



# Full Authority Agenda

March 27, 2024

KCCA Admin Centre

10:00 a.m.

This meeting will be a hybrid meeting with option to join both in-person and electronically. The recording and draft minutes will be posted to KCCA’s web site on March 28, 2024. The meeting will be streamed live at the following link:

Facebook Page - <https://www.facebook.com/KettleCreekCA/>

## **Audio/Video Recording Notice**

### **Land Acknowledgement**

*Kettle Creek Conservation Authority wishes to acknowledge the treaty and traditional lands originally occupied by the Indigenous First Nation peoples of the Anishinabek, Attiwonderonk and Haudenosaunee nations. KCCA strives to build meaningful relationships with Indigenous communities and recognizes the importance of respecting these treaties and lands.*

### **Introductions and Declarations of Pecuniary Interest**

#### **Delegations**

- a) Jeremy Browne, London Canine Association  
Re: Dan Patterson Rental Fees

#### **Minutes of Meetings**

- a) February 7, 2024 Full Authority Meeting ..... 4
- b) February 21, 2024 Annual General Meeting ..... 12

**Recommendation:** That the minutes of the February 7, 2024 Full Authority Meeting and the February 21, 2024 Annual General Meeting be approved.

#### **Matters Arising**

- a) Media Report(Marianne)..... 17
- b) Project Tracking(Elizabeth)..... 20
- c) Watershed Conditions(Jennifer)..... 23

**Recommendation:** That the staff reports on Matters Arising (a) through (c) be received.



# Full Authority Agenda

March 27, 2024

KCCA Admin Centre

10:00 a.m.

## Correspondence

a) From Jennifer Keyes, MNRF Policy Branch Re: Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario February 16, 2024.....26

b) From Conservation Ontario, Re: Conservation Ontario’s comments on the “New regulation to focus municipal environmental assessment requirements” (ERO#019-7891)March 18, 2024 .....29

**Recommendation:** That the correspondence be received.

## Statement of Revenue and Expenses

No report

## New Business

a) Ontario Regulation 41/24 and New Proclaimed Sections of the CA Act

i) Legislative and Regulation Changes Overview(Elizabeth/Joe) .....33

**Recommendation:** That the staff report on the Legislative and Regulation Changes be received.

ii) Re-delegation of Powers (Elizabeth).....37

**Recommendation:** That in accordance with Section 28.4 of the *Conservation Authorities Act (the Act)*, the Authority delegates all the powers and duties of the Authority with respect to issuing permits and permit extensions under Section 28 of the Act or its regulations, to the appointed “Regulation Approval Officer(s)”; and further

That the Authority delegates all powers and duties of the Authority with respect to requests for a Hearing of the Board that in accordance with the Act or its regulations requires a decision within legislated timeline to the Executive Committee if a quorum or meeting of the Full Authority can not be achieved.

iii) Re-appointment of Provincial Offences Officers (Elizabeth).....40

**Recommendation:** That in accordance with section 30.1 of the Conservation Authorities Act, the Authority appoints the Manager of Planning and Development, Joseph Gordon and the Forestry and Lands Supervisor, Jeff Lawrence as “Regulation Enforcement Officers” with all the powers and duties of an officer appointed under the Act for enforcement of regulations under section 28 and 29 in the jurisdiction of the Kettle Creek Conservation Authority.

iv) Section 28 Administrative Documents Update (Joe).....42

**Recommendation:** That the KCCA Board of Directors approve the Permit Application Information Package and Permit as presented.



# Full Authority Agenda

March 27, 2024

KCCA Admin Centre

10:00 a.m.

v) Policy Updates (Joe).....57

**Recommendation:** That the housekeeping amendments to KCCA’s Administrative By-Law and Hearing Procedure Guidelines be approved as presented; and further

That the KCCA Interim Policy Guideline for the Administration and Implementation of Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits be approved and implemented as presented.

b) KCCA Watershed Enhanced Riverine Floodplain Mapping: Public Notification (Jennifer) .....71

**Recommendation:** That the 2024 KCCA Watershed Enhanced Riverine Floodplain Mapping Project report be received, and draft mapping be released for public notification in accordance with the staff report.

d) CA Act Update - Watershed Based Resource Management Strategy(Betsy/Elizabeth) .....76

**Recommendation:** That the staff report on the Conservation Authorities Act Update – Watershed Based Resource Management Strategy be received; and further

That the draft Guiding Principles and Objectives for the Strategy be approved for posting to KCCA’s website for public consultation

d) Lakeshore Upgrade (Joe).....79

**Recommendation:** That the Lakeshore Camping Area Improvement Plan be approved as presented.

e) March Planning and Regulations Report (Joe) .....87

**Recommendation:** That the March 2024 Planning and Regulations Activity Report be received.

## Closed Session

a) February 7, 2024 Closed Session Minutes

b) Legal Matter – Violation V24-001

c) Legal Matter – Acquisition of Property

d) Legal Matter – Acquisition of Property

## Up Coming Meetings

Full Authority Meeting                      April 17, 2024                      10 a.m.

Full Authority Meeting                      May 15, 2024                      10 a.m.

Deer Ridge Grand Opening                May 30, 2024                      2:30 pm.



# Full Authority Minutes

February 7, 2024

A meeting of the Full Authority of the Kettle Creek Conservation Authority was held on Wednesday, February 7, 2024 at 10:00 a.m. The meeting was streamed live to Facebook.

The meeting came to order at 10:00 a.m. As some members and guests attended virtually, all votes were recorded and are included in the Recorded Vote Registry.

### Audio/Video Record Notice

The Audio/Video Recording Notice was posted and made available to the public.

### Land Acknowledgement

Kettle Creek Conservation Authority wishes to acknowledge the treaty and traditional lands originally occupied by the Indigenous First Nation peoples of the Anishinabek, Attiwonderonk and Haudenosaunee nations. KCCA strives to build meaningful relationships with Indigenous communities and recognizes the importance of respecting these treaties and lands.

### Members Present:

Lori Baldwin-Sands	St. Thomas	In Person
Jim Herbert	St. Thomas	Virtual
Grant Jones	Southwold	In Person
Sharron McMillan	Thames Centre	In Person
Todd Noble	Central Elgin	In Person
Jerry Pribil	London	Virtual
Sam Trosow	London	Virtual
John Wilson	Malahide	In Person

### Members Absent:

Frank Berze	Middlesex Centre
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### Staff Present

Jessica Kirschner	GIS and Information Services Coordinator	Virtual
Marianne Levogiannis	Public Relations Supervisor	In Person
Elizabeth VanHooren	General Manager/Secretary Treasurer	In Person
Jennifer Dow	Water Resources Supervisor	In Person
Joe Gordon	Manager of Planning and Development	In Person
Jeff Lawrence	Forestry and Lands Supervisor	Virtual
Betsy McClure	Stewardship Program Supervisor	In Person



Guests:

Scott Trevors	Graham Scott Enns	In Person
Jim Frederick	Graham Scott Enns	In Person
Rob Amos	Aquafor Beech	Virtual
Julie Michel	Aquafor Beech	Virtual

**Introductions & Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

**Delegations/Presentations**

The Chair recognized the auditors, Scott Trevors and Jim Frederick from Graham Scott Enns. Respectful of their time, members were asked to entertain the reports and presentations listed on the Statement of Revenues and Expenses immediately. Members concurred.

Scott Trevors and Jim Frederick provided an overview of the new requirements for the Financial Statements including remeasurement gains and losses and asset retirement obligations. There were no changes or concerns identified by members. The Audited Financial Statements will be presented at the Annual General Meeting for final approval.

**FA28/2024**

**Moved by:** Lori Baldwin-Sands

**Seconded:** Todd Noble

That the report on the Draft Audited Financial Statements be received and that the Audit Planning and Finding Letters be executed.

**Carried**

The Chair then recognized Rob Amos, Fluvial Geomorphologist/Aquafor Beech. Staff requested that Amos update members on the progress of the Dodd Creek Enhanced Riverine Floodplain Mapping Report. The project is being undertaken with funding from the Flood Hazard and Information Mapping Program (FHIMP) and must be completed by March 1, 2024. The report is still in its draft stage and will be finalized and brought back to the Board for final approval.

**FA29/2024**

**Moved by:** Todd Noble

**Seconded:** John Wilson

That the presentation on the Dodd Creek Enhanced Riverine Floodplain Mapping be received.

**Carried**

**Hearing Board**

There was no Hearing required.

**Minutes of Meeting**

**FA30/2024**

**Moved by: Jim Herbert**

**Seconded: Todd Noble**

That the minutes of the January 17, 2024 Full Authority meeting be approved.

**Carried**

**Matters Arising**

- a) Information Security Policy

**FA31/2024**

**Moved by: Sharron McMillan**

**Seconded: Todd Noble**

That the Staff Reports under Matters Arising be received.

**Carried**

**Correspondence**

- a) From KCCA to Minister Smith (MNRF) Re: Cost Apportioning Agreements and Programs and Services Inventory January 22, 2024
- b) Invitation to Catfish Creek Conservation Authority's Annual General Meeting February 22, 2024

**FA32/2024**

**Moved by: Lori Baldwin-Sands**

**Seconded: Sharron McMillan**

That the Correspondence be received.

**Carried**

**Statement of Revenue and Expenses**

- a) 2023 Draft Audited Financial Statements (Staff Report)
- b) Draft Financial Statements (Scott Trevors/Jim Frederick – Graham Scott Enns)
- c) Audit Planning and Finding Letters (Scott Trevors/Jim Frederick – Graham Scott Enns)

These reports were considered under Presentations at the beginning of the meeting.

**New Business**

d) Municipal Apportionment Vote

A preamble to the apportionment vote was read by VanHooren as follows:

*To provide conformity with legislation and regulations governing approval of municipal apportionments:*

1. *The proposed Year 2024 Municipal Apportionment was circulated to member municipalities and posted to KCCA's web site on November 16, 2023, in order to provide a minimum 30-day notice to approval on February 7, 2024. There is an overall increase of \$81,688.57 over the 2023 apportionment.*
2. *A recorded vote will be taken, with each member responding either "For" or "Against" the motion. The motion carries or is lost, according to the total of weighted votes assigned to each board member. This weighted vote is based upon the Modified Current Value Assessment apportioned to that portion of each municipality within the jurisdiction of the KCCA watershed.*
2. *The 2024 Municipal Apportionment approved by the Board will be circulated to participating municipalities on February 8, 2024, who if not satisfied, may appeal to the Ontario Lands Tribunal within 30 days of receiving the notice. Thereafter, no appeals are allowed, and the Year 2024 Municipal Apportionment will be final.*

**FA33/2024**

**Moved by:**

**John Wilson**

**Seconded:**

**Sharron McMillan**

That the 2024 Municipal Apportionment be approved;

And That the participating municipalities be assessed for payment of \$1,181,189 which is comprised of Category 1 operating expenses of \$967,466.32; Category 3 operating expenses of \$145,930 and a special levy of \$67,792.68;

And That each participating municipality's share of the 2024 Total municipal apportionment be calculated using "Modified Current Value Assessment."

**Carried**

By Regulation, a recorded Vote was taken. If not all of a municipality's member(s) are present, the member(s) in attendance represent(s) only their proportion of the municipal weighting in the voting.

**The motion carried with 81.39% of the weighted vote and 100% of the weighted vote present.**

**FA33/2024 Recorded Vote**

Member Municipality	Present	Levy %	Weight %	In Favour	Opposed	Absent
<b>City of London</b>		<b>56.71</b>	<b>50.00</b>			
Sam Trosow			16.67	•		
Jerry Pribil			16.67	•		
Un-Appointed	-	-	<del>16.66</del>	-	-	-
<b>City of St. Thomas</b>		<b>27.66</b>	<b>31.94</b>			
Lori Baldwin-Sands			15.97	•		
Jim Herbert			15.97	•		
<b>Central Elgin</b>		<b>7.90</b>				
Todd Noble			9.12	•		
<b>Southwold</b>		<b>4.02</b>				
Grant Jones			4.65	•		
<b>Thames Centre</b>		<b>1.34</b>				
Sharron McMillan			1.56	•		
<b>Middlesex Centre</b>		<b>1.69</b>				
Frank Berze			1.95			•
<b>Malahide</b>		<b>0.68</b>				
John Wilson			0.78	•		
<b>Total</b>		<b>100.00</b>	<b>83.34</b>	<b>81.39%</b>		

b) 2024 Budget - Updated

**FA34/2024**

**Moved by: Todd Noble**

**Seconded: Lori Baldwin-Sands**

That the Staff Report on the 2024 Budget be received.

**Carried**

c) 2024 WECl Application

**FA35/2024**

**Moved by: John Wilson**

**Seconded: Sharron McMillan**

That staff submit an application to the Water and Erosion Control Infrastructure (WECl) program as soon as funding is announced, for the Environmental Assessment for the Dalewood Dam with

a total budget not to exceed \$34,000.

**Carried**

d) February 2024 Planning and Regulations Activity Summary

**FA36/2024**

**Moved by: Lori Baldwin-Sands**

**Seconded: Todd Noble**

That the February 2024 Planning and Regulations Activity Report be received.

**Carried**

**Closed Session**

The Closed Session meeting began at 11:01 a.m.

**FA37/2024**

**Moved by: Sharron McMillan**

**Seconded: Todd Noble**

That the Full Authority move to Closed Session to discuss legal, Personnel or Property matters.

**Carried**

**FA38/2024**

**Moved by: Sharron McMillan**

**Seconded: Sam Trosow**

That the Full Authority revert to open session and report.

**Carried**

The Open Session resumed at 11:12 a.m.

a) Minutes

**FA39/2024**

**Moved by: Sam Trosow**

**Seconded: Jerry Pribil**

That the minutes of the Closed Session meeting of the January 17, 2024 Full Authority Meeting be approved.

**Carried**

b) Legal Matter – Violation

No report.

c) Legal Matter

No report.

d) Personnel Matter – 2024 Salary Proposal

**FA40/2024**

**Moved by: Lori Baldwin-Sands**

**Seconded: Jim Herbert**

That the job description updates for the Resource Assistant and the Corporate Services Coordinator be approved; and that the position of Resource Assistant be advertised in advance of the 2024 final budget approval.

**Carried**

**Upcoming Meetings**

Annual General Meeting (Budget)

February 21, 2024

**FA41/2024**

**Moved by: Lori Baldwin-Sands**

**Seconded: Jim Herbert**

That the meeting adjourn.

**Carried**

Members were reminded of the Annual General Meeting scheduled for February 21, 2024 at 10 a.m.

The meeting adjourned at 11:16 a.m.



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Elizabeth VanHooren  
General Manager/Secretary Treasurer

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Grant Jones  
Chair

**Recorded Vote Registry FA28/2024 to FA33/2024**

A=Absent Y=Yes N=No

Board Member	FA28/2024	FA29/2024	FA30/2024	FA31/2024	FA32/2024	FA33/2024
Baldwin-Sands	Y	Y	Y	Y	Y	Y
Berze	A	A	A	A	A	A
Herbert	Y	Y	Y	Y	Y	Y
Jones	Y	Y	Y	Y	Y	Y
McMillan	Y	Y	Y	Y	Y	Y
Noble	Y	Y	Y	Y	Y	Y
Pribil	Y	Y	Y	Y	Y	Y
Trosow	Y	Y	Y	Y	Y	Y
Wilson	Y	Y	Y	Y	Y	Y
<b>Result</b>	<b>Carried</b>	<b>Carried</b>	<b>Carried</b>	<b>Carried</b>	<b>Carried</b>	<b>Carried</b>

**Recorded Vote Registry FA34/2024 to FA39/2024**

A=Absent Y=Yes N=No

Board Member	FA34/2024	FA35/2024	FA36/2024	FA37/2024	FA38/2024	FA39/2024
Baldwin-Sands	Y	Y	Y	Y	Y	Y
Berze	A	A	A	A	A	A
Herbert	Y	Y	Y	Y	Y	Y
Jones	Y	Y	Y	Y	Y	Y
McMillan	Y	Y	Y	Y	Y	Y
Noble	Y	Y	Y	Y	Y	Y
Pribil	Y	Y	Y	Y	Y	Y
Trosow	Y	Y	Y	Y	Y	Y
Wilson	Y	Y	Y	Y	Y	Y
<b>Result</b>	<b>Carried</b>	<b>Carried</b>	<b>Carried</b>	<b>Carried</b>	<b>Carried</b>	<b>Carried</b>

**Recorded Vote Registry FA40/2024**

A=Absent Y=Yes N=No

Board Member	FA40/2024
Baldwin-Sands	Y
Berze	A
Herbert	Y
Jones	Y
McMillan	Y
Noble	Y
Pribil	Y
Trosow	Y
Wilson	Y
<b>Result</b>	<b>Carried</b>



# Annual General Meeting Minutes

February 21, 2024

The 2023 Annual General Meeting of the Kettle Creek Conservation Authority was held on Wednesday, February 21, 2024 at 10:03 a.m. The meeting was streamed live to Facebook.

The meeting came to order at 10:03 a.m.

**Audio/Video Record Notice**

The Audio/Video Record Notice was posted and made available to the public.

**Land Acknowledgement**

Kettle Creek Conservation Authority wishes to acknowledge the treaty and traditional lands originally occupied by the Indigenous First Nation peoples of the Anishinabek, Attiwonderonk and Haudenosaunee nations. KCCA strives to build meaningful relationships with Indigenous communities and recognizes the importance of respecting these treaties and lands.

VanHooren conducted a roll call with the following members identifying their presence:

**Members Present In Person:**

Lori Baldwin-Sands	City of St. Thomas
Frank Berze	Middlesex Centre
Grant Jones	Southwold Township
Jim Herbert	City of St. Thomas
Sharron McMillan	Thames Centre
Todd Noble	Municipality of Central Elgin
John Wilson	Malahide Township

**Members Present Virtually:**

Sam Trosow	City of London
Jerry Pribil	City of London

Trosow and Pribil joined the meeting at 10:11 a.m. following the Greetings.

**Staff Present In Person:**

Mike Buis	Lake Whittaker Coordinator
Jennifer Dow	Water Resources Supervisor
Joe Gordon	Manager of Planning and Development
Jessica Kirschner	Corporate Services Coordinator
Brandon Lawler	Forests and Lands Technician
Jeff Lawrence	Forestry and Lands Supervisor



Rob Lindsay  
Betsy McClure  
Marianne Levogiannis  
Scott Pinnell  
Elizabeth VanHooren

Dalewood Coordinator  
Stewardship Program Supervisor  
Public Relations Supervisor  
Maintenance and Safety Coordinator  
General Manager/Secretary Treasurer

Guests:

Jim Frederick  
Scott Trevors

Graham Scott Enns  
Graham Scott Enns

As some members were joining the meeting electronically all votes were recorded and are included in the Recorded Vote Registry.

**Introductions & Declarations of Pecuniary Interest**

There were no declarations of pecuniary interest.

**Chair's Remarks**

The Chair welcomed everyone to the Annual General Meeting. The Chair reflected on the year past; how, last year at this time 80% of the Board was new to Kettle Creek Conservation Authority. A watershed tour this past summer helped members solidify as a team and reminded them of how one program area affects another and how what we do, and fail to do today, affects tomorrow. Integration of KCCA's programs with member municipalities and other partners is at the core of what conservation authorities do.

**Other Greetings**

Angela Coleman, General Manager of Conservation Ontario; Karen Vecchio, Member of Parliament for Elgin-Middlesex-London; and Ed Ketchabaw, Warden of Elgin County brought greetings and congratulations from their respective organizations.

**General Business**

- a) Presentation of 2023 Financial Statements

Scott Trevors presented a brief explanation of the Financial Statements.

**AM1/2024**

**Moved by:** Lori Baldwin-Sands

**Seconded:** Frank Berze

That the Year 2023 Financial Statements be adopted as presented.

**Carried**

b) Presentation of the 2023 Annual Report

Elizabeth VanHooren presented the 2023 Annual Report. The report highlights the interconnectivity of KCCA's many programs and services.

**AM2/2024**

**Moved by: Todd Noble**

**Seconded: Sharron McMillan**

That the Year 2023 Annual Report be adopted as presented.

**Carried**

c) Presentation of the 2024 Budget

**AM3/2024**

**Moved by: Sam Trosow**

**Seconded: Jim Herbert**

That the proposed 2024 Budget be approved as presented.

**Carried**

In accordance with KCCA's Administrative By-Law, a weighted vote was taken. In the event that not all of a municipality's member(s) are present, the member(s) in attendance represent(s) only their proportion of the municipal weighting in the voting.

**The motion carried with 83.34% of the weighted vote and 100% of the weighted vote present.**

**AM3/2024 Recorded Vote**

Member Municipality	Present	Levy %	Weight %	In Favour	Opposed	Absent
<b>City of London</b>		56.71	50			
Sam Trosow	•		16.67	•		
Jerry Pribil			16.67	•		
<del>Not Appointed</del>		-	<del>16.66</del>			
<b>City of St. Thomas</b>		27.66	31.94			
Lori Baldwin-Sands	•		15.97	•		
Jim Herbert	•		15.97	•		
<b>Central Elgin</b>		7.90				
Todd Noble	•		9.12	•		
<b>Southwold</b>		4.02				
Grant Jones	•		4.65	•		
<b>Thames Centre</b>		1.34				
Sharron McMillan	•		1.56	•		
<b>Middlesex Centre</b>		1.69				
Frank Berze			1.95	•		
<b>Malahide</b>		0.68				
John Wilson	•		0.78	•		
<b>Total</b>		<b>100</b>	<b>83.34%</b>	<b>83.34%</b>		

**Special Presentations**

a) Staff Recognition  
 VanHooren recognized Jessica Kirschner, Corporate Services Coordinator for 5 years of service; Scott Pinnell, Maintenance and Safety Coordinator and Michael Buis, Lake Whittaker Conservation Area Coordinator for 15 years of service and Betsy McClure, Stewardship Program Supervisor for 20 years of service.

The Chair thanked members, staff and the public for attending the meeting. The next meeting of the Full Authority will be March 27, 2024 at 10:00 a.m.

**AM4/2024**

**Moved by:** Lori Baldwin-Sands  
**Seconded:** Sharron McMillan

That the meeting adjourn at 10:37 a.m.

