



Full Authority Agenda

May 15, 2024

KCCA Admin Centre

10:00 a.m.

This meeting will be a hybrid meeting with the option to join in-person or electronically. The recording and draft minutes will be posted to KCCA’s web site on May 16, 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

Hearing Board

Delegations

Minutes of Meetings

- a) April 17, 2024 Full Authority Meeting4
Recommendation: That the minutes of the April 17, 2024 Full Authority Meeting be approved.

Matters Arising

- a) Media Report (Marianne)10
- b) Project Tracking (Elizabeth)14
- c) Watershed Conditions (Jennifer)16
Recommendation: That the staff reports on Matters Arising (a) through (c) be received.

Correspondence

- a) From LPRCA to the Honourable Slyvia Jones Minister of Health Re: Recommended phase out of free well water testing in the 2023 Auditor General’s Report May 2, 202418
- b) From Ontario Headwaters to Doug Ford, Premier of Ontario Re: Bill 185 and aligned efforts should be withdrawn and significantly re-worked May4, 202420



Full Authority Agenda

May 15, 2024

KCCA Admin Centre

10:00 a.m.

c) From Conservation Ontario to MNRF Re: “Regulation detailing new Minister’s Permit and Review Powers under the Conservation Authorities Act” (ERO Posting #019-8320) May 6, 2024..22

d) From Conservation Ontario to MMAH Re: “Proposed policies for a new provincial planning policy instrument” (ERO Posting #019-8462) May 10, 202427

e) From Conservation Ontario to MMAH Re: “Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (ERO Posting #019-8366), (ERO Posting #019-8369) and (ERO Posting #019-8370) May, 10 202434

Recommendation: That the correspondence be received.

Statement of Revenue and Expenses (No Report)

New Business

a) Retention Policy (Elizabeth/Jessica)39

Recommendation: That the Kettle Creek Conservation Authority Records Retention Policy and Schedule be approved as presented.

b) Integrated Accessibility Policy (Elizabeth).....63

Recommendation: That the Kettle Creek Conservation Authority Integrated Accessibility Policy be approved.

c) Dodd Creek Enhanced Riverine Floodplain Mapping Approval (Jennifer).....83

Recommendation: That the staff report on the Dodd Creek Enhanced Riverine Floodplain Mapping be received; and further

That the Dodd Creek Enhanced Riverine Floodplain Mapping Hydraulic Modelling (February 23, 2024) and the Enhanced Riverine Floodplain Mapping within the Dodd Creek Subwatershed Hydrological Modelling Report (February 21, 2024) be approved.

d) KCCA Regulation Limit Mapping Update (Joe)86

Recommendation: That an upset limit of \$12,000 be approved from cost savings within the 2024 Budget for the development of a GIS model to assist with required Regulation Limit Mapping updates.



Full Authority Agenda

May 15, 2024

KCCA Admin Centre

10:00 a.m.

- e) May Planning and Regulations Report (Joe).....89
Recommendation: That the May 2024 Planning and Regulations Activity Report be received.
- f) August Full Authority Meeting (Elizabeth) Verbal

Closed Session

- a) April 17, 2024 Closed Session Minutes
- b) Legal Matter – H23-001
- c) Legal Matter – V24-001

Up Coming Meetings

Full Authority Meeting	June 19, 2024	10 a.m.
Deer Ridge Grand Opening	May 30, 2024	2:30 pm.



Full Authority Minutes

April 17, 2024

A meeting of the Full Authority of the Kettle Creek Conservation Authority was held on Wednesday April 17, 2024 at 10:00 a.m. The meeting was streamed live to Facebook.

The meeting came to order at 10:00 a.m. A roll call of members was taken. As some members attended virtually all votes were recorded and are included in the Recorded Vote Registry. Sam Trosow joined the meeting at 10:03 a.m.

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, Attiwoonderonk 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 (Vice Chair)	St. Thomas	In Person
Frank Berze	Middlesex Centre	In Person
Grant Jones (Chair)	Southwold	In Person
Sharron McMillan	Thames Centre	In Person
Todd Noble	Central Elgin	In Person
Jerry Pribil	London	Virtual
Sam Trosow	London	Virtual

Members Absent:

Jim Herbert	St. Thomas
John Wilson	Malahide

Staff Present:

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

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.

Delegations

There were no delegations.

Minutes of Meeting

FA61/2024

Moved by: Todd Noble

Seconded: Frank Berze

THAT the minutes of the March 27, 2024 Full Authority Meeting be approved.

Carried

Matters Arising

- a) Media Report
- b) Project Tracking
- c) Watershed Conditions
- d) Insurance Renewal
- e) Conservation Ontario Update

FA62/2024

Moved by: Lori Baldwin-Sands

Seconded: Sharron McMillan

THAT the staff reports on Matters Arising (a) through (e) be received.

Carried

Correspondence

- a) From MNRF to Mayor Josh Morgon (City of London) Re: Municipal CA Appointment April 5, 2024

FA63/2024

Moved by: Frank Berze

Seconded: Sharron McMillan

THAT the correspondence be received.

Carried

Statement of Revenue and Expenses

FA64/2024

Moved by: Lori Baldwin-Sands

Seconded: Frank Berze

THAT the Statement of Revenues and Expenses for March 31, 2024 be approved.

