existing hazard;*
- development is set back a sufficient distance from the hazard to avoid increases in loading forces on the top of the unstable soils/bedrock;*
- for additions to existing buildings or structures located within the setback allowance, the addition cannot encroach further into the setback from the hazard than the original building or structure;*
- for reconstruction of buildings or structures located within the setback allowance, the new building or structure is constructed in the same location as the original building or structure provided that there are no reasonable alternatives to locate the new building or structure outside of the required setback, and the new building or structure cannot encroach further into the setback from the hazard than the original building or structure;*
- development does not change drainage or vegetation patterns that would compromise unstable soil/bedrock stability or exacerbate the hazard;*
- development will not prevent access to and along the hazard in order to undertake preventative actions/maintenance or during an emergency;*
- the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans; and*
- natural features and/or ecological functions contributing to the conservation of land are protected, pollution is prevented and flooding hazards have been adequately addressed;*
- the plan is carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the CA.*

Where development is proposed and the extent of the hazard associated with unstable soils/bedrock is unknown, CVCA will require a technical study, completed by a qualified professional, to determine the extent of the hazard. These studies are completed at the applicant’s expense and must be completed to the satisfaction of the CVCA.”

6. The following text has should be added to the policies for Development Within the Allowance of an Erosion Hazard to be consistent with the other Natural Hazard policies:

- *the plan is carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the CA.*

Where development is proposed and the extent of the erosion hazard is unknown, CVCA will require a technical study, completed by a qualified professional, to determine the extent of the hazard. These studies are completed at the applicant's expense and must be completed to the satisfaction of the CVCA.

7. The text that reads: The CVCA will require all new development to be setback from a flooding or erosion hazard, should be changed to “...*to be setback from any hazard.*” because the setback applies to all natural hazards, not just flooding and erosion.
8. The section on Water Control Structures was incomplete in that a sentence was not finished. The following text is suggested to re-word and re-organize section on Water Control Structures:

Water Control Structures

6.4.1.3 *Water control structures to protect existing and proposed development from a flooding hazard shall not be permitted.*

6.4.1.4 *Water control structures to facilitate approved renewable energy generation projects (for water control structures associated with conservation activities refer to Policy 6.4.2) will be permitted to be constructed, maintained or repaired subject to the following:*

- *the water management benefits of the water control structure are demonstrated and all feasible alternatives considered through an approved Environmental Assessment, or other comprehensive plan that is supported by CVCA, whichever is applicable based on the scale and scope of the project;*
- *there will be no adverse hydraulic or fluvial impacts or an increase in flooding; and;*
- *impacts on hydrologic function (e.g., water quality and quantity control) are avoided or it can be demonstrated that best management practices including site and structure design and appropriate remedial measures will mitigate and/or compensate for disturbance to features and functions.*

6.4.1.5 *Water control structures for any purpose other than those identified in Policy 6.4.1.4 will not be permitted within the channel of a river, creek, stream or watercourse unless in conjunction with a permit/authorization from the MNRF under their appropriate legislation*. The conditions in Policy 6.4.1.4 must also be met.*

** Should the MNRF not require an application for a water control structure the CVCA will not permit a water control structure under Policy 6.4.1.5.*

9. Small minor edits to spacing, removing word errors.
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