**Carried**



Elizabeth VanHooren  
 General Manager/Secretary Treasurer

Grant Jones  
 Chair

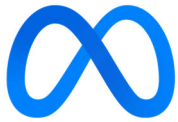
**Recorded Vote Registry AM01/2024 to AM04/2024**

**A=Absent Y=Yes N=No**

<b>Board Member</b>	<b>AM01/2024</b>	<b>AM02/2024</b>	<b>AM03/2024</b>	<b>AM04/2024</b>
<b>Baldwin-Sands</b>	Y	Y	Y	Y
<b>Berze</b>	Y	Y	Y	Y
<b>Herbert</b>	Y	Y	Y	Y
<b>Jones</b>	Y	Y	Y	Y
<b>McMillan</b>	Y	Y	Y	Y
<b>Noble</b>	Y	Y	Y	Y
<b>Trosow</b>	Y	Y	Y	Y
<b>Wilson</b>	Y	Y	Y	Y
<b>Pribil</b>	Y	Y	Y	Y
<b>Result</b>	<b>Carried</b>	<b>Carried</b>	<b>Carried</b>	<b>Carried</b>

DRAFT

## Facebook & Instagram Summary



Facebook Followers: 3,700  
Instagram Followers: 1,300  
Facebook Post Reach: 31,100  
Instagram Reach: 1,200



Post Impressions	Post Reach	Engagement
1,173	1,124	34

Are you organizing a family reunion or special event this year? Dan Patterson Conservation Area offers pavilion rentals for gatherings of all sizes from June through September. To learn more, or make a reservation visit: <https://www.kettlecreekconservation.on.ca/pavilion-rentals/>



Post Impressions	Post Reach	Engagement

Happy International Women's Day! At KCCA, we are proud to have talented staff leading the way in environmental monitoring, education and stewardship. Their expertise and passion are shaping the future of our watershed and inspire us daily! [#InspireInclusion](#) [#WomenInStem](#) [#LoveMyWatershed](#)

## Facebook & Instagram Summary



Facebook Followers: 3,700  
Instagram Followers: 1,300  
Facebook Post Reach: 31,100  
Instagram Reach: 1,200



Post Impressions	Post Reach	Engagement
2,742	2,587	304

Interested in becoming a seasonal camper at Dalewood or Lake Whittaker? A list of campsites is now available for those interested in the 2024 season. The application goes live March 15 at 9 a.m.



Post Impressions	Post Reach	Engagement
1,821	1,665	178

Heads up! Tomorrow at 9 a.m. the KCCA campground reservation system for Lake Whittaker and Dalewood Conservation Areas will open. It's never too early to book your favourite campsite and start planning your next visit.





## Twitter Summary

Impressions: 827

Tweets: 10

Followers: 1,369



Total Impressions	Engagements
<b>31</b>	<b>1</b>

Nobody does green quite like nature! Happy St. Patrick's Day.



Total Impressions	Engagements
<b>56</b>	<b>0</b>

A limited number of seasonal sites are now available for the 2024 season at Dalewood and Lake Whittaker Conservation Areas. Those sites will be assigned through a lottery selection process. To be considered you must submit an application. Apply Now: <https://www.kettlecreekconservation.on.ca/new-seasonal-campers/> ...

# March Project Tracking



Kettle Creek  
Conservation Authority

## CORPORATE SERVICES

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- Added and updated new sections of the KCCA website, including the addition of the Watershed Connections page.
- New LWCA Beach signs sent to production and delivered March 13, 2024.
- Worked with staff to confirm new seasonal camper availability and update social media channels, the KCCA website and relevant application forms for a March 15 launch.
- Updated Dan Patterson Conservation Area rental forms; now accepting 2024 bookings.
- Hosted a Floodplain Mapping Metadata Application tutorial for Conservation Ontario on Feb 27; Attended CA Clerks working Group Feb 28
- Resource Assistant interviews conducted Feb 29
- Prepared Aspira for necessary closures and updates for a successful launch of the online Reservation System March 1; 328 reservations were made for the summer within the first day of launch, beating last year's record of 245.
- Attended HST webinar hosted by CRA on Mar 12
- Collection of March 1st payments; 2024 returning seasonal camper applications complete
- Assisted with seasonal staff interviews Mar 19 and 21.

## FLOOD FORECASTING AND ENVIRONMENTAL MONITORING

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- Completed the Final Reporting for the 2023 WECl Project. KCCA staff were successful in obtaining reallocation funding to offset the costs associated with the Dalewood Dam Options Assessment report.
- Completed the Final Reporting for the KCCA Enhanced Riverine Floodplain Mapping project that was funded by the Flood Hazard Information Mapping Program (FHIMP).
- At the beginning of February, staff arranged for a contractor to remove woody debris that had accumulated on the upstream face of the Dalewood Dam.
- On March 1, 2024 staff attended a virtual partner workshop for the Provincial Water Quality Monitoring Network (PWQMN) to prepare for the upcoming monitoring season.
- Staff released a Watershed Conditions Statement—Flood Outlook on March 7, 2024, in advance of significant rainfall coinciding with the start of March Break.
- Sorting, identification, and enumeration of benthic samples.
- Collected snow survey data in February and March and submitted to the MNRF Surface Water Monitoring Centre for flood forecasting and modelling. Conducted weekly ice monitoring throughout the watershed.



- Reviewed municipal drain maintenance notifications, new drainage works proposals and attended site visits as necessary (ongoing).
- Sorting, identification, and enumeration of benthic samples.

## STEWARDSHIP AND OUTREACH

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- Completed and submitted a final report to OMAFRA for the COA grant that supported outreach and education and implementation of BMPS that help address nutrient losses to watercourses/Lake Erie
- Site visits with landowners and contractors for 8 potential wetland creation projects
- St. Thomas-Elgin Children’s Water Festival:
  - Festival being held May 7-10, 2024 at Pinafore Park
  - Over 3,200 students registered for the Festival with 4,800 students on the waiting list
  - Over 150 volunteers are needed each day to support the Festival – for more information and to register as a volunteer:  
<https://forms.gle/tteyNJ2CmFUykFhHA>
- Attended various Committee meetings: Municipality of Thames Centre Environmental Committee, Elgin Stewardship Council, Port Stanley 200 Trees
- Assisted with interviews for the Resource Assistant
- Continued work on CA Act deliverables – finalizing the Land Inventory, developing Guiding Principles and Objectives for the Watershed Based Resource Management Strategy

## FORESTRY AND INVASIVE SPECIES

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- Responded to inquiries about over the counter and Greening Communities tree programs.
- Conducted site visits and finalizing planting plans for Spring 2024 tree planting/
- Organized the Southwestern Conservation Authorities tree planting display at the London Farm Show from March 6-8
- Submitted project site information to Forest Ontario and Tree Canada to secure funding for sites planted by KCCA
- Continued with woody invasive species control at Kirk-Cousins Management Area
- Conducted hazard tree removal on KCCA properties

## CONSERVATION AREAS AND MAINTENANCE

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- Online Reservation System went live on March 1st.
- Both Crew Leads started their contracts on March 4th
- Addressed any late payment relative to the March 1<sup>st</sup> deadline for seasonal camper late payments.

- Confirmed site availability for new seasonal campers to apply on March 15
- Continued cleanup of trees of concern and branches on trails and campgrounds and grounds work at Dan Patterson CA and Kettle Creek Dog Park.
- Reviewed applications and organized interviews for seasonal staff March 18-22
- Standard preseason preparations underway including equipment prep and updating health & safety training modules and PowerPoints for seasonal staff training.

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TO: Board of Directors  
FROM: Jennifer Dow  
Date: March 27, 2024  
Subject: March 2024 Watershed Conditions Report  
**Recommendation: For information**

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## PURPOSE

To inform the Board of Directors of the current and seasonal watershed conditions.

## REPORT SUMMARY

- Staff removed accumulated debris from the Dalewood Dam on February 2, 2024
- Watershed Conditions Statement—Flood Outlook issued on March 7, 2024, due forecasted significant rain, and warmer temperatures.
- Staff were successful in obtaining \$13,000 in WECl reallocation funding to offset the cost of the 2023 Dalewood Dam Options Report, seasonal inspections, and studies.
- Staff lowered the stop logs in Dalewood Dam back into position March 18-19, 2024.

## BACKGROUND

As of March 17, 2024, Lake Erie's static water level daily mean was 174.43m. This water level is 33cm above Lake Erie's period-of-record (1918-1922) average, 9cm lower than what was recorded at the same time last year, and 51cm lower than the 2020 record high. This level does not account for any increase in water levels due to storm surge or wind driven waves. Lake Erie declined 4cm over the month of February, which is higher than normal. Typically, Lake Erie will remain above average through March. In addition, so far this winter, Lake Erie has been almost entirely ice-free which increases the risk potential for storm surge in Port Stanley.

The KCCA watershed historically receives 65mm of rain during the month of February. The watershed received 25% of the average total rain for the month of February. The three-month precipitation levels are above normal for December 2023 to February 2024. The Environment Canada outlook for March to May indicates above normal temperatures and near normal precipitation for the region.

As of March 8, 2024, Central Lake Ontario CA is the only CA in a confirmed Level 1 Low Water Condition in the Southern Region.

Staff were successful in obtaining \$13,000 in Water and Erosion Control Infrastructure (WECl) reallocation (year-end surplus) funding for the 2023-2024 program to offset the cost of the 2023 Dalewood Dam Options Report, seasonal inspections and engineering support related to the operational changes to the stop logs.

High flows that occurred in January 2024 due to unusually warm weather and rain caused a significant accumulation of woody debris on the upstream face of the Dalewood Dam. Staff retained a contractor with a large backhoe to carefully remove the debris.

With the passing of the spring freshet in February, ice-free conditions and lower water levels, staff were able to lower the stop logs in the Dalewood Dam back into position to increase water levels in the Dalewood Reservoir. The stop logs were lifted at the end of October last year to reduce the risk of dam overtopping during significant flood events, prolong the dam's remaining lifespan, lower the long-term maintenance requirements, and to generally follow recommended best management practice. Staff lowered the logs back into position on March 18-19, 2024.

## **RECOMMENDATION**

**For information.**



Woody debris accumulated on the upstream face of the Dalewood Dam in January 2024.





Many large logs and trees were wedged broadside along the face of the spillway which prevented the natural clearing of the debris during the high flows.



Stop logs back in position, March 19, 2024.

**From:**

**Subject:**

Update: Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario –  
Ministry of Natural Resources and Forestry

**Date:**

February 16, 2024 3:49:53 PM

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*\*This message is being sent on behalf of Jennifer Keyes, Director, Resources Planning and Development Policy Branch, MNRF\**

Good afternoon:

I am writing to inform you of the proclamation of provisions of the *Conservation Authorities Act* (the act), as well as the approval of Ontario Regulation (O. Reg.) 41/24: Prohibited Activities, Exemptions and Permits, and amendments to O. Reg. 686/21: Mandatory Programs and Services made under the act, all of which come into effect on April 1, 2024. This updated legislative framework and regulations will clarify and streamline regulatory requirements to focus on natural hazards and public safety and provide greater transparency in the permitting process.

I would like to acknowledge the ongoing efforts of conservation authorities in implementing these much-needed changes.

### **Legislative proclamations**

The amendments to the act that have been proclaimed to come into effect on April 1, 2024, including provisions regarding:

- Appeals of permit related fees to the Ontario Land Tribunal (OLT).
- Setting out the prohibited activities in the act instead of in individual conservation authority specific regulations, and enabling exceptions to the prohibitions.
- The issuance of permits by a conservation authority, including appeals to the OLT regarding permitting decisions, requests that the Minister of Natural Resources and Forestry (the minister) review a conservation authority permit decision, and appeals to the OLT if a decision is not made by a conservation authority within 90-days.
- Minister's orders directing a conservation authority not to issue a permit and, where such an order is made, enabling the minister to issue a permit in the place of a conservation authority.
- Mandatory requirement for conservation authorities to issue permits where a minister's order has been made under section 34.1 or 47 of the *Planning Act* (continues the approach currently in effect).
- Updated enforcement powers and offence provisions under the act, including updated provisions for the appointment of officers, stop work orders and

increased penalties.

### **New regulation for the protection of people and property from natural hazards**

Effective April 1, 2024, O. Reg. 41/24: Prohibited Activities, Exemptions and Permits sets out details on: prohibited activities and areas where a conservation authority permit is required, exemptions from a permit for certain low-risk activities, the process for applying for a conservation authority permit, and service requirements for conservation authorities in reviewing permit applications. The new regulation will apply to all conservation authorities and the existing 36 conservation authority-specific regulations (“Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”) and the regulation governing their contents (O. Reg. 97/04) will be revoked. This new regulation will ensure clear and consistent requirements for conservation authorities and permit applicants while still addressing local differences. Amendments to O. Reg. 686/21: Mandatory Programs and Services, also in effect April 1, 2024, prescribes requirements for conservation authorities to prepare an annual report that outlines statistics on permits, including reporting on their level of compliance with the requirements set out in O. Reg. 41/24.

### **New regulation setting out rules of conduct in Conservation Areas**

Effective April 1, 2024, [O. Reg. 668/21: Rules of Conduct in Conservation Areas](#) comes into effect, and the conservation authority specific regulations will be revoked. This single regulation sets out the rules of conduct in conservation areas across the province. This new regulation generally maintains the requirements formerly set out in the individual regulations with some minor updates and re-numbering. The Ministry is also proposing amendments to Regulation 950: Proceedings Commenced by Certificate of Offence under the *Provincial Offences Act* to update the short form wordings to reflect the new regulation, and will be in contact regarding those updates in the upcoming weeks.

A decision notice is now available at the Environmental Registry of Ontario, posting #019-2927: [Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario](#).

The new and updated regulations will be published on e-laws in the coming days and a webinar will take place during the week of March 4<sup>th</sup> for conservation authorities and Conservation Ontario, for which you will be receiving an invitation shortly.

If you have any questions, please reach out to the Ministry of Natural Resources and Forestry at [ca.office@ontario.ca](mailto:ca.office@ontario.ca). I look forward to working with you to implement these changes.

Sincerely,

Jennifer Keyes  
Director, Resources Planning and Development Policy Branch  
Ministry of Natural Resources and Forestry  
[ca.office@ontario.ca](mailto:ca.office@ontario.ca)

**Please Note:** As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

*This electronic transmission, including any accompanying attachments, may contain information that is privileged or confidential and is intended only for the use of the recipient(s) named above. Any distribution, review, dissemination, or copying of the contents of this communication by anyone other than the intended recipient(s) is strictly prohibited. If you received this communication in error, please notify the sender immediately by return e-mail and permanently delete the copy you have received. Thank you.*





March 18, 2024

Ministry of Environment, Conservation and Parks (MECP)

Submitted via email: [EAmodernization.mecp@ontario.ca](mailto:EAmodernization.mecp@ontario.ca)

**Re: Conservation Ontario's comments on the "New regulation to focus municipal environmental assessment requirements" (ERO#019-7891)**

Thank you for the opportunity to comment on the "New regulation to focus municipal environmental assessment requirements" (ERO#019-7891). Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the consideration of comments shared individually by CAs. CAs are proponents of comprehensive (individual) and Class Environmental Assessments (Class EAs), as well as prescribed public bodies under the *Environmental Assessment Act (EAA)* which review and provide comments on EAs in accordance with Ontario Regulation 686/21. Conservation Ontario offers the following comments further to the proposed Municipal Project Assessment Process (MPAP) and proposed revocation of the Municipal Class Environmental Assessment (MCEA).

**Removal of EA Requirements**

The proposed MPAP establishes a Project List that describes the municipal infrastructure project types to be subject to the new process and EA requirements. Any other municipal project type which is currently subject to the MCEA but is not listed in the proposed Project List would no longer have EA requirements. Eliminating EA requirements for these activities removes the ability for regulatory agencies such as Conservation Authorities to provide early comments and additional considerations to proponents to support selection of the preferred alternative. CA input would be provided in the context of risks related to natural hazards as well as drinking water source protection.

For instance, a new well at a new municipal well site is currently prescribed as a Schedule B project under the MCEA and would not have EA requirements under the proposed MPAP framework. Drinking water source protection vulnerable areas associated with these wells may expand past municipal lands and impact neighbouring properties (e.g., application of new prohibition policies for private property owners, such as restriction of current farming practices, or restrictions on storage of chemicals essential to a businesses' daily operations). Generally, the first point of contact with these potentially impacted individuals/groups would occur during the EA process through issuance of notices and consideration of alternatives. Without the EA process in place, the impacted

individuals/groups will not have the ability to influence alternative solutions/locations to address these concerns prior to it becoming a matter for local Source Protection Authorities (SPAs). Due to the potential impacts beyond the municipal property and municipal boundaries, it is recommended that these changes to the drinking water systems and water supply be included in the Project List.

Should the proposal proceed as written, it will be imperative that the Ministry clarify that other legislative, regulatory (e.g., Conservation Authority permits) or municipal (e.g., Source Protection Plans) requirements outside of the EA Act may still apply to a project. To assist proponents with successful implementation, the Ministry should consider providing a comprehensive list of such requirements / approvals as part of the forthcoming MECP implementation guidance. Such a list would be useful for both proponents of Project List projects (e.g., to assist with proposed documentation requirements to identify any “municipal, provincial, federal or other approvals or permits that may be required”), as well as act as a reference guide for proponents of projects which no longer have EA requirements (e.g., current Schedule B projects in the MCEA).

Given the proposed condensed timeframe for the MPAP (six months), opportunities to pre-engage with regulatory agencies, Indigenous communities and members of the public should be encouraged in the MPAP. For instance, certain regulatory agencies such as CAs may provide pre-consultation services, which should be highlighted as a best practice in the MPAP (e.g., prior to proponents issuing the Notice of commencement). Additionally, municipalities will continue Official and Master Planning processes (e.g., master servicing planning for municipal water or wastewater projects). These processes offer opportunities for agencies such as CAs to provide input on longer-range planning, prior to the EA or project implementation process. The current MCEA provides details on integration with municipal planning processes, including municipal Master Planning, and it is recommended that reference to these complementary processes be included in the proposed MPAP. Proponents are ultimately responsible for ensuring necessary approvals are obtained prior to commencing work (regardless of application of the EA Act). However, identification and encouragement of such pre-EA consultation and engagement opportunities within the MPAP provides proponents with greater confidence that the project planning considers relevant legislative, regulatory, and municipal requirements prior to initiating the EA process.

### **Project Notices and Distribution**

The proposed MPAP requires two key notices to be issued to inform the MECP, the public, regulatory agencies, property owners and Indigenous communities of proposed municipal infrastructure projects (i.e. those on the Project List). The MPAP provides a description of the types of groups who should receive notice, but does not provide recommended agency contacts (e.g., as provided in Appendix 3 of the MCEA). Conservation Ontario notes that the Ministry has committed to providing guidance for proponents on consultation with regulatory agencies, including identification of which agencies may be relevant to a project. The Ministry is encouraged to provide this guidance consistent with Appendix 3 of the MCEA. Timely provision of this guidance is essential, as the proposed MPAP requires the proponent to identify interested or potentially impacted persons and groups, including regulatory agencies that they believe may be interested in the project. Conservation Ontario would be pleased to review the draft guidance to ensure recommended points of consultation with

CAs/SPAs are appropriately documented. Notice to and consultation with CAs is essential to ensure proponents are made aware of potential restrictions for project implementation, such as natural hazard features and whether the proposal relates to a significant drinking water threat governed by local Source Protection Plans. This step helps to ensure a smooth transition from EA to implementation.

The MCEA currently requires proponents to contact the local Ministry of Natural Resources and Forestry (MNRF) and CA offices for any proposed project involving a water crossing. This requirement is absent from the proposed MPAP and as such, Conservation Ontario recommends it be included in the above-referenced guidance. On their own, water crossing projects are not proposed to be included in the Project list (and therefore not subject to the MPAP or EA Act), however, water crossings may be required as an ancillary activity to an undertaking on the Project List (e.g., water crossings for a new water treatment or sewage facility). Conservation Ontario strongly recommends that notification to CAs be referenced for all projects involving water crossings (regardless of inclusion on the Project List) and new drinking water systems for which an approval under the *Safe Drinking Water Act* is required. Proponents of water crossing projects can benefit from additional regulatory agency input to help recommend design and placement to mitigate high-risk scenarios. Specifically, CAs may require permits for water crossings to ensure the crossing has minimal interference on the natural features and hydrologic functions of the watercourse. Maintaining this mandatory notification provides the opportunity to flag potential concerns or permitting requirements early in the planning and design process.

**Statement of Completion and Notice of Termination:** Under the proposed MPAP, the Statement of Completion and Notice of Termination would only need to be submitted to the Director of the EAB. Conservation Ontario recommends that these notices be provided to the same distribution list as the Notice of Commencement (relevant regulatory agencies such as CAs, adjacent property owners, Indigenous communities, etc.), as well as any other persons or groups who provided a review of the Environmental Project Report (EPR). These notices should be sent to the aforementioned contacts at the same time as they are sent to the Director of the EAB. Particularly, provision of the Statement of Completion ensures these contacts are aware that the EA process has been completed and the project may proceed to implementation. This can act as a touch point for regulatory agencies such as CAs to confirm project timing and potential approvals required to facilitate successful and timely implementation.

**Notice of Addendum:** The proposed MPAP provides an addendum process for proponents where project changes are required due to unforeseen circumstances or changes in the environment. Proponents would be required to note whether they are of the opinion that the change is significant (or not), and the basis for their opinion. Publishing and circulation of a Notice of Addendum for review would only be required where the proponent indicates the change is “significant”. Conservation Ontario strongly recommends that all projects proceeding with an addendum be required to post a notice and circulate the notice and review opportunity to all people and groups

who received prior notices and/or provided a review of the EPR. Proponents of the MPAP may not be subject matter experts in all matters regarding local environmental conditions at the site of the proposed works, and changes to a project which may not be significant to the proponent may be significant to other interested or affected parties. Conservation Ontario recognizes that the MECP is proposing to provide implementation guidance related to the “addendum process for significant changes to a project”, however, criteria to determine “significant changes” must be outlined in the MPAP directly to ensure a consistent approach for project proponents.

Thank you for the opportunity to review and provide comments on the “New regulation to focus municipal environmental assessment requirements” (ERO#019-7891). Please contact me directly should this letter require any clarification.

Sincerely,

*Nicholas Fischer*

Nicholas Fischer  
Policy and Planning Liaison

c.c: All CA CAOs / GMs

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TO: Board of Directors  
FROM: Joe Gordon & Elizabeth VanHooren  
Date: March 27, 2024  
Subject: **Legislative and Regulatory Changes**



**Recommendation:**

**That the staff report on Legislative and Regulatory Changes be received.**

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**PURPOSE:**

To update the Board of Directors on new legislative and regulatory changes to the *Conservation Authorities Act* as recently approved by the Province.

**SUMMARY:**

- On February 16, 2024, the Province approved changes to the legislative and regulatory framework under the *Conservation Authorities Act* which will be in effect on April 1, 2024.
- There is minimal to no impact to KCCA's current operations, policies and procedures resulting from the new s.29 regulation (O.Reg.688/21)
- Changes to requirements of the Mandatory Programs and Services Regulation (O. Reg. 686/21) is already a best management practice of KCCA (ie. annual reporting).
- Proclaimed sections of the *Conservation Authorities Act* will require immediate action of KCCA for redelegation of powers and reappointments of Officers.
- New section 28 regulation (O.Reg.41/24) will have significant impacts to KCCA's current policies, procedures and mapping.
- Staff have identified required actions of KCCA prior to April 1<sup>st</sup> and actions that will need to be completed as soon as feasibly possible.

**BACKGROUND:**

On February 16, 2024, the Province approved the following changes to the legislative and regulatory framework under the *Conservation Authorities Act* (the Act) which will be in effect on **April 1, 2024**:

1. Enactment of O.Reg.688/21: Rules and Conduct in Conservation Areas under s.29 of the Act;
2. Amendments to the Mandatory Program and Services Regulation (O.Reg. 686/21);
3. New proclaimed sections in the *Conservation Authorities Act* (Part VI & VII); and
4. New Minister's regulation under section 28 of the Act (O.Reg.41/24).

**KEY CHANGES:**

The following provides a summary of the key changes resulting from the legislative and regulatory framework changes and impacts to KCCA:

**1. O.Reg.688/21: Rules and Conduct in Conservation Area:**

Enactment of O.Reg.688/21 under s.29 of the Act affects KCCA’s properties and is a move from individual “Conservation Area” regulations to a single “Rules of Conduct in Conservation Areas” regulation that applies to all 36 Conservation Authorities (CA).

The new s.29 regulation outlines prohibited activities and activities requiring a permit on lands owned by CAs, and enforcement and compliance tools remain unchanged.

There is minimal to no impact to KCCA’s current operations, policies and procedures resulting from the new s.29 regulation aside from minor housekeeping amendments to current documents.

**2. O. Reg. 686/21Mandatory Programs and Services Regulation:**

Amendments were made to the Mandatory Programs and Services regulation requiring an authority to prepare and publish an annual report that outlines statistics on permits, including reporting on its level of compliance with the requirements of a new section 28 regulation and associated timelines.

Annual reporting on permits issued is already a best management practice of KCCA. The information is already included in the December staff report and KCCA’s Annual Report presented at the AGM.

**3. New Proclaimed sections of the *Conservation Authorities Act*:**

*Part VI – Regulation of Areas over which Authorities have Jurisdiction* and *Part VII – Enforcement and Offences of the Conservation Authorities Act* which were changed as part of *Bill 23, More Homes Built Faster Act, 2022* have been proclaimed and will be in effect on April 1, 2024.

These changes require KCCA to re-delegate powers under the Act and re-appointment of officers for enforcement and compliance under sections 28, 29 and 30 of the Act. Further details related to the CA Act changes are further summarized in item #4 below.

**4. O.Reg.41/24: Prohibited Activities, Exemptions and Permits:**

A new Minister’s regulation (Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits) under the *Conservation Authorities Act* was approved by the province. This regulation will replace the existing individual “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” Ontario Regulation 181/06 held by KCCA. The new regulation will be used by all 36 Conservation Authorities (CA).

While O. Reg. 41/24 represents a single regulation for all CAs, much of the CA regulatory process remains the same. The administration of O. Reg. 41/24 is a Mandatory Program and Service of the Conservation Authorities as per Section 21.1.1 of the *Conservation Authorities Act* and as stipulated in *O. Reg. 686/21: Mandatory Programs and Services*. Under section 8 of O. Reg. 686/21, Conservation Authorities shall provide programs and services to ensure that the Authority carries out its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts.

CAs will continue to require applications for a permit to undertake otherwise prohibited activities in regulated areas as defined under the *Conservation Authorities Act* and in O. Reg. 41/24.

Key Changes:

Key changes from the legislative and regulatory framework affecting section 28 regulations include, but are not limited to:

- 1) Assessing permit applications made under Section 28.1 of the *Conservation Authorities Act* to determine if the proposed activity is likely to affect the control of flooding, erosion, dynamic beaches, and **unstable soil or bedrock**.  
(replaced “pollution” and “conservation of land” with “unstable soil or bedrock”.)
- 2) Assessing applications to determine whether the proposed activity is likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the **health or safety of persons** or result in the **damage or destruction of property**.  
(added health or safety of persons and damage or destruction of property consistent with PPS)
- 3) Attaching conditions to a permit only if the conditions: (1) assist in preventing or mitigating any effects on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock or (2) assist in preventing or mitigating any effects on human health or safety or any damage or destruction of property in the event of a natural hazard.  
(added restrictions to conditions that can be imposed on a permit)
- 4) Reducing the regulated area surrounding provincially significant wetlands or wetlands greater than 2 hectares in size from 120 m to 30 m. All wetlands are now 30m for other areas.  
(reduced area of jurisdiction around wetlands)
- 5) Updated definition of *watercourse* to a “defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs”.  
(reduced area of jurisdiction on headwater depressions which have a flow of water...)
- 6) Updated where a dynamic beach hazard is associated with the waterfront lands, an allowance of **30m** inland to accommodate dynamic beach movement.  
(reduced KCCA’s dynamic beach to 30m – previous regulation referenced a KCCA study(60m))
- 7) Exceptions from CA permits for specific activities outlined in section 5 of O. Reg. 41/24, when carried out in accordance with the regulation.  
(added a list of exceptions that no longer apply to the Act or regulation – ie. no permit required)
- 8) Updated complete application requirements (section 7 of O. Reg. 41/24), including requirements for landowner authorization and payment of applicable fee.  
(current standard practice of KCCA - now required by regulation)
- 9) A new process for applicants to request an authority review of an application (section 8 of O. Reg. 41/24).  
(consistent with current KCCA Hearing Procedures Guideline – now required by regulation)
- 10) New requirement (subsection 7(2) O. Reg. 41/24) to notify the applicant of whether an application is complete within 21 days and provide the applicant notice of a decision within 90 days following confirmation of a complete application (28.1(22) of the *Conservation Authorities Act*).

*(added timeline requirements consistent with current best practices – formalization of process now required by regulation)*

- 11) A new process for pre-submission consultation (section 6 of O. Reg. 41/24).  
*(consultation encouraged but authority shall pre-consult when requested by applicant)*
- 12) New Appeals and hearing processes described in Parts VI of the *Conservation Authorities Act*.  
*(Minister Review and appeals to LPAT)*
- 13) New Enforcement procedures described in Parts VII of the *Conservation Authorities Act*.  
*(powers of entry/stop work order, and increased penalties and offences upon conviction)*

Staff will discuss and present key changes in more detail at the Full Authority meeting.

Staff have prepared communications to municipalities, stakeholders and the public regarding the legislative and regulatory changes that will be circulated, and applicable website pages updated prior to April 1, 2024.

## **REQUIRED ACTIONS**

### **Prior to April 1st:**

- A. Re-delegation of powers under the Act
- B. Re-appointment of Officers under sections 28, 29 and 30 of the Act
- C. Approval of updates to section 28 Administrative Documents (ie. application forms)
- D. Approval of updates to applicable immediate policies and procedures (Transition & Hearings)

### **To be completed as soon as feasibly possible (*anticipated before 2025*):**

- E. Updates to Regulation Limit mapping
- F. Updates to Section 28 Policies and Procedures
- G. Public consultation and notification prior to approval of s.28 mapping and policy updates

## **RECOMMENDATION:**

**That the staff report on Legislative and Regulatory Changes be received.**

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TO: Board of Directors  
FROM: Elizabeth VanHooren  
Date: March 27, 2024  
Subject: **Re-Delegation of s.28 Powers under the Act**



**Recommendation:** That in accordance with Section 28.4 of the *Conservation Authorities Act (the Act)*, the Authority delegates all the powers and duties of the Authority with respect to issuing permits and permit extensions under Section 28 of the Act or its regulations, to the appointed “Regulation Approval Officer(s)”; and further

That the Authority delegates all powers and duties of the Authority with respect to requests for a Hearing of the Board that in accordance with the Act or its regulations requires a decision within a legislated timeframe to the Executive Committee if a quorum or meeting of the Full Authority can not be achieved.

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**PURPOSE:**

To re-delegate powers under section 28 of the *Conservation Authorities Act* or regulations due to changes in legislative and regulatory framework.

**SUMMARY:**

- Changes to the *Conservation Authorities Act* and section 28 regulation require re-delegation of powers for the issuance of permits and permit extensions at the staff level.
- The current delegation is to the appointed Regulations Approval Officer(s), being the General Manager and the Chair of Board.

**BACKGROUND:**

On April 1, 2024, the *Conservation Authorities Act* will be amended, including the proclamation of Part VI - *Regulation of Areas Over Which Authorities Have Jurisdiction*. Included in this proclamation is the enactment of section 28.4 (*Delegation of Power*). Through this subsection, an Authority may delegate any of its powers related to the issuance or cancellation of permits under the Act or the regulations, or to the holding of hearings in relation to the permits, to the Authority’s executive committee or to any other person or body, subject to any limitations or requirements that may be prescribed by regulation.

Prior to April 1, 2024, subsection 28(2) of the Act (to be repealed) provided similar authority to delegate any of the Authority’s powers or duties under the regulation.

While the General Manager/Secretary Treasurer and the Chair of the Board are currently appointed Regulation Approval Officers with powers under the Act to issue permits and permit extensions for

section 28 regulation applications, the new section 28.4 of the Act provides additional delegation authority for consideration.

The ability to delegate powers related to section 28 regulations presents an opportunity to streamline administrative components of the permit review and decision-making process. KCCA's current delegation of powers will need to be updated further due to the enactment of Part VI of the Act.

There are new sections within the Act or regulation that include additional opportunities where an applicant may request Authority review related to disagreements with complete application requirements or for reconsideration of application fees. The new sections for review or reconsideration require a decision of the Authority no later than 30 days after it is requested. The 30-day timeline may create scheduling challenges for the Full Authority especially during July when the Board typically does not meet and August when a meeting is only scheduled if necessary. In addition, quorum can still be an issue with only nine appointed members.

Staff is recommending that the Regulation Approval Officers maintain their delegated powers for issuing permits and extensions and that the Executive Committee be delegated with powers to hold hearings when an applicant requests a review of complete applications and/or reconsideration of fees. Such hearings would only be heard by the Executive if a meeting/quorum of the Full Authority could not be met within the 30 day timeline.

All other section 28 powers under the Act would remain with the Full Authority as the Hearing Board.

The following is a summary of the proposed delegations of powers under the Act:

#### **KCCA Hearing Board (Full Authority)**

Powers under the Act:

- a) Reconsideration of fees for permit applications (s.21.2(13) of the Act);
- b) Permits issued under section 28.0.1 of the Act with or without conditions (s.28.0.1 of the Act);
- c) Before an application is refused or approved with conditions (ie. Provincial Zoning Order) (s.28.1(5) of the Act);
- d) Before cancelling a permit (s.28.3(1) of the Act);
- e) If requested by an applicant because of a disagreement with a notice of complete application (s.8(1), O.Reg.41/24)
- f) The application poses a significant controversy with a third party, such as a lawyer/municipal/provincial agency with respect to the Authority's position (KCCA); or
- g) The application, as deemed by the Regulation Approval Officer(s), warrants a review by the Authority, for technical, policy or information purposes. (KCCA)

#### **KCCA Executive Committee**

Recommended Delegated Powers:

1. Reconsideration of fees for permit applications if quorum for a Full Authority meeting can not be established within 30 days from receipt of the request. (s.21.2(13) of the Act);
2. If requested by an applicant because of a disagreement with a notice of complete application if quorum for a Full Authority meeting can not be established within 30 days from receipt of the request. (s.8(1), O.Reg.41/24)

#### **Regulation Approval Officer(s)**

Recommended Delegated Powers:

1. Issuance and extensions of Permits (s.28.1 of the Act);

**RECOMMENDATION:**

**That in accordance with Section 28.4 of the *Conservation Authorities Act (the Act)*, the Authority delegates all the powers and duties of the Authority with respect to issuing permits and permit extensions under Section 28 of the Act or its regulations, to the appointed “Regulation Approval Officer(s)”; and further**

**That the Authority delegates all powers and duties of the Authority with respect to requests for a Hearing of the Board that in accordance with the Act or its regulations requires a decision within a required timeline to the Executive Committee if a quorum or meeting of the Full Authority can not be achieved.**

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TO: Board of Directors  
FROM: Elizabeth VanHooren  
Date: March 27, 2024  
Subject: **Re-Appointment of Provincial Offences Officers**



**Recommendation:** That in accordance with section 30.1 of the *Conservation Authorities Act*, the Authority appoints the Manager of Planning and Development, Joseph Gordon and the Supervisor of Forestry and Lands, Jeff Lawrence as “Regulation Enforcement Officers” with all the powers and duties of an officer appointed under the Act for enforcement of regulations under section 28 and 29 in the jurisdiction of the Kettle Creek Conservation Authority.

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**PURPOSE:**

To outline the requirements for appointment of duly qualified provincial offences officers to enforcement regulations under the *Conservation Authorities Act* and for the re-appointment of such officers for KCCA.

**SUMMARY:**

- Changes to the *Conservation Authorities Act (the Act)* and section 28 regulation require re-appointment of provincial offences officers to enforce regulations under section 28 and 29 of the Act.
- The current Regulation Enforcement officers are the Manager of Planning and Development and the Supervisor of Forestry and Lands.

**BACKGROUND:**

On April 1, 2024, Part VII Enforcement and Offences of the *Conservation Authorities Act* will be effective, resulting in a need to re-appoint all existing Conservation Authority Provincial Offences Officers. Ontario Regulation 686/21: Mandatory Programs and Services under the *Conservation Authorities Act* requires that Conservation Authorities provide programs and services to ensure that the Authority satisfies its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts.

While the Manager of Planning and Development and the Supervisor of Forestry and Lands are currently appointed Regulation Enforcements Officers with powers to enforce both sections 28 and 29 of the Act, the new proclaimed section 30.1 will require new appointments.

Conservation Ontario (CO) developed and endorsed a “Protocol for Conservation Authority Designation of a Provincial Offences Officer”. The CO protocol recommends that the following criteria shall be satisfied when appointing an employee as an “officer” for enforcing s.28 and/or s.29 of the Act:

1. The officer is adequately trained in legislation they are to enforce; and
2. As a best practice, request proof of clean criminal record check.

Staff are recommending that the following existing Regulation Enforcement Officers be re-appointed under the new proclaimed section 30.1 of the Act to enforce regulations under both sections 28 and 29:

**Primary:** Manager of Planning and Development (Joseph Gordon)

Criteria satisfied:

- Municipal Law Enforcement (MLEO, April 2008)
- Basic Law Enforcement / Conservation Authority Compliance – Level 1 (CO, March 2011)
- Clean criminal record check (STPS – February 28, 2024, updated)

**Alternate/Backup:** Supervisor of Forestry and Lands (Jeff Lawrence)

Criteria satisfied:

- Municipal Law Enforcement (MLEO, November 1, 2013)
- Clean Criminal Record check (STPS – February 28, 2024, updated)

**Recommendation:**

That in accordance with section 30.1 of the *Conservation Authorities Act*, the Authority appoints the Manager of Planning and Development, Joseph Gordon and the Supervisor of Forestry and Lands, Jeff Lawrence as “Regulation Enforcement Officers” with all the powers and duties of an officer appointed under the Act for enforcement of regulations under section 28 and 29 in the jurisdiction of the Kettle Creek Conservation

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TO: Board of Directors

FROM: Joe Gordon

Date: March 27, 2024

Subject: **Section 28 Administrative Documents Update**

**Recommendation: That the KCCA Board of Directors approve the Permit Application Information Package and Permit as presented.**

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**PURPOSE:**

To obtain approval of the Board for updated administrative documents related to section 28 regulations resulting from changes to the legislative and regulatory framework of the *Conservation Authorities Act*.

**SUMMARY:**

- Changes to the *Conservation Authorities Act* and section 28 regulation require updates to KCCA administrative documents for processing applications.

**BACKGROUND:**

Staff have prepared the enclosed new Permit Application Information Package resulting from the changes to the *Conservation Authorities Act* and the new Ontario Regulation 41/24: Prohibited Activities, Exceptions and Permits.

The Information Package will assist landowners and developers in preparing applications for permits from KCCA and advise the applicant of the new application processes and procedures for O.Reg.41/24. The Information Package includes new Application Forms. A copy of the new Permit is also enclosed.

In addition, staff have developed a series of templates for communications from KCCA at key checkpoints throughout the application process to confirm requirements of the Act or O.Reg.41/24 have been satisfied by the applicant and/or KCCA. (*ie. Notice of complete application, Notice of Decision and Legal Inquiry Response*)

Updates to associated webpages of KCCA's website are ready for launch on April 1, 2024 along with posted Disclaimers on Regulation Limit mapping until such time as updates can be completed to the mapping in compliance with the new regulation.

The updates to the administrative documents have been vetted through KCCA's lawyer. A Stop Order form is currently under development with advice from KCCA prosecutor for implementation of new enforcement powers under the Act.



# Permit Application Information Package



## DISCLAIMER

Effective April 1, 2024 changes to the legislative and regulation framework of the Conservation Authorities Act require KCCA to review and update its policies and procedures, and regulatory mapping (as appropriate) to reflect the new regulatory requirements and areas of the Authority's jurisdiction. KCCA will consult with municipalities, stakeholders and the public throughout the process of preparing new policies and mapping resulting from these changes. Please see KCCA's [website](#) for more information.

## GENERAL INFORMATION

This Permit Application Package provides a summary of information and required documentation for consideration of landowners who may wish to submit an application to KCCA for development or alteration activities within an area of the Authority's jurisdiction.

### PLEASE READ ALL SECTIONS.

#### Ontario Regulation 41/24:

Pursuant to section 28 of the *Conservation Authorities Act*, KCCA prohibits, regulates, and requires permission of the Authority prior to any development or alteration activity upon lands under its jurisdiction.

[Ontario Regulation 41/24](#): Prohibited Activities, Exemptions and Permits came into force on April 1, 2024 and replaces the former Ontario Regulation 181/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.

#### Areas of Jurisdiction:

Ontario Regulation 41/24 applies to lands within the following areas and are further described within section 2 of the Regulation:

- I. Hazardous lands,
- II. Wetlands,
- III. River or stream valleys,
- IV. Areas adjacent or close to the shoreline of the Great Lakes – St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, and
- V. Other areas, including areas within 30 metres of a wetland.

Maps of KCCA regulated areas are available at the head office and on KCCA's [website](#).

#### Prohibited Activities:

No person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of the Authority without a Permit. (s.28(1), CA Act):

#### Alteration Activities:

Activities to straighten, change, divert or interfere in any way with the existing channel of a creek, stream, or watercourse or to change or interfere in any way with a wetland.

#### Development Activities:

- 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.

#### Exceptions:

*Appendix A* provides a list of activities that are considered minor and prescribed as exceptions where the regulation does not apply. Therefore, a Permit from KCCA is not required for the listed activities. However, KCCA encourages landowners to inquire with staff and obtain written confirmation prior to undertaking any of the listed activities within the area of KCCA's jurisdiction to avoid unnecessary enforcement of contraventions of the Regulation due to misinterpretation.



## APPLICATION REQUIREMENTS

### Pre-submission Consultation:

Prior to applying for a permit, the applicant should engage in pre-submission consultation with KCCA staff for the purposes of identifying requirements of a complete application. The applicant should provide the following minimum information for consultation:

- Initial information on the proposed activity such as a description of the project and any associated plans, and
- Details about the property upon which the activities are proposed to be carried out, including copies of plans, maps or surveys.

A sample Site Plan is attached as *Appendix B*.

KCCA staff may need to conduct a site visit to the property where the activities are proposed to assist in providing complete application requirements.

### Application for Permit:

An application (attached on Page 10-11) shall be completed and submitted to KCCA along with the supporting information or documentation required by KCCA for a complete application. If the applicant is not the landowner of the property where the activities are being proposed, the Landowner Authorization form (attached on Page 12) must be submitted along with the application.

### Checklist:

An application checklist for regulation requirements and potential other technical information that may be requested by staff in consideration of the associated hazard can be found in *Appendix C* of this package. Complete application requirements will be identified by KCCA during pre-submission consultation. Additional information or documentation may be requested after review of final application submission.

### Complete Application Notice:

Upon receipt of an application and payment of the associated fee, KCCA staff shall notify the applicant in writing within 21 days, whether or not the application complies with requirements of the *Conservation Authorities Act* and is deemed to be a complete application.

If an application is deemed to be in-complete, KCCA staff will advise the applicant of the additional information or documentation that is required for a complete application within 21 days of receipt of the application. Where the application has been deemed incomplete, KCCA will place the application “on-hold” and no further review of the application will occur until receipt of the required information identified in the notice.

### Request for Review:

The applicant may request a review of the application submission by the KCCA Hearing Board if,

- a. The applicant has not received a notice from the Authority within 21 days,
- b. The applicant disagrees with the staff’s determination that the application for permit is incomplete, or
- c. The applicant is of the view that a request by the Authority for other information, studies or plans is not reasonable.

### Appointments:

The KCCA Board of Directors appointed the following KCCA positions as officers with all the powers and duties as prescribed within sections 28, 29 and 30 of the *Conservation Authorities Act*.

#### KCCA’s Regulation Approval Officer(s):

Primary: General Manager/Secretary Treasurer  
Alternate: Chair of Board of Directors

#### KCCA’s Regulation Enforcement Officer(s):

Primary: Manager of Planning and Development  
Alternate: Supervisor of Forestry and Lands

## NOTICE OF DECISION

KCCA shall make a decision on the merits of a complete application within 90 days from when the application was made.

### Permit:

A permit may be issued to a person to engage in activity specified in the permit that would otherwise be prohibited by section 28, if in the opinion of the Authority the activity is: (s.28.1(1), CA Act)

1. Not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, and
2. Not likely to create conditions or circumstances that in the event of a natural hazard might jeopardize the health or safety of persons or result in the damage or destruction of property, and
3. Deemed by staff to be in compliance with KCCA's Policies and Procedures for the Administration of Section 28 Regulation, as amended.

### Conditions

A permit may be issued with or without conditions. Conditions may be applied to a permit if, in the opinion of the Authority, the conditions:

- a. Assist in preventing or mitigating any effects on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- b. Assist in preventing or mitigating any effects on human health or safety or any damage or destruction of property in the event of a natural hazard; or
- c. Support the administration or implementation of the permit, including conditions related to reporting, notification, monitoring and compliance with the permit.

### Recommended for Refusal:

If staff are recommending refusal of an application for permit, the applicant will be notified with staff's reasons and provided with an opportunity to request a hearing before the KCCA Hearing Board prior to final decision on the application. Further details on Hearing procedures can be found within KCCA's [section 28 Hearing Procedures Guideline](#).

## APPEALS

### Minister Review: (s.28.1(8-19), CA Act)

Where the Authority refuses a permit or imposes any conditions on a permit to which the applicant objects, the applicant may within 15 days of receiving the reasons for the Authority's decision, submit a request for review by the Minister of the Ministry of Natural Resources and Forestry (MNRF).

The Minister shall reply to the applicant within 30 days of the request to advise whether the Minister intends to conduct a review of the Authority's decision.

### Appeal to Tribunal: (s.28.1(20-26), CA Act)

Within 90 days after receiving the reasons for the Authority's decision to refuse a permit or impose conditions, the applicant may appeal the decision to the Local Planning Appeal Tribunal (LPAT).

Restrictions apply to LPAT appeals when a request for Minister review has been requested.

Further details on appeals to decisions made under section 28 Regulations of the Act can be found within subsections 28.1 (8-26) of the [Conservation Authorities Act](#).

## COMPLIANCE

### Offences:

Every person is guilty of an offence if he or she contravenes,

- a. Requirements as set out in section 28 of the Conservation Authorities Act or Ontario Regulation 41/24; or
- b. The conditions of a permit that was issued under section 28 of the Act or O.Reg.41/24; or
- c. A stop order issued under section 30.2 of the Act.

A person who commits an offence is liable to a prescribed penalty under the Act if convicted (s.30.5(2)).

## APPENDIX A - EXCEPTIONS

The section 28 regulations of the Conservation Authorities Act do not apply to the following activities: (s.5, O.Reg.41/24)

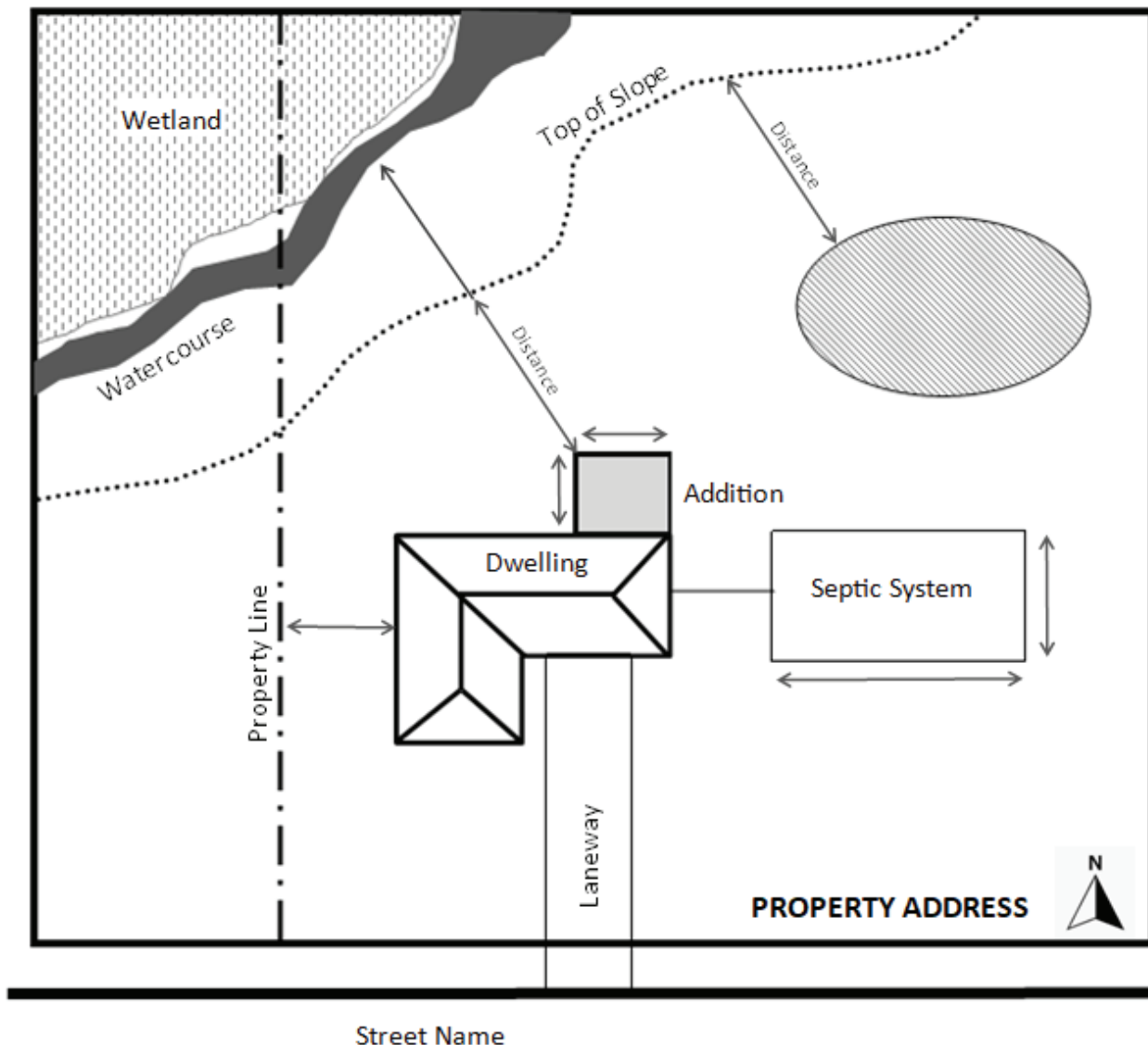
- a. The construction, reconstruction, erection or placement of,
  - i. A seasonal or floating dock that,
    - A. Is 10 square metres or less,
    - B. Does not require permanent support structures, and
    - C. Can be removed in the event of flooding.
  - ii. A rail, chain-link or panelled fence with a minimum of 75 millimetres of width between panels, that is not within a wetland or watercourse,
  - iii. Agricultural in-field erosion control structures that are not within and that do not have any outlet of water directed or connected to a watercourse, wetland or river or stream valley,
  - iv. A non-habitable accessory building or structure that,
    - A. Is incidental or subordinate to the principal building or structure,
    - B. Is 15 square metres or less, and
    - C. Is not within a wetland or watercourse, or
  - v. An unenclosed detached deck or patio that is 15 square metres or less, is not placed within a watercourse or wetland and does not utilize any method of cantilevering;
- b. The installation a new tile drains that are not within a wetland or watercourse, within 30 metres of a wetland or within 15 metres of a watercourse, and where no excavated material is deposited within an area where subsection 28(1) of the Act applies;
- c. The installation, maintenance or repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15 metres of a wetland or a watercourse, and where no excavated material is deposited within an area where subsection 28(1) of the Act applies;
- d. The maintenance or repair of a driveway or private lane that is outside of a wetland or the maintenance or repair of a public road, provided that the driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered;
- e. The maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the Drainage Act Protocol, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time;
- f. The reconstruction of a non-habitable garage with no basement, if the reconstruction does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a habitable space.

## APPENDIX B - SAMPLE SITE PLAN FOR PRE-SUBMISSION CONSULTATION

A site plan should be prepared and submitted to KCCA prior to your pre-submission consultation. A site plan helps to clearly illustrate your proposed works for KCCA's review. The plan should include the following:

1. Existing buildings or structures with dimensions and distances to property lines.
2. Proposed location of filling, area of excavation, dimensions and depths, (if applicable).
3. Nearest street, roadways, laneways, etc..
4. Watercourses, wetlands, shoreline or top of slope on or near the property.
5. Proposed buildings or structures, including decks or porches with dimensions and distances to watercourse, shoreline, wetland or slope (if applicable).
6. Location of septic bed, (if applicable).
7. North Arrow, Address of Property and Name of Applicant.

### SAMPLE SITE PLAN:



## APPENDIX C - CHECKLIST FOR POTENTIAL COMPLETE APPLICATION REQUIREMENTS

The following checklist will assist applicants in understanding the other technical information, studies or plans that may be required for an application to be considered complete based on the associated hazardous lands. Complete application requirements will be identified as part of pre-submission consultation between KCCA staff and the applicant. The level of detail required depends upon the natural hazards which are associated with the property as well as the scale and complexity of the proposed activity. Additional information may be required depending upon final submission details.

**The submission of a complete application does not guarantee that KCCA will grant the applicant a permit for the proposed activity.**

### APPLICATIONS FOR DEVELOPMENT ACTIVITIES:

#### Required under section 7.(1) of O.Reg.41/24:

- ✓ Completed KCCA Application form and payment of associated fee.
- ✓ Landowner Authorization Form, if applicable.
- ✓ A plan of the area showing the type and location of the proposed activity,
- ✓ The proposed use of any buildings and structures following completion of the development,
- ✓ The elevations of existing buildings, if any, and grades and the proposed elevations of any buildings and grades after the development activity,
- ✓ Drainage details before and after the development activity.
- ✓ A complete description of any type of fill proposed to be placed or dumped.

#### Other Information (depending on location, scale and complexity of activity):

- Copy of Legal Survey,
- Topographic Survey of the property prepared by an Ontario Land Surveyor (OLS) or qualified professional engineer.
- Written summary/report describing the proposed activity.
- Sedimentation and Erosion Control Mitigation measures.

Other: \_\_\_\_\_

#### Permitted Activities within a **Flooding Hazard Limit**:

- Topographic survey confirming the affected regulatory flood elevation of \_\_\_\_\_ .
- Construction Drawings and details incorporating accepted flood-proofing measures to withstand flood depths and velocities at the site, stamped and certified by a professional engineer.
- Incremental cut/fill balance prepared by a qualified professional engineer.
- Meanderbelt Allowance Assessment prepared by a qualified Fluvial Geomorphologist or water Resources Engineer.
- Other; \_\_\_\_\_

#### Permitted Activities on or adjacent to **Erosion Hazard Limits**:

- A slope stability assessment and/or erosion analysis prepared by a qualified professional with expertise in geotechnical engineering. This analysis must be carried out in accordance with Provincial Technical Guides and will determine the stable top-of-bank and the Erosion Hazard Limit to address development setbacks from steep slopes or erosion prone areas.
- Structures built on or adjacent to slopes must be designed by a qualified professional engineer. Plans submitted must be stamped and certified by the engineer.
- Site Restoration Plan.
- Other: \_\_\_\_\_

## APPENDIX C - CHECKLIST FOR POTENTIAL COMPLETE APPLICATION REQUIREMENTS

### Permitted Activities adjacent to the Shoreline of Lake Erie:

- A Coastal Impact Assessment prepared by a qualified professional with expertise in coastal processes. The Coastal Assessment must be carried out in accordance with Provincial Technical Guides.
- Bluff Erosion Hazard Assessment prepared by a qualified professional with expertise in coastal process and geotechnical engineering.
- A Shoreline Flood Impact Assessment prepared by a qualified professional with expertise in coastal processes.
- Construction Drawings and details incorporating accepted flood-proofing measures to withstand flood depths at the site, stamped and certified by a professional engineer.
- Other: \_\_\_\_\_

### Permitted Activities within or adjacent to a Wetland:

- An Environmental Impact Study (EIS) clearly indicating that there will be no negative impact to the form or function of the wetland.
- A Hydrogeological Assessment and Water Balance Study prepared by a qualified professional hydrogeologist.
- Other: \_\_\_\_\_

### APPLICATIONS FOR ALTERATION TO A WATERCOURSE:

#### Required under section 7.(1) of O.Reg.41/24:

- ✓ A plan of the area showing plan view and cross-section details of an activity 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,
- ✓ A statement of the purpose of an activity 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,
- ✓ A description of the methods to be used to carrying out an activity 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,
- ✓ A complete description of any type of fill proposed to be placed or dumped,
- ✓ Any other technical information, studies or plans that the authority requests including information requested during pre-submission consultations between the authority and the applicant.

#### Other Information: (depending on location, scale and complexity of activity)

- Letter/Report describing the proposed activity.
- Survey of the existing cross-sections and profiles of the watercourse that is to be affected.
- Detailed grading plan illustrating how the proposed activity will blend in with adjacent undisturbed areas. Bankful width must be clearly illustrated. Drawings should delineate the limit of the work zone and disturbance area.
- Details regarding staging, phasing, sediment and erosion control measures, site dewatering, equipment, materials, access to and from the work area, site supervision, timing restrictions, etc..
- A hydraulic analysis by a qualified professional engineer. The analysis must address flood conveyance and storage, verifying that there will be no increase in flood levels to adjacent properties, no increase on-site flood risk and that storage-discharge relationships of the floodplain will be maintained.
- A fluvial geomorphological assessment prepared by a qualified professional to ensure that the design of a stable channel based on natural channel design principles.
- Monitoring Plan identifying what and how monitoring will be undertaken during construction and post construction.
- Site Restoration Plan
- Other: \_\_\_\_\_



# How to Apply for a KCCA Permit

01

**Forms & Requirements:** Gather information on the proposed activity such as description of the project and any associated drawings or plans including details of the property such as maps or surveys. Please review KCCA's **Permit Application Package** for more information.

02

**Presubmission Consultation:** Prior to applying for a Permit, the applicant should engage in pre-submission consultation with KCCA staff for the purpose of identifying requirements of a complete application. KCCA staff may need to conduct a site visit to the property to observe existing conditions.

03

**Application:** A KCCA Application form must be filled out and emailed to KCCA along with all supporting documentation identified by staff for a complete application. A Landowner Authorization form must also be submitted if the applicant is not the owner of the property where the proposed activity will occur. KCCA will provide a Notice of Complete Application by email within 15 days to confirm whether the application is complete or identify additional information or documentation that is required. Applications will not be considered until they are complete.

04

**Payment:** The associated application fee can be made by credit card (Call 519-631-1270 ext.221), cheque, debit or credit (visit KCCA office at 44015 Ferguson Line, St.Thomas, N5P3T3) or etransfer (jessica@kettlecreekconservation.on.ca ). Please see KCCAs [Fee Schedule](#) for application fee amounts.

05

**Review Process:** Once a complete application and payment of the fee is received, your application and supporting documentation will be reviewed within legislated timelines. A permit may be issued within 90 days of when the application was made. Staff will endeavor to make a decision on the application as soon as feasibly possible. (A typical application may be issued within 10 days).

06

**Permit:** If your application is approved, a Notice of Decision and Permit will be issued to you by email. A copy of the Permit will also be circulated to the local municipal building department for their records, if applicable. However, it is the responsibility of the applicant to ensure that the municipal building department has a copy of the KCCA Permit as part of their Building Code application.

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**For further information on KCCA's Application and Permit process, please contact:**

Joseph (Joe) Gordon  
Manager of Planning and Development  
Email: [joe@kettlecreekconservation.on.ca](mailto:joe@kettlecreekconservation.on.ca)  
Tel: 519-631-1270 ext.226

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## Permit Application

**APPLICATION #:**

### Application for Permit

### Section 28.1 of the *Conservation Authorities Act*, Ontario Regulation 41/24

#### CONTACT INFORMATION

##### APPLICANT

Name:

Address:

City:

Postal:

Tel.:

Alt. Tel.:

Email:

##### AGENT/CONTRACTOR (IF APPLICABLE)

Business/Agent Name:

Address:

City:

Postal:

Tel.:

Alt. Tel.:

Email:

Is the Applicant the registered owner of the subject property? *(if no, the Landowner Authorization Form must be submitted with the application)*      Yes      No

#### PROJECT LOCATION

Property Address:

Lot/Con/Plan No:

Municipality:

Community:

#### PROJECT DESCRIPTION

General Project Description:

Name of Watercourse/Drain (if applicable):

Anticipated Start and Completion Dates: Start Date

End Date

Other Approvals: Building Permit

Minor Variance

Consent

OPA/ZBA

Other (please specify):



## Permit Application

### FREEDOM OF INFORMATION

The information on this form is being collected for the purposes of administering a regulation made pursuant to Section 28.1, Conservation Authorities Act, RSO, Chapter 27, as amended. This application and supporting documents and any other documentation received relating to this application may be released, in whole or in part, to other persons in accordance with the Municipal Freedom of Information and Protection of Privacy Act, RSO. 1990c M56, as amended.

### APPLICANT DECLARATION

I declare that I am the landowner of the subject property or have provided a signed Landowner Authorization Form or have the signing authority for the corporation or numbered company, if applicable.

I agree to allow representatives of the Kettle Creek Conservation Authority (KCCA) and other persons as required by KCCA, to access the property for the purpose of obtaining information relevant to this application.

I understand that the submission of this form does not constitute a complete application.

I understand that the payment of fee does not guarantee a Permit will be granted from KCCA.

I acknowledge that it is my responsibility to ensure that a valid KCCA Permit is in effect at the time the activities are undertaken.

I understand that I am responsible for obtaining any other municipal, agency or government approvals as may be required.

I, the applicant, agree to indemnify and save harmless the Kettle Creek Conservation Authority and its officers, employees, or agents from and against all damages, loss, costs, claims, demands, actions and proceedings, arising out of or resulting from any act or omission of the Owner and/or Applicant or any of their agents, employees or contractors relating to any particulars, terms or conditions of permission granted by the Conservation Authority.

**I the undersigned hereby certify to the best of my knowledge and belief that all of the above noted and attached information is correct and true. I further solemnly declare that I have read and fully understand the contents of this application and specifically the Freedom of Information and Applicant Declaration sections of this Application.**

Signature of Applicant

Date

#### KCCA OFFICE USE ONLY

Application Fee:

Payment Method:

Date Received:

Received By:

Application Complete:

Initial:

## Landowner Authorization

If an application is to be submitted by another person on behalf of the registered landowner of the affected property, this Landowner Authorization form must be completed and signed by the landowner(s) and submitted with the application.

### NOTE TO LANDOWNER(S):

If the application is to be prepared by another person such as a contractor, solicitor or agent, authorization should not be given until the application and its attachments have been examined and approved by you, the landowner(s).

Subject Property:

Municipality:

Community:

Landowner:

Address:

Telephone Contact:

Email:

**I/We \_\_\_\_\_ hereby authorize \_\_\_\_\_ to provide as my agent any required authorizations or consents, to submit the enclosed application to the Kettle Creek Conservation Authority, and to appear on my behalf at any hearing(s) of the application and to provide any information or material required by the Board relevant to the application for purposes of obtaining a permit for development or alteration activities in accordance with requirements of Ontario regulation 41/24: Prohibited Activities, Exemptions and Permits.**

Signature of Landowner:

Date:



**Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits**

*Conservation Authorities Act, RSO., 1990, Chap C27, as amended.*

**PERMIT NO.: P24-###**

In accordance with Section 28.1(1) of the *Conservation Authorities Act*, this Permit is granted to the Applicant on the merits of the information and attachments thereto of:

Application No.:

Application Date:

**APPLICANT INFORMATION:**

Applicant:

Telephone No.:

Email:

Alt. Phone No.:

Mailing Address:

For the following activities:

[text box]

**PROJECT LOCATION:**

Property Address:

Municipality:

Geog. Lot/Con.:

Community:

**AUTHORIZATION:**

**THIS PERMIT IS ISSUED ON**

**AND EXPIRES**

**NOTE:** This Permit is subject to the Specific Conditions and General Conditions stated in Schedule 2. Only begin your project if you, the applicant(s), agree to ALL of the Conditions stated. If you disagree with any condition, you must notify KCCA and you must not begin your project.

**Confirmed by:**

**Authorized by:**

\_\_\_\_\_  
*Joseph (Joe) Gordon*  
Manager of Planning & Development

\_\_\_\_\_  
*Elizabeth VanHooren, General Manager*  
Regulations Approval Officer

**SCHEDULE 2 – SPECIFIC CONDITIONS:**

Kettle Creek Conservation Authority (KCCA) staff have reviewed your application for permit to complete the above-mentioned activities and considered the following supporting information:

[2 column text box]

**SPECIFIC CONDITIONS:**

[text box]

**GENERAL CONDITIONS:**

1. It is the responsibility of the Applicant(s) to ensure that all individuals involved with the project are aware of these General Conditions and the Specific Conditions in the attached Schedule(s).
2. KCCA’s Permit does not exempt the Applicant(s) from complying with all other approvals, laws, statutes, or regulations from any other Authority. It is the responsibility of the Applicant(s) to ensure that all other agency approvals are in place prior to development commencing.
3. Authorized representatives of KCCA may at any time enter onto the lands, which are described herein in order to make surveys, examinations, investigations or inspections which are required for the purpose of ensuring that the activity(s) authorized by this permit are being carried out according to the terms of this permit.
4. This permit is not assignable and cannot be transferred without the written approval of KCCA.
5. The Applicant(s) agrees:
  - a) to indemnify and save harmless the Kettle Creek Conservation Authority and its officers, directors, employees, or agents from and against all damages, loss, costs, claims, demands, actions and proceedings, arising out of or resulting from any act or omission of the Owner and/or Applicant or any of their agents, employees or contractors relating to any particulars, terms or conditions of permission granted by the Conservation Authority
  - b) that this permit shall not release the applicant from any legal liability or obligation and remains in force subject to all limitations, requirements and liabilities imposed by law;
6. The Applicant(s) agrees to install, operate and maintain all sedimentation controls in a manner that is effective until all disturbed areas have been stabilized (seeded, sodded or revegetated or in a manner acceptable to the Conservation Authority, prior to the expiry of this Permit.
7. The Applicant(s) agrees to maintain all existing drainage patterns, and not to obstruct drainage from or to other properties.
8. The applicant acknowledges that should the activities be carried out contrary to the terms of this permit, the permit may be revoked and the applicant may be in violation of the Ontario Regulation 41/24, and subject to the penalties imposed under the *Conservation Authorities Act*, R.S.O, 1990, Chap. C27, as amended.

**This permit is a public record which is accessible upon request. The information in this permit is collected under the authority of the Conservation Authorities Act, R.S.O, 1990, Chap. C27, as amended.**

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TO: Board of Directors  
FROM: Joe Gordon  
Date: March 27, 2024  
Subject: **Section 28 Policy Updates**



**Recommendation:** That the housekeeping amendments to KCCA’s Administrative By-Law and Hearing Procedure Guidelines be approved as presented; and further

**That the KCCA Interim Policy Guideline for the Administration and Implementation of Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits be approved and implemented as presented.**

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**PURPOSE:**

To obtain Board approval of section 28 policy updates resulting from changes to the Conservation Authorities Act that require approval prior to April 1, 2024.

**SUMMARY:**

- Changes to the *Conservation Authorities Act* and section 28 Regulation require updates to KCCA policy documents.
- Staff have identified specific policy or bylaw documents that require immediate updates prior to April 1, 2024 when the new proclaimed sections of the Act and O.Reg.41/24 come into effect.

**BACKGROUND:**

As a result of changes to the legislative and regulatory framework of the *Conservation Authorities Act*, staff have identified housekeeping amendments that are required to the following KCCA policy documents prior to April 1, 2024, when the changes come into effect:

1. Administrative By-Law
2. Section 28 Hearing Procedures Guideline

In addition, staff have prepared the attached “Interim Policy Guidelines for the Administration and Implementation of Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits” as developed and recommended by Conservation Ontario.

## Administrative By-Law

### b) *Term of Member Appointments*

In accordance with Section 14 of the Act, a Member shall be appointed for a term of up to four years at the discretion of the appointing participating municipality; such term beginning at the first meeting of the Authority following his or her appointment and ending immediately before the first meeting of the Authority following the appointment of his or her replacement. The Secretary-Treasurer shall notify the appropriate municipality in advance of the expiration date of any Member's term, unless notified by the municipality of the Member's reappointment or the appointment of his or her replacement. A Member is eligible for reappointment. A Member can be replaced by a Participating Municipality at the municipality's discretion prior to the end of their term. The Minister will define the term for the Member they appoint as a representative of the agricultural sector.

### c) *Powers of the General Membership*

Subject to the Act and other applicable legislation, the General Membership is empowered without restriction to exercise all of the powers prescribed to the Authority under the Act. In addition to the powers of an authority under s.21 of the Act for the purposes of accomplishing its objects, as referenced in the introduction of this By-law, the powers of the General Membership include but are not limited to:

- i. Approving by resolution, the creation of Committees and/or Advisory Boards, the members thereof and the terms of reference for these Committees and/or Advisory Boards;
- ii. Appointing a General Manager/Secretary-Treasurer;
- iii. Terminating the services of the General Manager/Secretary-Treasurer.
- iv. Approving establishing and implementing regulations, policies and programs;
- v. Awarding contracts or agreements where the approval of the Authority is required under the Authority's purchasing policy.
- vi. Appointing an Executive Committee and delegate to the Committee any of its powers except:
  - i. The termination of the services of the General Manager/Secretary-Treasurer,
  - ii. The power to raise money, and
  - iii. The power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the Authority.
- vii. Approving by resolution, any new capital project of the Authority;
- viii. Approving by resolution, the method of financing any new capital projects;
- ix. Approving details on budget allocations on any new or existing capital projects;
- x. Approving of the total budget for the ensuing year, and approving the levies to be paid by the Participating Municipalities;
- xi. Receiving and approving the Financial Statements and Report of the Auditor for the preceding year;
- xii. Authorizing the borrowing of funds on the promissory note of the Authority in accordance with subsection 3(5) of the Act;
- xiii. Approving by resolution, any proposed acquisition of land or disposition of land, subject to the requirements under the Act;
- xiv. Approving permits or refusing permission as may be required under any regulations made under Section 28 of the Act including the delegation of this responsibility to the approved Regulation Approval Officer consistent with **the Act and/or Ontario Regulation 41/24**;

- xv. Holding hearings required for the purpose of reviewing permit applications, and advising every applicant of their right to appeal in accordance **with the Act and/or Ontario Regulation 41/24;**

d) ***Member Accountability***

Participating Municipalities appoint Members to the Authority as their representatives. Members have the responsibilities of Directors of the corporation that is the Authority. While the General Manager/Secretary-Treasurer and other staff of the Authority are responsible for the day-to-day operations, the General Membership is responsible for matters of governance, ensuring compliance with applicable legislation, and ensuring appropriate policies are in place and for financial soundness of the Authority.

Every member and officer in exercising his or her powers and discharging his or her duties to the Authority shall act honestly and in good faith and in the best interests of the Authority and exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

All Members have the responsibility to be guided by and adhere to the Code of Conduct (Appendix 1) and Conflict of Interest Policy (Appendix 2), as adopted by the Authority. Additionally, the agricultural representative appointed by the Minister will be required to follow the provincial ethical framework set out for government public appointees in the Management Board of Cabinet's Agencies and Appointments Directive.

Members are responsible for:

- i. Attending all meetings of the Authority;
- ii. Understanding the purpose, function and responsibilities of the Authority;
- iii. Being familiar with the Authority's statutory and other legal obligations;
- iv. With the administration, setting strategic direction for the Authority.

e) ***Applicable Legislation***

In addition to the Act, the Members are subject to other legislation including, but not limited to:

- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy Act; and,*
- *Not-For-Profit Corporations Act, 2010*

If any part of this by-law conflicts with any provision of the Municipal Conflict of Interest Act or the Municipal Freedom of Information and Protection of Privacy Act or a provision of a regulation made under one of those acts, the provision of that act or regulation prevails. The same applies to conflicts between these by-laws and the Not-for-Profit Corporations Act except where dictated by the Conservation Authorities Act in which case the Act prevails.

f) ***Relationship Between Members and Staff***

The General Membership relies on the General Manager/Secretary-Treasurer to manage the operations of the organization, including all employees of the Authority. The General Manager/Secretary-Treasurer is accountable to the Authority, working cooperatively to achieve the goals established by the Members.

The General Membership will ensure that a process exists for regular performance evaluations of the General Manager/Secretary-Treasurer.

## 1.0 PURPOSE

The purpose of the Section 28 Hearing Procedures Guideline is to guide the Kettle Creek Conservation Authority (KCCA) Hearing Board in conducting hearings under Section 28 of the *Conservation Authorities Act* (the Act).

An opportunity for a Hearing may be scheduled for any of the following matters in accordance with the Act, Ontario Regulation 41/24 and/or KCCA's Section 28 policy and procedure documents:

- a) Reconsideration of fees for permit applications (s.21.2(13) of the Act);
- b) Permits issued under section 28.0.1 of the Act with or without conditions (s.28.0.1 of the Act);
- c) Before an application is refused or approved with conditions (s.28.1(5) of the Act);
- d) Before cancelling a permit (s.28.3(1) of the Act);
- e) If requested by an applicant because of a disagreement with a notice of complete application (s.8(1), O.Reg.41/24)
- f) The application poses a significant controversy with a third party, such as a lawyer/municipal/provincial agency with respect to the Authority's position (KCCA); or
- g) The application, as deemed by the Regulation Approval Officer(s), warrants a review by the Authority, for technical, policy or information purposes. (KCCA)

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 to establish rules to govern such proceedings.

The KCCA Hearing Board is comprised of the members of the Kettle Creek Conservation Authority Board of Directors, or the Executive Committee if delegated associated powers from the Board.

These procedures are intended to provide a step-by-step process to conducting hearings required under the *Conservation Authorities Act*.

The procedures ensure that hearings meet the legal requirements of the *Statutory Powers Procedures Act* without being unduly legalistic or intimidating to the participants.

## 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. In instances where the Authority (or Executive Committee) requires a hearing to help it reach a determination as to whether to give permission with or without conditions or refuse a permit application, a final decision shall not be made until such time as a hearing is held. 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.
- d. Where a hearing is required for applications submitted pursuant to s.28.0.1 of the *Conservation Authorities Act* (e.g. to determine the conditions of the permission), final decision on the conditions shall not be made until such time as the applicant has been given an opportunity to attend a meeting.

## 2.2 Notice of Hearing

The applicant is entitled to reasonable notice of the hearing pursuant to the *Statutory Powers Procedures Act*.

A 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 KCCA'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 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 and make representations as applicable.

- 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.
- f. Reminder that the applicant is entitled to be represented at the hearing by a representative such as legal counsel, if desired. The Authority may be represented at the hearing by counsel or staff.
- g. A copy of the Authority's Hearing Guidelines.

It is recommended that a Notice of Hearing be directed to the applicant and/or landowner by registered mail **unless the applicant, agent or landowner directs otherwise in writing.**

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. It is recommended that the Notice of Hearing be directed to the applicant and/or property owner by registered **mail unless the applicant, agent or landowner directs otherwise in writing.** The Notice of Hearing is normally also sent to the applicant and the agent (if any) by email.

### **2.3 Pre-submission of Reports**

It is the practice of KCCA to submit reports to the Board members in advance of the hearing as part of the Full Authority 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 local 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.

### **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. For electronic hearings, the Board is not considered adjourned unless any member departs due to technical issues for more than 15 minutes.

### **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.

### **3.6 Information Presented at Hearings**

- a. The Statutory Powers Procedure Act, requires that a witness be informed of his 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.

### **3.7.2 Opening Remarks**

The Chair shall convene the hearing with opening remarks which generally; identify the applicant, the nature or the application, and the property location; outline the hearing procedures; and advise on requirements of the *Canada Evidence Act*.

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 on 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 may 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 unstable soil or bedrock? The hearing does not address the merits of 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 Hearing and/or have invited advisors to present information to the Hearing Members
- The applicant(s) presentation may include technical witnesses, such as an engineer, ecologist, hydrogeologist etc.

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 information is presented, the Board may carry a motion in open session or 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 or provide written notice of their decision following the Hearing. The board members shall not discuss the hearing with others prior to the decision of the Board being finalized.

## **4.0 DECISION**

If the Authority, after holding a hearing, refuses a permit or issues a permit subject to conditions, the authority shall give the applicant written reasons for the decision.

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.

An applicant who has been refused a permit or who objects to conditions imposed on a permit by the Authority may request Minister Review or Appeal the decision to the Local Planning Appeal Tribunal (LPAT).

Further details regarding appeals can found within subsections 28.1(8-19), *Minister Review* and subsections 28.1(20-16) *Appeal*, of the *Conservation Authorities Act*.

### **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 issue the permit, and in the case of applicants under s.28.0.1 of the CA Act, the decision to issue the permit with or without conditions. A copy of the Hearing Board resolution should be attached.

It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail.

### **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 Local Planning Appeal 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 decision of the Board.
- g. The Notice of Decision sent to the applicant.

## **KCCA Interim Policy Guidelines for the Administration and Implementation of Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits**

**Effective Date: April 1, 2024**

### **Summary**

On April 1, 2024, Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits and Part VI of the *Conservation Authorities Act* came into effect. This regulation replaces the previous Ontario Regulation 181/06: “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”.

The proclamation of the new legislative and regulatory framework necessitates updates to existing Conservation Authority policies and procedures, including Kettle Creek Conservation Authority’s (KCCA) Policies and Procedures for the Administration of Section 28 Regulations (September 2006).

### **Interim Policy Guidance**

As of April 1, 2024, the KCCA will review and make decisions on applications for permits in accordance with Part VI of the *Conservation Authorities Act* and Ontario Regulation 41/24. Amendments to its policies and procedures documents will be forthcoming to reflect this new framework. Per section 12 of O. Reg. 41/24, the KCCA will consult with stakeholders and the public during the review and update process as the Authority considers advisable. Where discrepancies exist between the text of the legislation or regulation and the information provided within KCCA’s Policies and Procedures for the Administration of Section 28 Regulations (September 2006) and these Interim Policy Guidelines, the text of the legislation and regulation will prevail.

Key variances from the processes in the existing policies and procedures document include, but are not limited to:

- 1) Assessing permit applications made under Section 28.1 of the *Conservation Authorities Act* to determine if the proposed works will affect the control of flooding, erosion, dynamic beaches, and **unstable soil or bedrock**.
- 2) Assessing applications to determine whether the proposed activity would create conditions or circumstances that, in the event of a natural hazard, might jeopardize the **health or safety of persons** or result in the **damage or destruction of property**.
- 3) Attaching conditions to a permit only if the conditions (1) assist in preventing or mitigating any effects on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock or (2) assist in preventing or mitigating any effects on human health or safety or any damage or destruction of property in the event of a natural hazard.
- 4) Reducing the regulated area surrounding provincially significant wetlands or wetlands greater than 2 hectares in size from 120 m to 30 m. The other areas in which development activities are prohibited are within 30 m of all wetlands in the KCCA’s area of jurisdiction.
- 5) Exceptions from CA permits for specific activities outlined in section 5 of O. Reg. 41/24, when carried out in accordance with the regulation.
- 6) Updated complete application requirements (as outlined in section 7 of O. Reg. 41/24), including requirements for landowner authorization and payment of applicable fee.

- 7) A new process for applicants to request an administrative review of an application (circumstances outlined in section 8 of O. Reg. 41/24).
- 8) Updated definition of *watercourse* to a “defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs”.
- 9) New requirement (as outlined in subsection 7(2) O. Reg. 41/24) to notify the applicant of whether an application is complete within 21 days and provide the applicant notice of a decision within 90 days following confirmation of a complete application (as outlined in 28.1(22) of the *Conservation Authorities Act*).
- 10) A new process for pre-submission consultation (circumstances outlined in section 6 of O. Reg. 41/24).
- 11) Enforcement procedures, appeals and hearing processes described in Parts VI and VII of the *Conservation Authorities Act*.

#### Conservation Ontario Interim Guideline:

KCCA staff may refer to and rely upon the Conservation Ontario (CO) Guide entitled “Interim Guidelines to Support Conservation Authority Administration of “Ontario Regulation 41/24” to inform decisions on permit applications. The CO Guide is considered best advice on materials and current understanding of the legislation and regulations until KCCA’s section 28 policy and procedure documents are updated.

The CO Guide provides a framework for Conservation Authority policies to encourage consistency and is based on existing Provincial Technical and Implementation Guidelines developed and approved by the Ministry of Natural Resources and Forestry (MNRF).

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#### Policies, technical Studies and Guidelines

Attached to this interim policy is a summary of Policies, Technical Studies and Guidelines approved by the KCCA Board of Directors that staff rely upon when reviewing applications for permits under section 28 of the *Conservation Authorities Act*.

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#### **Interim Mapping Guidance**

KCCA will need time to update its regulation limit mapping for compliance with O.Reg.41/24 in a comprehensive manner. Existing mapping may be subject to change in areas around wetlands and watercourses.

Until such time as the regulation limit mapping is updated in accordance with O. Reg. 41/24 existing mapping will be made available to the public using the Map Your Property web site with the following disclaimer:

*KCCA’s regulation limit mapping is currently under review for compliance with the new O.Reg.41/24 and may be subject to change in areas around wetlands and watercourses. Landowners are encouraged to confirm regulatory limits affecting their property with KCCA prior to engaging in any development activity. The area of jurisdiction described in the Act or Regulation prevails where conflicts in the mapping exist. (See CA Act s.28(1)2, & O.Reg.41/24, s.5)*



Until such time as the regulation limit mapping is updated in accordance with O. Reg. 41/24 staff will upon request and in accordance with pre-consultation practices issue updated mapping that complies with O.Reg. 41/24 on a case-by-case basis. Where discrepancies exist between the text of the legislation or regulation and the mapping provided, the text of the legislation and regulation will prevail.

**Public Information and Consultation**

The public will continue to be informed, as necessary, on the processes to update KCCA's Policies and Procedures for the Administration of Section 28 Regulations (September 2006) and these Interim Policy Guidelines through regular updates to the Board of Directors and on KCCA's web site.

## **POLICIES, TECHNICAL STUDIES AND GUIDELINES THAT INFORM KCCA SECTION 28 APPLICATION DECISIONS.**

### **KCCA PROPOSED POLICIES (Ontario Regulation 42/24)**

1. KCCA Permit Application Information Package (2024)
2. Hearing Procedures Guideline Update (2024)
3. KCCA Interim Policy (2024)
  - a. Conservation Ontario: Interim Guidelines to Support Conservation Authority Administration of “Ontario Regulation 41/24”. (2024)

### **KCCA BOARD APPROVED POLICIES**

1. Policies and Procedures for the Administration of Section 28 Regulations (2006)
  - a. Amendment: Section 8 – Administrative Procedures (2011)
2. Policy Exemption: Chief Building Official – Building Code Act
3. Plan Input and Review Policies and Protocols (2008)
4. Appendix A7.2 – Existing Development within the Hazardous Lands (Technical Guide: Great Lakes – St Lawrence River System and Inland Lakes)

### **KCCA BOARD APPROVED TECHNICAL STUDIES**

1. Dodd Creek Subwatershed Floodplain Mapping Update (pending approval 2024)
2. Port Stanley Floodproofing Elevations and Development Guide (2022)
3. Kettle Creek Floodplain Mapping Update in Port Stanley (2022)
4. Port Stanley Coastal Risk Assessment (2021)
5. St.Thomas Flood Damage Centre, Updated Floodplain Mapping (2020)
6. Elgin County Shoreline Management Plan (2015)
7. Inner Harbour Flooding, Port Stanly (2015)
8. Kettle Creek Hydraulic Study (2010, updated 2015)
9. Port Stanley Beach Management Study (2006)
10. Port Stanley Lakeshore Flooding Look-Up Tables (1992)
11. Kettle Creek Shoreline Management Plan (1989)

### **PROVINCIAL NATURAL HAZARD TECHNICAL GUIDES/POLICIES**

1. Section 3.0 of the Provincial Policy Statement (PPS)
2. Technical Guide: River & Stream Systems: Erosion Hazard Limit (MNRF)
3. Technical Guide: River & Stream Systems: Flooding Hazard Limit (MNRF)
4. Technical Guide: Great Lakes – St. Lawrence River System and Large Inland Lakes (MNRF)

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TO: Board of Directors

FROM: Jennifer Dow et al

Date: March 27, 2024

Subject: KCCA Watershed Enhanced Riverine Floodplain Mapping Project – Public Notification



**Recommendation: That the 2024 KCCA Watershed Enhanced Riverine Floodplain Mapping Project reports be received, and draft mapping be released for public notification in accordance with the staff report.**

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### **PURPOSE:**

To inform the Board of the results of the 2024 KCCA Watershed Enhanced Riverine Floodplain Mapping Project and seek approval to initiate a public notification of the mapping update.

### **REPORT SUMMARY:**

- On February 7, 2024 Aquafor Beech made a presentation to the Board of Directors on the Dodd Creek Enhanced Riverine Floodplain Mapping project which updated floodplain mapping for a 24km<sup>2</sup> study area in the Dodd Creek Subwatershed.
- The final Hydraulic Modelling and the Hydrological Modelling Reports and associated mapping were submitted to staff on February 29, 2024 and are attached.
- O. Reg. 41/24 (s.4) stipulates that when mapping updates result in significant enlargements or reductions to CA regulated areas the public and other stakeholders are to be notified on-line 30 days prior to an Authority meeting where the proposed changes are on the agenda.
- Overall, the updated floodplain mapping further refined floodplain in agricultural fields and the only urban area affected by increased flood hazards is a limited area of Talbotville in the Township of Southwold.
- A notice of the updated floodplain mapping will be posted to KCCA's new engagement section of its web site, Watershed Connections starting March 28. The public will be able to view relevant documents, presentations and updated mapping on the web site as well as submit questions. In addition, a virtual information session will take place on April 16, 2024 from 6-7 p.m. and a flyer will be distributed to residents in the affected area of Talbotville advising of the changes.

- Pending board approval of the updated mapping at the May 15, 2024 meeting the mapping will then be posted to KCCA's Map Your Property webpage and used in all regulation and enforcement matters.

## **BACKGROUND:**

In 2023, the KCCA Watershed Enhanced Riverine Floodplain Mapping project was successful in obtaining \$52,000 in funding from the Flood Hazard Identification and Mapping Program (FHIMP), which is lead by Natural Resources Canada and in partnership with Environment Canada and Climate Change and Public Safety Canada.

KCCA retained Aquafor Beech to complete the project. The study area included the flood vulnerable communities of Paynes Mills, Talbotville and areas slated for future development. Updated mapping will ensure that land use and development decisions rely on more up-to-date technology and accurate topographic base mapping to guide development away from natural hazards.

Final Hydraulic and Hydrological Modelling reports and associated mapping were submitted to staff on February 29, 2024 and are attached. Updated Floodplain mapping was produced for several series of minor and major storm events up to the regulatory storm (i.e. Hurricane Hazel storm) including considerations for impacts of changing climate. The updated mapping was based on the development of a new hydraulic model relying on a more accurate and up-to-date topographic base with surveys of all hydraulic structures.

Based on a spill area analysis there were four (4) spill areas identified for the regional peak flood flow (regulatory event) resulting in additional analysis being required for two (2) spill areas to accurately estimate the extent of flooding. Spills are specifically defined as when water leaves a watercourse, its valley and floodplain and flows into surrounding lands in multiple directions.

Changes in the updated floodplain mapping primarily result in areas of flat agricultural lands where the more accurate topographic base refined the limits of flooding based on current conditions. The only urban area affected by increased floodplain was a small residential area in Talbotville.

Aquafor Beech Limited is confident that the new model accurately predicts water surface elevations with a reasonable degree of accuracy for the regulatory storm event.

O. Reg. 41/24 (s.4) stipulates that the public and stakeholders must be provided 30 days notice prior to updating mapping being considered at an Authority meeting. As the floodplain mapping results in a reduction and/or enlargement of the regulated area staff are recommending public notification of the updated mapping commence on March 28 in advance of the Board's consideration of the mapping at the May 15, 2024 meeting.

The public notification will include:

- Reviewing presentation, board reports and the study documents on a new engagement section of the KCCA web site
- Submitting questions electronically or in writing to KCCA before April 30, 2024
- Attending a virtual Public Information Centre (PIC) on April 16, 2024 from 6-7 p.m.
- A one-page flyer will be distributed to the affected residents in Talbotville

Pending board approval, the updated mapping at the May 15, 2024 meeting, the mapping will then be posted to KCCA's Map Your Property webpage and used in all regulation and enforcement matters.

**RECOMMENDATION:**

**That the 2024 KCCA Watershed Enhanced Riverine Floodplain Mapping Project reports be received, and draft mapping be released for public consultation in accordance with the staff report.**

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**Kettle Creek**  
Conservation Authority

# Your Property May be Affected by Floodplain Mapping

Kettle Creek Conservation Authority (KCCA) undertakes watershed-based programs to protect people and property from natural hazards such as flooding and erosion. To do so the Authority regularly updates its floodplain mapping by identifying lands that are vulnerable to flooding through science-based computer modelling and field surveys.

A recent study determined new floodplain areas that may affect your property.

## What is floodplain Mapping?

The regulatory flood standard for the Kettle Creek watershed is Hurricane Hazel. Hurricane Hazel was a major flood event that occurred on October 15-16, 1954 in Toronto and is considered Canada's worst hurricane with over 200 millimetres of rain falling in just 24 hours.

The Hurricane Hazel standard is a significant flood event much greater than the 100 Year Flood event.

KCCA uses this standard to produce floodplain maps that guide decision-making for development projects to mitigate the risks of flooding to people and property. KCCA works with property owners affected by floodplain mapping to direct development out of the floodplain area or by designing permitted projects to meet floodproofing requirements.

## How Does This Affect You?

Your property may be included in the new updated floodplain. In the future, before you consider building on your property you should consult with KCCA Planning and Regulations staff. They will assist you in determining safe building areas or identify exceptions or floodproofing standards that may assist you in achieving your goals.

## Contact Us

You can review updated mapping, documents and presentations on our website at [www.kettlecreekconservation.on.ca](http://www.kettlecreekconservation.on.ca) under the Watershed Connections tab off of the home page, or scan on the QR code below. A virtual public information session is also planned for Tuesday, April 16, 2024 at 6 p.m. Staff and engineers will be available to answer your questions.



**SCAN THE QR  
CODE TO LEARN  
MORE ABOUT  
THIS PROJECT.**





**Kettle Creek**  
Conservation Authority

# Your Property May be Affected by Floodplain Mapping



## Questions? Contact Us

**Jennifer Dow**  
Water Resources Supervisor  
Tel: (519) 631-1270 ext. 228  
[jennifer@kettlecreekconservation.on.ca](mailto:jennifer@kettlecreekconservation.on.ca)

## Virtual Information Session

Tuesday, April 16, 2024  
6 p.m. to 7 p.m.

Join us for a virtual public information session. Register at:  
[kettlecreekconservation.on.ca/watershed-connections](https://kettlecreekconservation.on.ca/watershed-connections)



---

TO: Board of Directors  
FROM: Elizabeth VanHooren  
Date: March 27, 2024  
Subject: Conservation Authorities Act Update – Watershed Based Resource Management Strategy



**Recommendation:** That the staff report on the Conservation Authorities Act Update – Watershed Based Resource Management Strategy be received; and further  
That the draft Guiding Principles and Objectives for the Strategy be approved for posting to KCCA’s website for public consultation.

---

## PURPOSE

To provide an overview on the requirements of the mandatory Watershed Based Resource Management Strategy and solicit Board members’ feedback on the draft Guiding Principle and Objectives prior to posting for public consultation.

## SUMMARY

- As per the *Conservation Authorities Act*, a Watershed Based Resource Management Strategy must be developed by December 31, 2024.
- The Watershed Based Resource Management Strategy will be completed in house by KCCA staff.
- The first step in the development of the strategy is to develop required Guiding Principles and Objectives. Staff have prepared draft guiding principles and objectives based on those already established for the 2024-2027 Strategic Workplan
- Once approved in principle, the draft Guiding Principles and Objectives will be posted to KCCA’s website for public consultation.

## BACKGROUND

### **Watershed Based Resource Management Strategy**

Section 21.1 of the *Conservation Authorities Act* and Ontario Regulation 686/21 under this Act requires that each Conservation Authority develop a Watershed Based Resource Management Strategy by December 31, 2024. This Strategy will be developed in house by KCCA staff.

The regulation states that the Strategy must include:

1. Guiding principles and objectives that inform the design and delivery of a Conservation Authority’s mandatory programs and services (s.12(4) paragraph 1).
2. A summary of existing technical studies, monitoring programs and other information on the natural resources the authority relies on within its area of jurisdiction or in specific watersheds that directly

informs and supports the delivery of the Conservation Authority's mandatory programs and services (s.12(4) paragraph 2).

3. A review of the Conservation Authority's mandatory programs and services for the purposes of determining if they comply with the mandatory programs and services regulation. This includes: an assessment of the effectiveness of the delivery of Category 1 programs; identifying actions and risk mitigation to address identified issues/risks that limit the effectiveness of delivery. A cost estimate for the implementation of those actions must be included (i.e., supporting Category 1, 2 and/or 3 programs to support mandatory program delivery) (s.12(4) paragraph 3, i, ii, iii). The Strategy will include both Category 2 and 3 programs and services provided by the CA, where there is an agreement with municipalities (s.12(5),12(6), 12(7)).
4. A process for periodic review and updates to the Strategy by the CA, including procedures to consult with stakeholders and the public during these periodic reviews (s.12(4) paragraph 4).
5. Consult with stakeholders and the public during the preparation of the Strategy in a manner that the authority considers advisable.
6. Ensure the Strategy is made publicly available on their websites or by other means the authority considers advisable.

### **Guiding Principles and Objectives**

Ontario Regulation 686/21 sets out that the Watershed Based Resource Management Strategy shall include Guiding Principles and Objectives that inform the design and delivery of the programs and services that the Authority is required to provide under section 21.1 of the Act.

#### Guiding Principles

Guiding principles are intended to be high-level strategic principles or values which establish the fundamental approach to decision-making for the Authority. These principles will provide the context for the objectives.

KCCA's Proposed Guiding Principles are:

1. The conservation, restoration, development and management of natural resources is best implemented on a watershed basis.
2. Integrated watershed management is a shared responsibility amongst Conservation Authorities, municipalities, government agencies, stakeholders and citizens.
3. Resource management decisions are integrated and transparent and take into consideration a broad range of community uses, needs, and values, including ecosystem needs.
4. Water and other natural resources are vital natural assets. They buffer the impacts of climate change, mitigate natural hazards, filter contaminants, assimilate waste, sustain biodiversity, and provide green spaces for recreation, among other community benefits.

#### Objectives

Objectives are set to help KCCA achieve its mandate and provide the context for its programs and services.

KCCA's Proposed Objectives are:

1. Develop and maintain programs that will protect life and property from natural hazards such as flooding and erosion.
2. To mitigate potential risk to drinking water sources to assist in providing a sustainable and clean water supply for communities and ecosystems.
3. To characterize groundwater and surface water resource systems and other natural resources of the watershed.
4. To protect and maintain Conservation Authority owned lands for public safety, natural heritage protection, outdoor recreation and socio-economic health.
5. To educate and engage the watershed community to promote awareness of natural hazards and watershed health, and to encourage the protection and restoration of land and water resources through stewardship action.
6. Demonstrate organizational excellence through the effective and efficient delivery of KCCA's programs and services in an equitable and respectful manner.

Upon approval in principle, the draft Guiding Principles and Objectives will be posted to KCCA's website for public consultation.

**Recommendation:**

That the staff report on the Conservation Authorities Act Update – Watershed Based Resource Management Strategy be received; and further

That the draft Guiding Principles and Objectives for the Strategy be approved for posting to KCCA's website for public consultation.

---

TO: Board of Directors

FROM: Joe Gordon, Michael Buis & Elizabeth VanHooren

Date: March 27, 2024

Subject: Lakeshore Camping Area Improvements

**Recommendation: That the Lakeshore Camping Area Improvement Plan be approved as presented.**

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**PURPOSE:**

To seek approval for proposed improvements to the Lakeshore Camping Area at Lake Whittaker Conservation Area using funds from an estate donation.

**SUMMARY:**

- KCCA received a \$200,000 donation from the estate Sam Bennett, a long-time neighbour of Lake Whittaker, to be used to benefit the campground.
- In 2023, \$10,000 of the donation was allocated to retain an engineer to assist with developing a drainage plan and new layout for the Lakeshore Camping Area.
- Staff have prepared a Lakeshore Improvement Plan that includes the introduction of cabins at Lake Whittaker while addressing current issues and increasing the revenue potential for the campground.

**BACKGROUND:**

In May of 2023, staff advised the Board of a \$200,000 estate donation from Sam Bennett who was a long-time neighbour of Lake Whittaker Conservation Area (LW). The donation was given to KCCA to establish a project at Lake Whittaker that benefitted the campground.

Drainage works and an improved layout for the Lakeshore Camping area was identified by staff as a preferred project. The Board authorized staff to expense up to \$10,000 to arrange for a qualified engineer to assist in developing the plan and report back to the Board.

Throughout the remainder of 2023 staff worked with an engineer from Spriet Associates and developed a new layout plan with proposed storm sewers and swale construction (Appendix A).

The following improvement plan includes electrical upgrades, minor road improvements and the introduction of cabin rentals at Lake Whittaker. Staff will present the proposed plan in further detail at the Full Authority meeting.

## **LAKESHORE IMPROVEMENT PLAN:**

### Current Issues:

The Lakeshore Camping Area is a prime location with proximity to the Lake but is underutilized. The camping area currently experiences erosion and washouts of roads and campsites after major rain events. The topography is not ideal, and the current campsites are very small. Several campsites are permanently closed due to overcrowding and poor ground conditions. In addition, the existing infrastructure is aging, and the road alignment restricts access to larger vehicles and trailers.



### Objectives:

When considering improvements to Lakeshore, staff developed the following objectives to guide the design of a new layout:

1. Desire by funder to develop a project that maximises gift for park benefit.
2. Address drainage by maintaining existing topography and construction controls through engineered solutions.
3. Create a new layout with larger and more desirable sites comparable to other camping areas.
4. Upgrade electrical service where feasible.
5. Improve vehicular access where feasible.
6. Avoid destruction or damage of existing trees.
7. Introduce modern camping trends such as glamping or roofed accommodation.
8. Restrict the area to transient, short-term camping only.

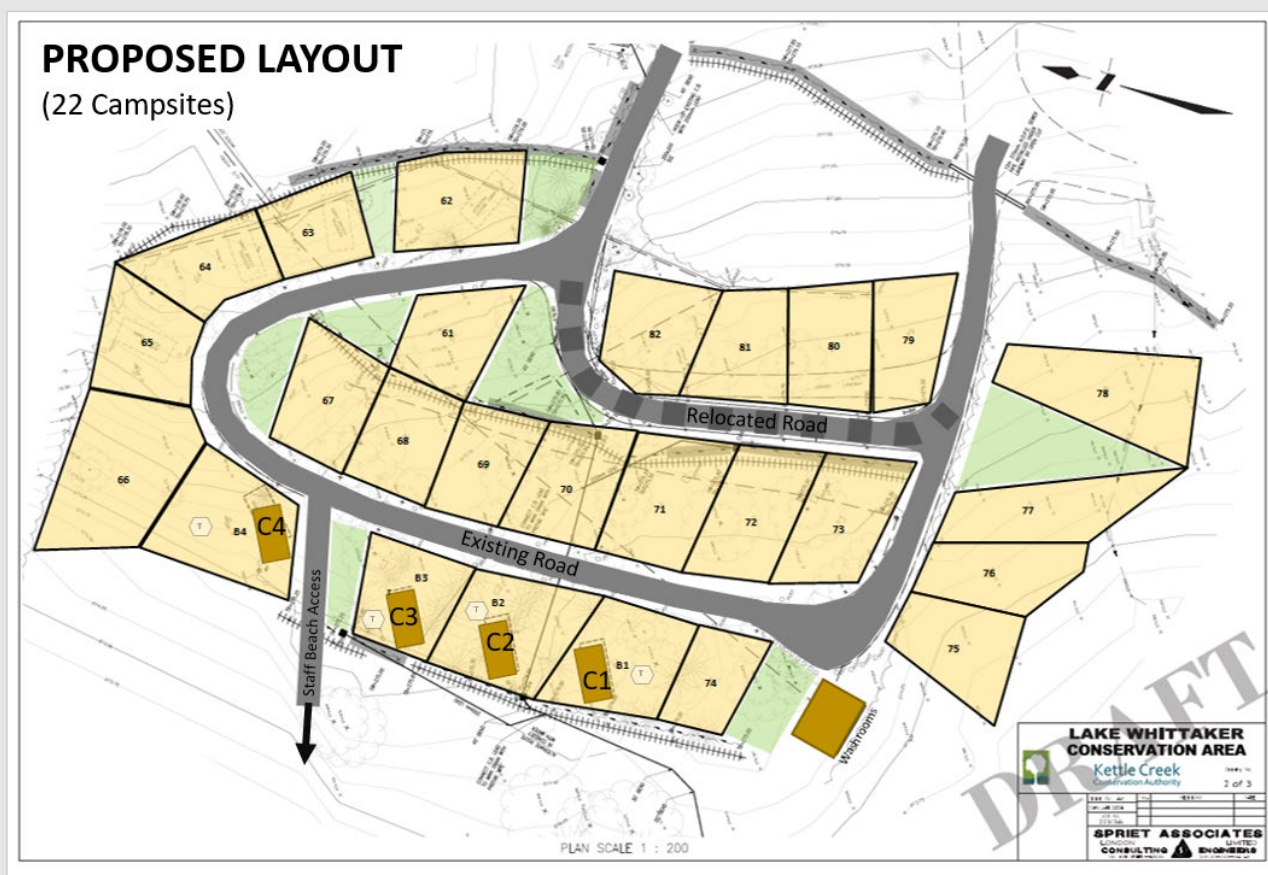
### Constraints:

In addition to the existing topography, drainage and vegetation features, the greatest constraint when considering improvements is the electrical capacity available for this camping area which limits the ability for increased growth or expansion. An electrician was contracted to undertake a preliminary electrical assessment of the park and provide advice and guidance on the proposed plan.

### Proposed New Layout:

The proposed layout plan includes:

- Construction of storm sewers and swales to mitigate drainage issues.
- Re-layout of campsites to create 22 sites of similar size to other campsites at Lake Whittaker.
- Minor road realignment to accommodate larger vehicles and trailers for access to a limited number of sites.
- Construction of four (4) rental cabins on larger sites with views of the Lake.
- Electrical upgrades to include seven (7) 30amp service sites, eight (8) 20amp service sites with potential for additional cabin placements in the future, and five (5) unserviced sites.



Electrical upgrades to campsites with proposed 20- and 30-amp service will be phased over two years to allow for monitoring of the cabins’ electrical. This will confirm the capacity for proposed campsite electrical upgrades. In year 1, the four cabin sites will be upgraded to 20amp service while the other electrical sites will rely on the existing 15amp service posts. Campsite electrical upgrades will occur in year 2 based on the cabin electrical use monitoring results.

**Budget:**

Based on preliminary information, staff are confident that the proposed plan can be completed within the \$200,000 estate donation.

CATEGORY	ITEM		BUDGET
DESIGN	Engineered Drawings (Drainage & New Layout)	\$10,000.00	\$10,000.00
CONSTRUCTION	Drainage and Grading Works	\$100,000.00	\$55,000.00
	Servicing		\$45,000.00
STRUCTURES	Cabins	\$85,000.00	\$63,000.00
	Cabin Amenities		\$22,000.00
DONOR RECOGNITION	Memorial Rock Engraving	\$2,000.00	\$2,000.00
CONTINGENCY	Contingency	\$3,000.00	\$3,000.00
		\$200,000.00	<b>\$200,000.00</b>



Proposed Cabins:

Staff researched a series of cabins and bunkies from local Ontario manufacturers and are recommending a 12'x20 *Mountain Lake Log Bunkie* from Peninsula Sheds and Lawn Furniture. It is a modular building with finished interior that has a rustic cabin esthetic and competitive pricing.

Peninsula Sheds also offers affordable log furniture for the cabins that are suitable for the conditions it will be exposed to at Lake Whittaker.

In addition to the standard fire pit and picnic table, the following additional amenities are proposed for the cabin sites:

Interior:

- Double bed and Twin Bunkbed,
- Vinyl waterproof Mattress,
- Side Table or shelf,
- Mini refrigerator,
- Window air conditioner,

Exterior:

- Porch Double Chair, and
- Charcoal BBQ



Preliminary Revenue Analysis:

The 5-year annual average for campsite revenue in Lakeshore is approximately \$40,000. Staff have undertaken a preliminary conservative revenue analysis based on the 2023 rates of Lake Whitakers' overall campsite revenue statistics and a regional cabin rental rate comparison.

It is anticipated that the proposed plan can increase revenue for the Lakeshore Camping Area by approximately \$23,000 in year 1 and an increase of approximately \$40,000 in year 2. The maximum growth capacity for the proposed plan with the addition of up to eight cabins could see an annual revenue increase of up to \$100,000.

At the end of February staff submitted a proposal to the Tourism Growth Program a federal program which supports the development of local tourism products and experiences. If successful, the program would fund the two additional cabins accelerating KCCA's return on investment.



Additional Considerations:

Subject to approval of the proposed improvement plan, staff still need to develop operational policies, procedures and fees for cabin rentals, marketing and promotions.

Next Steps (Timelines):

Staff recommend the following key implementation dates to have cabins available for rent at the start of the 2025 camping season:

March 2024:	Board Approval
April 2024:	Secure Contractors for construction services consistent with KCCA's Purchasing Policy
Sept/Oct 2024:	Construction for grading, drainage and electricity commences.
Nov 2024:	Board approval of cabin rental procedures and fees
Nov/Dec 2024:	Cabin delivery and setup
May 2025:	Cabin Rentals and electrical use monitoring
Sept/Oct 2025:	Campsite electrical upgrades

**RECOMMENDATION:**

**That the Lakeshore Camping Area Improvement Plan be approved as presented.**

---

# STORM SEWER DESIGN SHEET

## RUNOFF COEFFICIENT 'C'

CAMPGROUND	0.30
WOODLOT	0.20
PARKING AREA	0.60

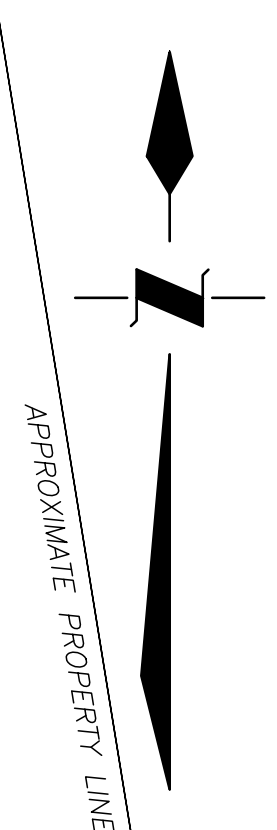
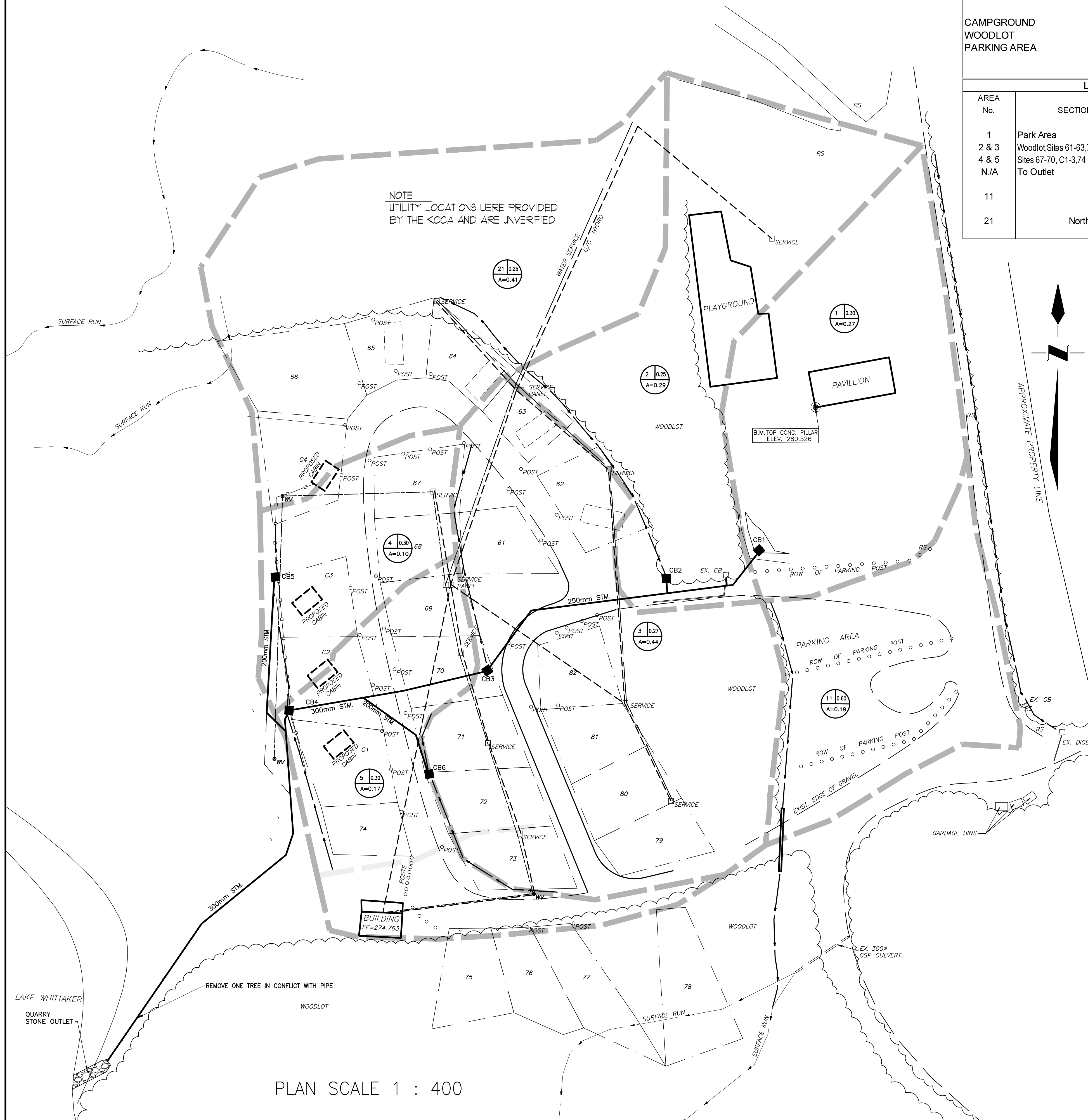
## Lake Whittaker Drainage Improvements Kettle Creek Conservation Authority

Return Period 5 years  
Time Entry 10 min.  
Storm Source RTV

DATE: 15-Mar-24  
DESIGNED BY: AV  
CHECKED BY: GV  
JOB No.: 223136  
SHEET 1 OF 1

AREA No.	LOCATION SECTION	FROM M.H.	TO M.H.	AREA (A)		TOTAL 2.78(AxC)		RAINFALL INTENSITY			SEWER DESIGN									
				hectares	hectares	'C'	SECT.	LAT.	SEWER	SECT. min.	ACCUM. min.	INTEN. mm/hr.	Q l/sec.	n	SIZE mm	SLOPE %	CAP. l/sec.	VEL. m/s	LEN. meters	TIME min.
1	Park Area	0+193	0+165	0.27	0.27	0.30	0.23	0.225	10.00	10.00	100.57	22.65	0.013	250	3.50	111	2.25	101.6	0.75	
2 & 3	Woodlot Sites 61-63, 79-82, 71-73	0+165	0+131	0.73	1	0.25	0.51	0.733	0.75	10.75	97.00	71.06	0.013	250	3.60	112	2.28	64.0	0.47	
4 & 5	Sites 67-70, C1-3, 74	0+131	0+095	0.27	1.27	0.27	0.2	0.935	0.47	11.22	94.95	88.79	0.013	300	2.10	139	1.97	44.0	0.37	
N/A	To Outlet	0+095	0+023		1.27	0.27		0.935	0.37	11.59	93.39	87.33	0.013	300	2.10	139	1.97	44.0	0.37	
11	Parking Area - External			0.19	0.19	0.60	0.32	0.317	10.00	10.00	100.57	31.87	0.024	375	0.20	42.2	0.38	44.0	1.92	
21	North Woodlot and Lots - External			0.41	0.41	0.25	0.28	0.285	10.00	10.00	100.57	28.66								

NOTE  
UTILITY LOCATIONS WERE PROVIDED  
BY THE KCCA AND ARE UNVERIFIED



### SITE BENCHMARKS

OBJECT: TOP OF S/E CONCRETE PILLAR OF PAVILLION  
ELEVATION = 248.320

### PLAN LEGEND

- × 231.92 SURVEY ELEVATION
- WOOD POST
- EXISTING CB
- ▬ TOP OF SLOPE
- ★ EXISTING CONIFERS TREE
- ⊙ EXISTING DECIDUOUS TREE
- ⊞ EXISTING TREE LINE
- ⊞ EXISTING UNDERGROUND HYDRO
- ⊞ EXISTING UNDERGROUND WATER
- ⊞ EXISTING FENCE LINE
- ⊞ EXISTING EDGE OF GRAVEL
- SCALE DIRECTION
- PROPOSED DRAIN PIPE
- ▬ PROPOSED SURFACE CULVERT
- PROPOSED SURFACE INLET

PLAN SCALE 1 : 400

## LAKE WHITTAKER CONSERVATION AREA

Kettle Creek  
Conservation Authority

Drawing No.  
1 of 3

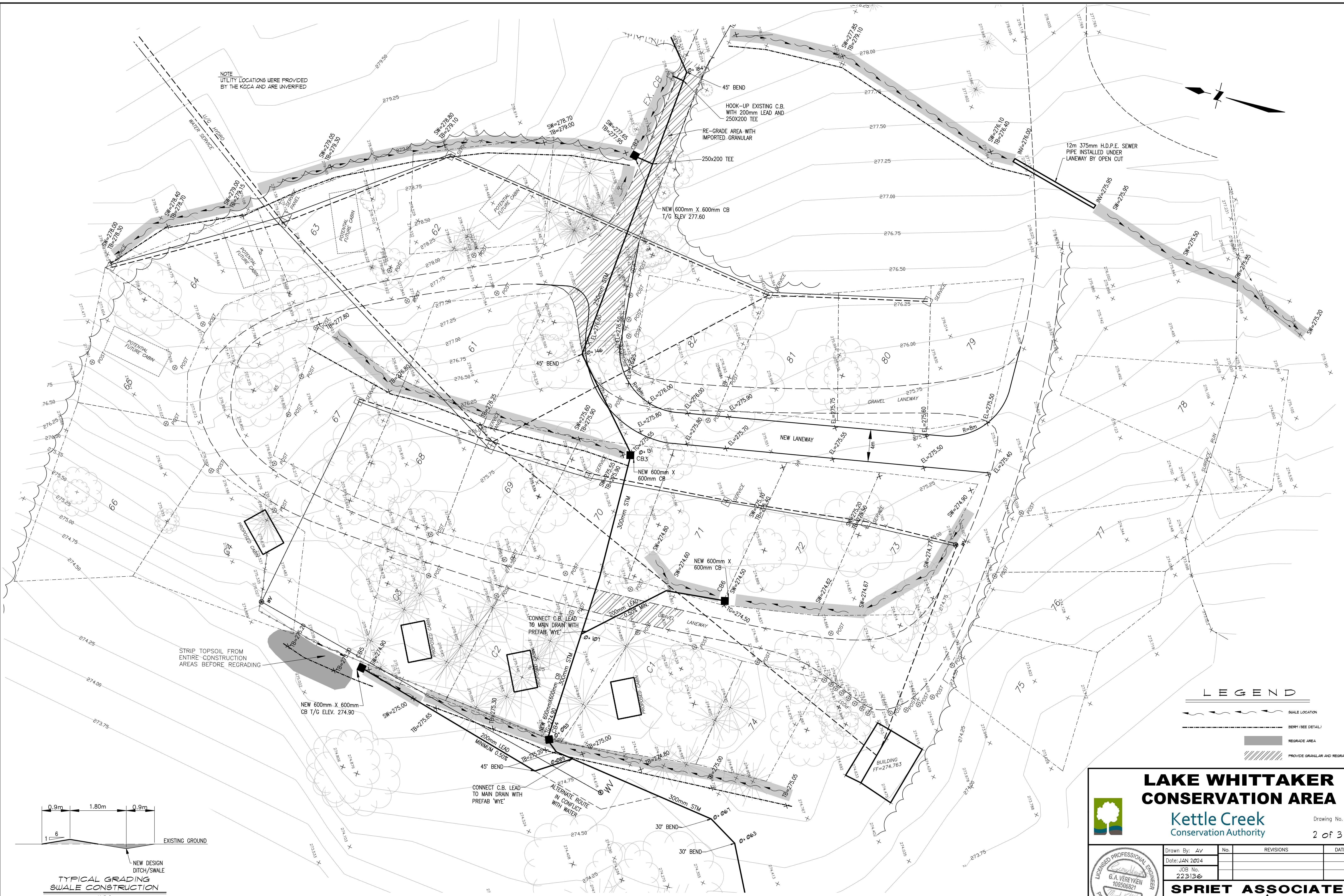
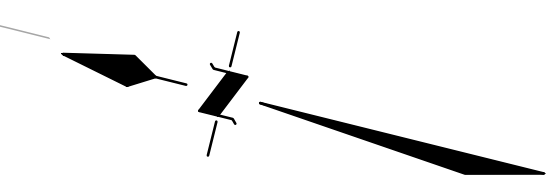
Drawn By: AV	No.	REVISIONS	DATE
Date: JAN 2024			
JOB No. 223136			

### SPRIET ASSOCIATES LONDON CONSULTING ENGINEERS LIMITED

155 YORK STREET - LONDON (519) 877-4100 - FAX 188

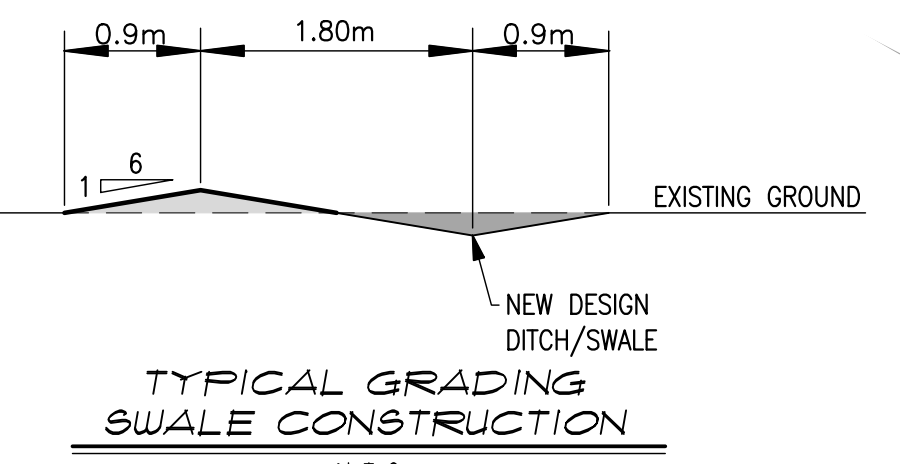


NOTE  
UTILITY LOCATIONS WERE PROVIDED  
BY THE KCCA AND ARE UNVERIFIED



**LEGEND**

- SWALE LOCATION
- BERM (SEE DETAIL)
- REGRADE AREA
- PROVIDE GRANULAR AND REGRADE



PLAN SCALE 1 : 200

**LAKE WHITTAKER CONSERVATION AREA**  
Kettle Creek Conservation Authority

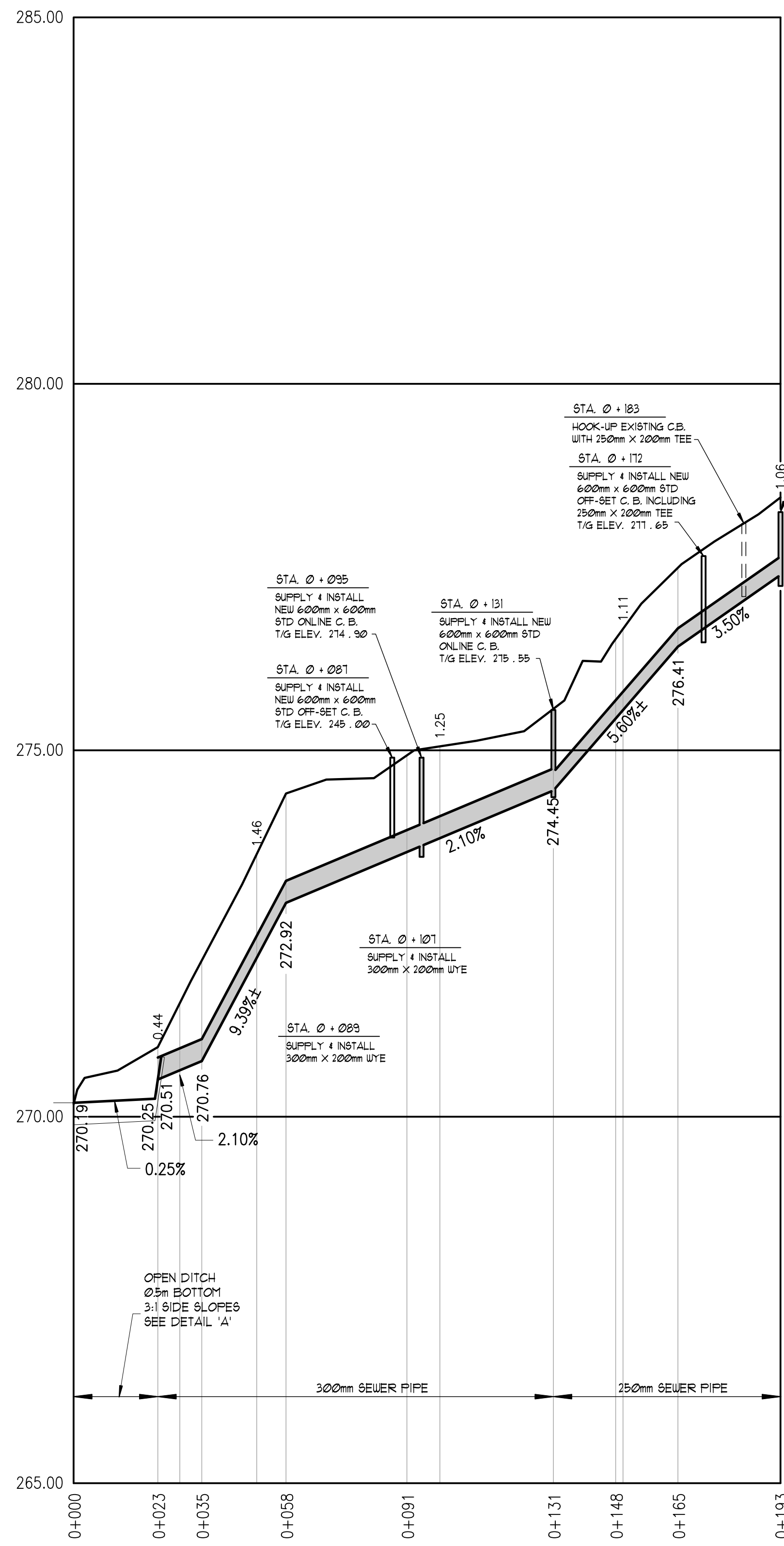
Drawing No. 2 of 3

Drawn By: AV	No.	REVISIONS	DATE
Date: JAN 2024			
JOB No. 223136			

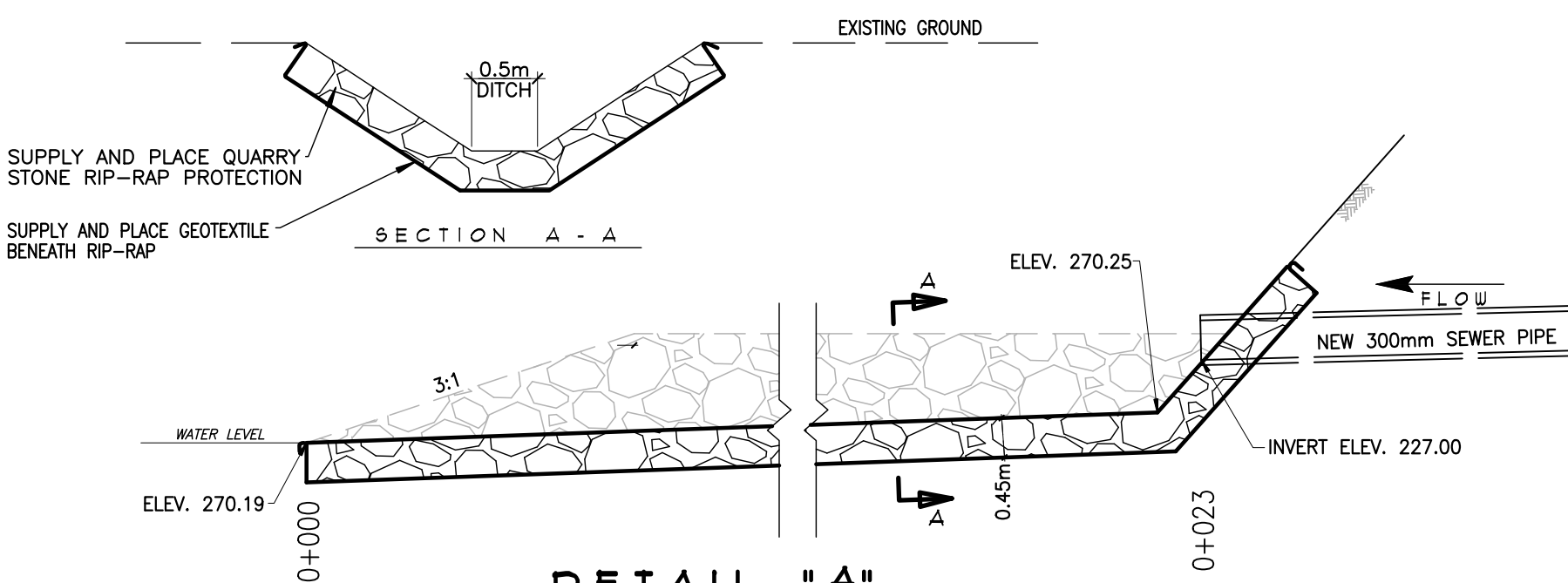
**SPRIET ASSOCIATES**  
LONDON CONSULTING ENGINEERS LIMITED  
155 YORK STREET - LONDON

**PROFESSIONAL ENGINEER**  
G.A. VEREYKOV  
100506821  
PROVINCE OF ONTARIO

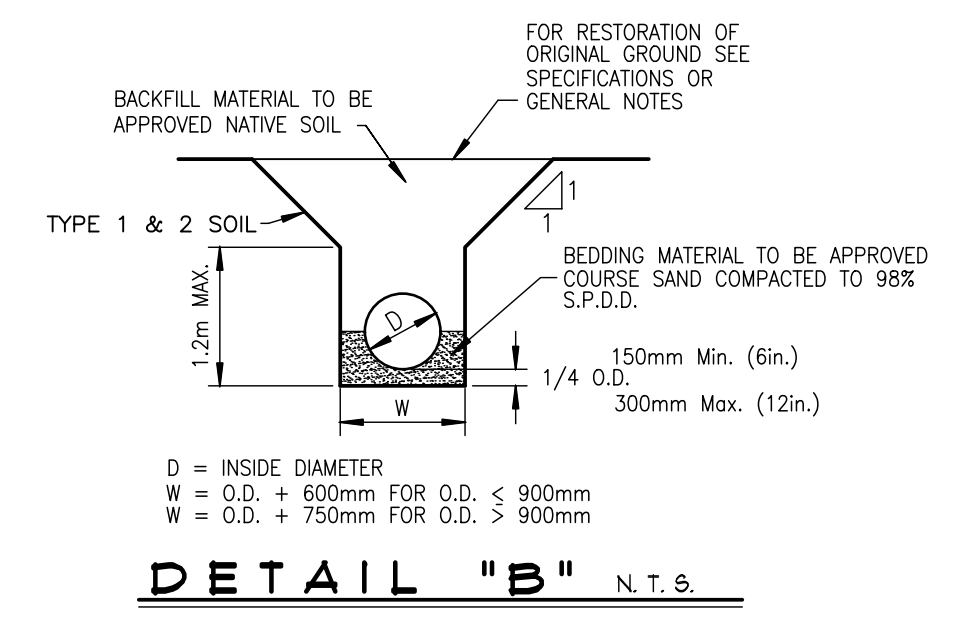




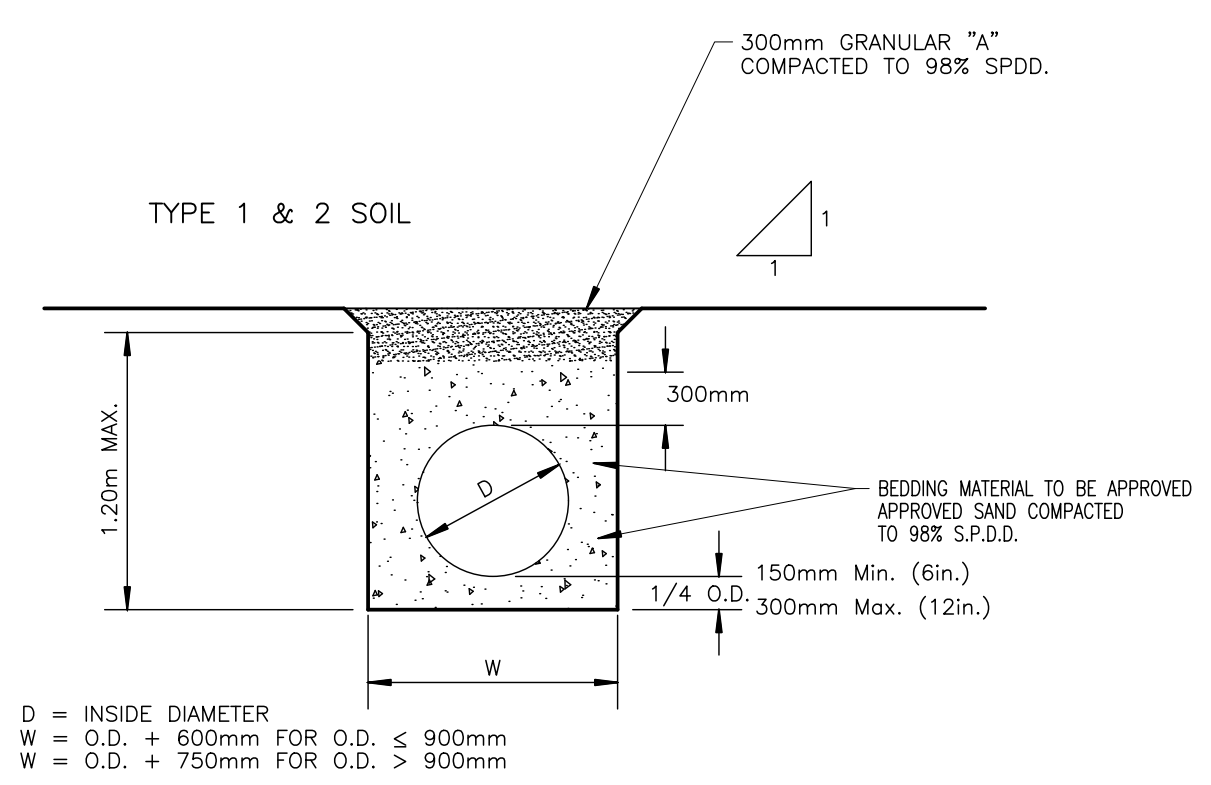
**PROFILE**  
SCALE: HOR 1:1,000  
VERT. 1:50



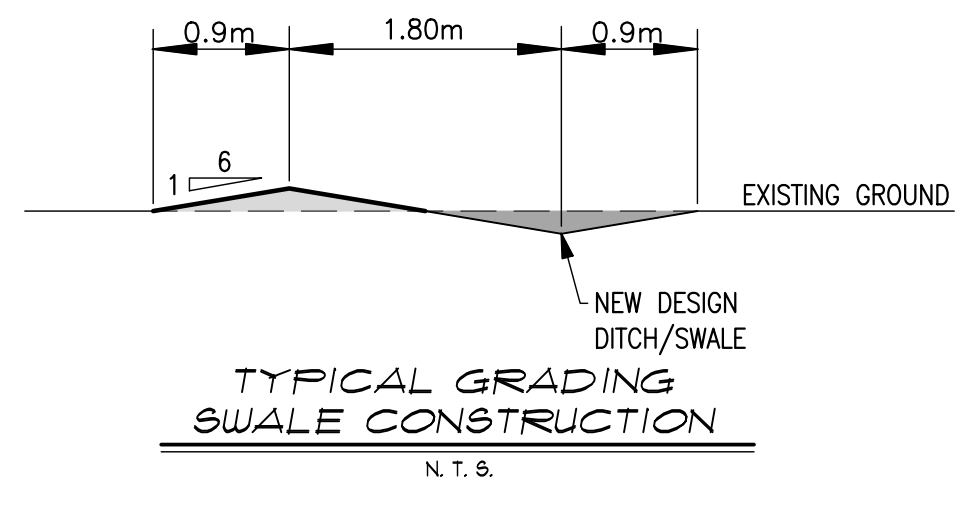
**DETAIL "A"**  
OUTLET STRUCTURE  
N.T.S.



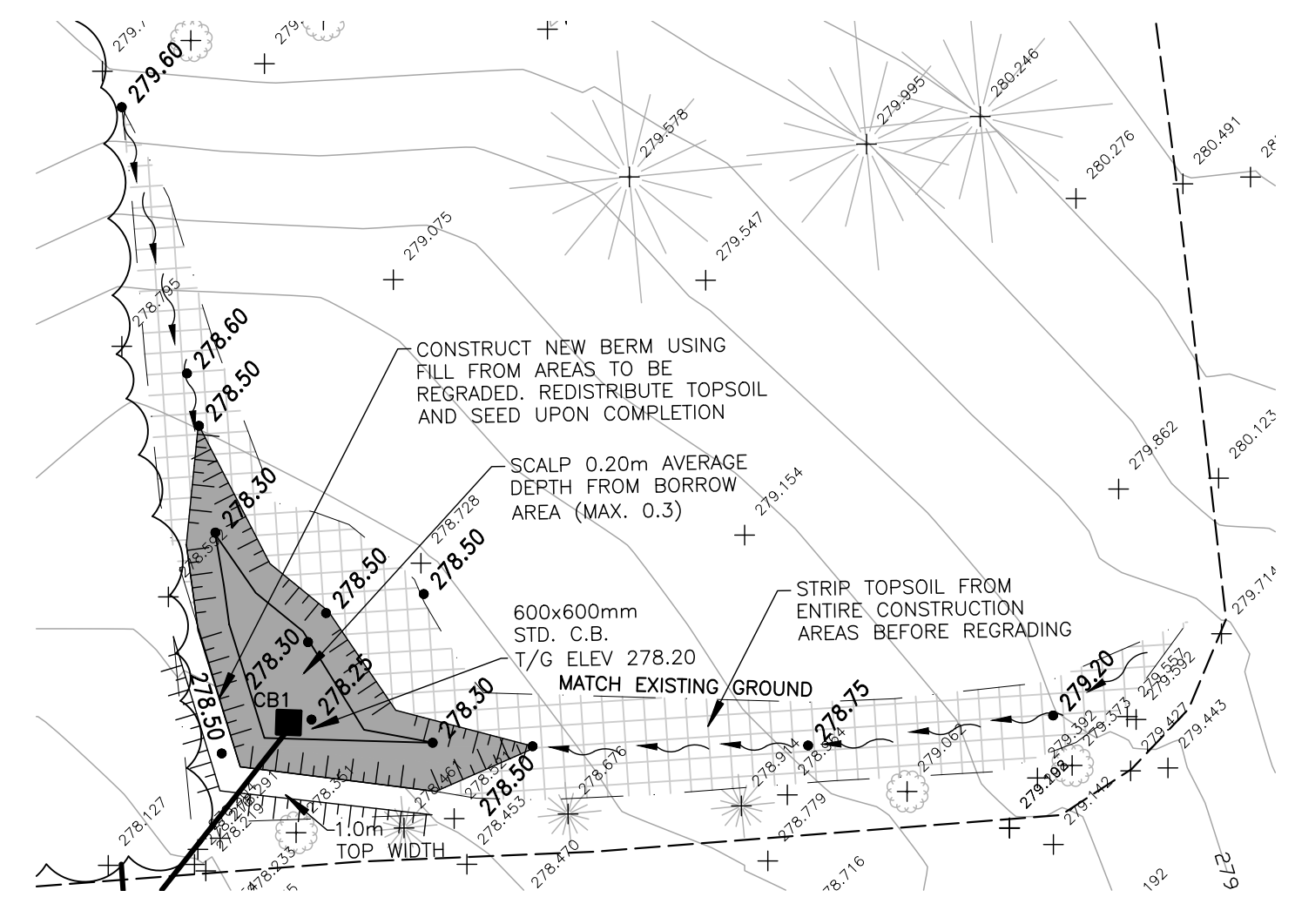
**DETAIL "B"** N.T.S.



**BEDDING FOR PLASTIC SEWER PIPE IN LANWAYS**  
**DETAIL "C"**  
N.T.S.



**TYPICAL GRADING SWALE CONSTRUCTION**  
N.T.S.



**MAIN DRAIN BERM @ STA. 0+193**  
SCALE 1:250

**LAKE WHITTAKER CONSERVATION AREA**

Kettle Creek Conservation Authority

<p>Drawn By: AV Date: JAN 2024 JOB No. 223136</p>	<p>No. _____</p> <p>REVISIONS</p>	<p>DATE</p>
<p><b>SPRIET ASSOCIATES</b> LONDON CONSULTING ENGINEERS LIMITED</p> <p>155 YORK STREET - LONDON (519) 672-4100 - FAX 1-888-451-1838</p>		

Drawing No. 3 of 3

TO: Board of Directors  
 FROM: Joe Gordon  
 Date: March 27, 2024  
 Subject: March 2024 Planning and Regulations Activity Report



**RECOMMENDATION:**

**That the February 2024 Planning and Regulations Activity Report be received.**

**REPORT SUMMARY**

The following is a summary of KCCA’s Plan Input and Review responses and Section 28 permits issued by staff during the period of February 3 to March 21, 2024.

**Plan Input and Review:**

KCCA #	File No.	Municipality	Application Type	Support	Conditions
2401	B01/24 11R2043 Lot 1	St.Thomas	Consent	Y	None
2402	COA 02-24 43070 Gentry Lane	Cent Elgin	Minor Variance	Y	None
2403	COA 01-24 3121 Old Dexter Line	Central Elgin	Minor Variance	Y	None
2404	D14-Z12-13 48024-48028 Wilson	Malahide	Zoning ByLaw	Y	None
2405	34T-23503	St.Thomas	Plan of Subdivision	Y	See attached KCCA Letter
2406	44197 Ron McNeil	St.Thomas	OPA – ZBA	Y	See attached KCCA Letter
2407	34T-SO2401	Southwold	Plan of Subdivision	Y	See attached KCCA Letter
2408	E24-24 43639 Ron McNeal	Central Elgin	Consent	Y	None

**Section 28 Permit(s):**

Permit No.	Address	Municipality	Description
P24-005-D	Collard Srain	Central Elgin	Minor Drainage works consistent with the DART Protocol Standard Compliance Requirements (SCR).
P24-006	42751 Beck Line	Central Elgin	Contaminated soil removal to be conducted by Hydro One Networks on behalf of

			landowner. Low-level impacted fill to be removed and replaced with subsequent site restoration within a valley land of Kettle Creek.
<b>P24-007</b>	338 Elizabeth St	Central Elgin	Maintenance dredging of approximately 60'-80' of Kettle Creek shoreline to facilitate annual Marina operations.
<b>P24-008</b>	294 Hill Street	Central Elgin	Construction of new accessory building with residential dwelling unit located adjacent to valley slopes where the proposed setback is consistent with provincial technical guides and municipal OP policies in absence of engineering.
<b>P24-009-H</b>	Hydro One Corridor Maintenance	Central Elgin London	CO/HONI Agreement, Standard Compliance Requirement: F – Maintenance of existing access routes and G – Installation and removal of temporary access route.
<b>P24-010</b>	16 Lincoln Cove	Central Elgin	Construction of a 20x17 storage shed and 12x13 concrete patio adjacent to a valley slope and located outside of an erosion hazard limit as determined through technical studies as part of the plan of subdivision approvals.
<b>P24-011</b>	Edgeware Hydro Station	St.Thomas	Upgrades to the existing Edgeware Hydro Station which includes the construction of two additional towers within KCCA's Regulation Limit adjance to a recently constructed municipal drain. This work is part of the new Hydro One Transmission Line to the Yarmouth Yards development station.

February 5, 2024

**Attn: Lou Pompilli**

Director, Planning & Building Services  
City of St. Thomas  
Planning and Building Services Department  
9 Mondamin Street  
St. Thomas, ON N5P 2T9

**RE: Proposed Draft Plan of Subdivision  
YARMOUTH YARDS INDUSTRIAL PARK  
File No.: 34T-23503**

Dear Lou Pompilli,

The Kettle Creek Conservation Authority (KCCA) has reviewed the subject application and associated lands with regard to the Authority's mandatory programs and services related to the risk of natural hazards and Source Water Protection. Specifically, KCCA relied upon its delegated responsibility to represent 'provincial interest' on matters relating to natural hazard policies of the *Provincial Policy Statement* (PPS), its regulatory authority under Section 28 of the *Conservation Authorities Act*, and its duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*.

KCCA has reviewed and considered the following technical studies submitted in support of the subject application:

- Draft Plan of Subdivision (Callon Dietz);
- Planning Justification Report, ARCADIS (December 4, 2023);
- Functional Servicing Report, ARCADIS (November 24, 2023);
- Geotechnical Investigation, EXP Services (June 21, 2023); and
- Supplemental Geotechnical Investigation, EXP Services (January 27, 2023).

We offer the following comments:

**Proposal:**

We understand the applicant is proposing a new industrial subdivision which divides 462.5 hectares into 36 blocks, which have been planned to accommodate new servicing infrastructure, future industrial development and natural open space, nine (9) parcels for streets and existing road rights-of-way.

**Natural Hazards:**

According to KCCA records there are no hazardous lands associated with the development site.

The portion of the subject development site within the Kettle Creek watershed drains westerly towards two culvert crossings at Highbury Avenue. There is an existing open channel watercourse located upon proposed Block 36 which drains a portion of lands towards a wooded area west of Highbury Avenue.

The remaining 431.9 ha of the development site drains south easterly towards Catfish Creek and is subject to the jurisdiction of the Catfish Creek Conservation Authority (CCCA).

**Conservation Authorities Act:**

Please be advised that portions of Blocks 9 and 36 of the proposed draft plan of subdivision are partially affected by regulations of KCCA.

Pursuant to Section 28 of the *Conservation Authorities Act*, written permission of the Conservation Authority is required prior to any development within the Authority's regulatory jurisdiction. The current regulation for the Kettle Creek watershed is '*Ontario Regulation 181/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*'.

The Authority may grant permission for development or alteration to a watercourse in or on the areas of its jurisdiction if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.

**Provincial Policy Statement (PPS):**

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

The Natural Hazard policies which are applicable to the subject lands include:

- 3.1.3 Planning authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards.

**Comments:**

We recommend the following conditions for draft approval:

1. That a stormwater management report for SWM1 and SWM2 be prepared to the satisfaction of KCCA based on the *Functional Servicing Report, ARCADIS (November 24, 2023)* and further that such report provides assurances that there is an adequate and sufficient outlet for conveyance of designed flows downstream of the development site without creating any new hazards or aggravating existing hazards.
2. That a permit be obtained from KCCA under *Ontario Regulation 181/06* prior to any development or alteration upon associated lands of Blocks 9 and 36, including any improvements that may be required to the roadside ditch east of Highbury Avenue that are affected by KCCA's Regulation Limit.
3. The applicant be responsible for implementing and maintaining sediment and erosion controls and mitigation measures on the subject lands until such time as the Municipality assumes ownership of the roads and associated services.



Thank you for the opportunity to comment. If you have any questions regarding the above, please contact the undersigned at extension 226.

Yours truly,  
KETTLE CREEK CONSERVATION AUTHORITY

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

*(Digitally signed)*

Joseph (Joe) Gordon  
Manager of Planning and Development

cc. *Nathan Bokma, Senior Project Manager – Industrial Development*

February 27,2024

**Attn: Lou Pompilli**

Director, Planning & Building Services  
City of St.Thomas  
Planning and Building Services Department  
9 Mondamin Street  
St.Thomas, ON N5P 2T9

**RE: Proposed Official Plan and Zoning By-Law Amendments  
44197 Ron McNeil Line**

Dear Lou Pompilli,

The Kettle Creek Conservation Authority (KCCA) has reviewed the subject application and associated lands with regard to the Authority's mandatory programs and services related to the risk of natural hazards and Source Water Protection. Specifically, KCCA relied upon its delegated responsibility to represent 'provincial interest' on matters relating to natural hazard policies of the *Provincial Policy Statement* (PPS), its regulatory authority under Section 28 of the *Conservation Authorities Act*, and its duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*.

We offer the following comments:

**Proposal:**

We understand the applicant is proposing amendments to the St.Thomas Official Plan and Zoning By-Law in support of a proposed new industrial facility located upon the subject property.

**Natural Hazards:**

According to KCCA records there are no hazardous lands that are subject to flooding and erosion hazards associated with the development site.

Under existing conditions, 189 ha of agricultural land drains towards two culvert crossings at Highbury Avenue immediately abutting the subject development lands. The east roadside ditch of Highbury Ave conveys stormwater flows towards the northern culvert which discharges to an existing drainage channel within the hydro corridor towards Burwell Road and ultimately into the Dalewood Reservoir.

**Conservation Authorities Act:**

Please be advised that portions the subject property abutting the Highbury Avenue east roadside ditch are affected by regulations enacted under the *Conservation Authorities Act* where development activities are prohibited unless a permit is obtained from the affected Conservation Authority having jurisdiction.

Effective April 1, 2024, *Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits* enacted under section 28 of the *Conservation Authorities Act* replaces the former KCCA O.Reg.181/06.

*O.Reg.41/24* regulates development activities within or adjacent to areas of hazardous lands, wetlands, river or stream valleys, areas adjacent to the shoreline of the Great Lakes St Lawrence River System or inland lakes, and other areas including 30 metres from wetlands.

Development activities are prohibited within areas of the Conservation Authority's jurisdiction unless in the opinion of the Authority, the activity is unlikely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, and not likely to create conditions or circumstances that in the event of a natural hazard might jeopardise the health or safety of persons or result in the damage or destruction of property.

**Provincial Policy Statement (PPS):**

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

The Natural Hazard policies which are applicable to the subject lands include:

- 3.1.3 Planning authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards.

**Comments:**

We offer the following comments as condition of approval:

1. That a stormwater management report be prepared to the satisfaction of KCCA and further that such report provides assurances that there is an adequate and sufficient outlet for conveyance of designed flows downstream of the development site without creating any new hazards or aggravating existing hazards.
2. That a permit be obtained from KCCA under *Ontario Regulation 41/24* prior to any development activities within an area of the subject lands that is under the jurisdiction of the Authority.
3. That the proposed entrances off of Highbury Avenue to the subject property must be designed to convey the 100-year storm flows discharging from the Yarmouth Yards Industrial development as identified within the ARCADIS Memo of February 7, 2024 regarding the St.Thomas Industrial Park – Highbury Stormwater Outlet.

Thank you for the opportunity to comment. If you have any questions regarding the above, please contact the undersigned at extension 226.

Yours truly,  
KETTLE CREEK CONSERVATION AUTHORITY

  
(Digitally signed)

Joseph (Joe) Gordon  
Manager of Planning and Development

cc. Nathan Bokma, Senior Project Manager – Industrial Development

February 29, 2024

**Attn: June McLarty**

Deputy Clerk  
Township of Southwold  
35663 Fingal Line  
Fingal, Ontario N0L 1K0  
[jmclarty@southwold.ca](mailto:jmclarty@southwold.ca)

**RE: Proposed Draft Plan of Subdivision  
4431 Union Road, Township of Southwold  
File No.: 34T-SO2401**

Dear June McLarty,

The Kettle Creek Conservation Authority (KCCA) has reviewed the subject application and associated lands with regard to the Authority's mandatory programs and services related to the risk of natural hazards and Source Water Protection. Specifically, KCCA relied upon its delegated responsibility to represent 'provincial interest' on matters relating to natural hazard policies of the *Provincial Policy Statement* (PPS), its regulatory authority under Section 28 of the *Conservation Authorities Act*, and its duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*.

KCCA has reviewed and considered the following technical studies submitted in support of the subject application as circulated to KCCA on February 20, 2024:

- Draft Plan of Subdivision (CJDL, 12/21/23)
- Topographical Survey (CJDL)
- Preliminary Hydrogeological Assessment (MTE, December 20, 2023)
- Geotechnical Investigation Report (MTE, December 19, 2023)
- Planning Justification Report (Barabara Rosser, December 2023)
- Stormwater Management Pond Letter of Opinion (Vroom & Leonard, 2023-11-13)
- Hydraulic Impact Assessment (TRUE, Aug 8, 2023)
- Preliminary Servicing Report (CJDL, 21 December 2023)
- Sanitary Sewage Pumping Station and Forcemain (CJDL, 21 December 2023)

We offer the following as background to KCCA comments:

**Proposal:**

We understand the applicant is proposing a draft plan of subdivision which contemplates the creation of 210 dwelling units, including vacant land condominiums and townhouses, a stormwater management area and sanitary pumping station.

**Natural Hazards:**

Flooding Hazards:

The subject lands are susceptible to flooding during a regional storm event (ie. Hurricane Hazel) as determined by the *Kettle Creek Floodplain Mapping Update at Port Stanley* prepared by TRUE Engineering, March 3, 2022. Under regional flood conditions a low section of Union Road at the south end of the proposed development causes regional storm flood waters from Kettle Creek to overtop and spill into the subject lands.

Wetlands:

The subject lands abut a locally significant wetland greater than 2 hectares in size as mapped by the Ministry of Natural Resources and Forestry (MNRF) as the *Port Stanley Poison Sumac Swamp (KC27)*. From a natural hazard perspective, wetlands are critical in providing flood storage, flood level and flow augmentation.

**Conservation Authorities Act:**

Please be advised that the subject property is affected by regulations enacted under the *Conservation Authorities Act* where development activities are prohibited unless a permit is obtained from the affected Conservation Authority having jurisdiction.

Effective April 1, 2024, *Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits* enacted under section 28 of the *Conservation Authorities Act* replaces the former KCCA O.Reg.181/06.

*O.Reg.41/24* regulates development activities within or adjacent to areas of hazardous lands, wetlands, river or stream valleys, areas adjacent to the shoreline of the Great Lakes St Lawrence River System or inland lakes, and other areas including 30 metres from wetlands.

Development activities are prohibited within areas of the Conservation Authority's jurisdiction unless in the opinion of the Authority, the activity is unlikely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock, and not likely to create conditions or circumstances that in the event of a natural hazard might jeopardise the health or safety of persons or result in the damage or destruction of property.

**Provincial Policy Statement (PPS 2020):**

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

The PPS Natural Hazard policies which are applicable to the subject lands include:

- 3.1.1 b) Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.
- 3.1.3 Planning authorities shall prepare for the impacts of a changing climate that may increase the risk associated with natural hazards.

**Comments:**

We offer the following comments/concerns:

1. **A Permit shall be obtained from KCCA prior to any development activities upon the subject lands.** KCCA Permit No. P23-025 was previously issued to the applicant solely for land preparation, including topsoil stripping, preliminary earth grading and placement/stock piling of fill material. A subsequent Permit from KCCA is required for ongoing development activities related to approval of the proposed draft plan of subdivision.
2. In review of the draft plan and supporting technical studies, KCCA staff are satisfied that proposed residential development will be directed away from hazardous lands as a result of the proposed mitigation measures supported by KCCA, and not likely to create conditions or circumstances that in the event of a natural hazard might jeopardise the health or safety of persons or result in the damage or destruction of property.
3. It appears that the proposed sewage treatment pumping station located near the southeast corner of the site and permanently located on Block 83 of the Draft Plan of subdivision may be situated upon hazardous lands that are subject to flooding hazards before and after proposed development activities.

KCCA does not support the construction of new sanitary sewage treatment facilities upon hazardous lands that may be affected by flooding or erosion hazards.

**KCCA would request further details on the design and location of the sewage pumping station to assist in determining whether the proposed location can be supported by KCCA staff or an alternate location may need to be considered.**

4. KCCA Wetland Management Policies 7.3.3.c) does not permit new development or site alteration within 30 metres of a provincially significant wetland or a wetland greater than or equal to 2 hectares in size.

The current draft plan of subdivision proposes an encroachment of a portion of the storm water management pond within the 30m setback to the abutting locally significant wetland which is greater than 2 hectares in size.

Development activities that may be supported by KCCA within the 30m setback of a wetland shall only be permitted by the Authority if the applicant demonstrates that such activity will satisfy the requirements of the *Conservation Authorities Act*. KCCA policies encourage pre-submission consultation to assist in the scoping process for technical studies having regard for the sensitivity of the wetland feature and function, the extent of encroachment and impact of use.

The applicant has not previously consulted with KCCA on the proposed encroachment into the 30m wetland setback and **additional information and details are needed to determine whether KCCA can permit the proposed encroachment into the 30m wetland setback under the *Conservation Authorities Act*.**

Based on the comments noted above, we would recommend that a subsequent consultation meeting be scheduled between KCCA, the applicant and their applicable professionals to discuss the concerns of KCCA staff in relation to the Authority's natural hazards mandate, regulation and policies, and to assist KCCA staff in providing recommended conditions for draft approval of the plan of subdivision.

Thank you for the opportunity to comment. If you have any questions regarding the above, please contact the undersigned at extension 226.

Yours truly,  
KETTLE CREEK CONSERVATION AUTHORITY

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

*(Digitally signed)*

Joseph (Joe) Gordon  
Manager of Planning and Development

cc. *Paul Hicks, Acting Planning Director (Count of Elgin)*  
*Danielle Truax, (Southwold Planner)*  
*Michael Mescia, (applicant)*  
*Deren Lyle, CIDL (Agent)*