Carried

New Business

a) Elgin Clean Water Program Annual Report

FA65/2024

Moved by: Lori Baldwin-Sands

Seconded: Todd Noble

THAT the Elgin Clean Water Program Annual Report be received.

Carried

b) Kettle Creek Clean Water Initiative

The Kettle Creek Clean Water Initiative was established in 2012 to provide financial assistance to watershed residents in implementing stewardship projects. Annually, the Authority provides \$12,000 in funding from the Stewardship Reserve.

McClure presented one project for funding consideration.

Project 24-01 - A wetland creation project in the City of St. Thomas. The total estimated project cost is \$30,437. The grant request is \$3,000.

FA66/2024

Moved by: Frank Berze

Seconded: Todd Noble

THAT project 24-01 in the amount of \$3,000 be supported through the Kettle Creek Clean Water Initiative.

Carried

c) St. Thomas-Elgin Children's Water Festival

FA67/2024

Moved by: Todd Noble

Seconded: Sharron McMillan

THAT the KCCA Administration Centre be closed as required from May 6-10, 2024, to walk in clients to accommodate staff participation in the St. Thomas-Elgin Children's Water Festival.

Carried

d) "New regulation to focus municipal environmental assessment requirements" (ERO#019-7891) March 18, 2024

FA68/2024

Moved by: Todd Noble

Seconded: Frank Berze

THAT the staff report on the Regulation Detailing new Minister's Permit and Review Powers under the Conservation Authorities Act be received.

Carried

e) April Planning and Regulations Report

FA69/2024

Moved by: Sharron McMillan

Seconded: Todd Noble

THAT the April 2024 Planning and Regulations Activity Report be received.

Carried

The Full Authority meeting recessed at 10:45 a.m. to conduct the Kettle Creek Source Protection Authority meeting. The Kettle Creek Source Protection Authority adjourned at 10:54 a.m. and members resumed the Full Authority meeting moving immediately into Closed Session.

FA70/2024

Moved by: Todd Noble

Seconded: Frank Berze

THAT the Full Authority meeting recess to conduct the April 2024 Kettle Creek Source Protection meeting.

Carried

Closed Session

The Closed Session meeting began at 10:55 a.m.

FA71/2024

Moved by: Lori Baldwin-Sands

Seconded: Sharron McMillan

THAT the Full Authority move to Closed Session to discuss legal, personnel or property matters.

Carried

FA72/2024

Moved by: Lori Baldwin-Sands

Seconded: Sharron McMillan

THAT the Full Authority revert to open session and report.

Carried

The Open Session resumed at 10:56 a.m.

a) Minutes

FA73/2024

Moved by: Sharron McMillan

Seconded: Frank Berze

THAT the minutes of the Closed Session meeting of the March 27, 2024 Full Authority Meeting be approved.

Carried

FA74/2024

Moved by: Todd Noble

Seconded: Lori Baldwin-Sands

THAT staff proceed as directed on a property matter.

Carried

Upcoming Meetings

Full Authority Meeting

May 15, 2024 10:00 a.m.

St. Thomas-Elgin Children's Water Festival Partner Recognition

Pinafore Park

May 9, 2024 10:30 a.m.

Deer Ridge Grand Opening

Deer Ridge Conservation Area

May 30, 2024 2:30 pm.

FA75/2024

Moved by: Lori Baldwin-Sands

Seconded: Frank Berze

THAT the meeting adjourn at 11:30 a.m.



Elizabeth VanHooren
General Manager/Secretary Treasurer

Grant Jones
Chair

Recorded Vote Registry FA61/2024 to FA66/2024

A=Absent Y=Yes N=No

Board Member	FA61/2024	FA62/2024	FA63/2024	FA64/2024	FA65/2024	FA66/2024
Baldwin-Sands	Y	Y	Y	Y	Y	Y
Berze	Y	Y	Y	Y	Y	Y
Herbert	A	A	A	A	A	A
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	A	Y	Y	Y	Y	Y
Wilson	A	A	A	A	A	A
Result	Carried	Carried	Carried	Carried	Carried	Carried

Recorded Vote Registry FA67/2024 to FA72/2024

A=Absent Y=Yes N=No

Board Member	FA67/2024	FA68/2024	FA69/2024	FA70/2024	FA71/2024	FA72/2024
Baldwin-Sands	Y	Y	Y	Y	Y	Y
Berze	Y	Y	Y	Y	Y	Y
Herbert	A	A	A	A	A	A
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	A	Y
Wilson	A	A	A	A	A	A
Result	Carried	Carried	Carried	Carried	Carried	Carried

Recorded Vote Registry FA73/2024 to FA75/2024

A=Absent Y=Yes N=No

Board Member	FA73/2024	FA74/2024	FA75/2024
Baldwin-Sands	Y	Y	Y
Berze	Y	Y	Y
Herbert	A	A	A
Jones	Y	Y	Y
McMillan	Y	Y	Y
Noble	Y	Y	Y
Pribil	Y	Y	Y
Trosow	Y	Y	Y
Wilson	A	A	A
Result	Carried	Carried	Carried

Facebook & Instagram Summary



Facebook Followers: 3,708
Instagram Followers: 1,309
Facebook Post Reach: 15,000
Instagram Reach: 373



Post Impressions	Post Reach	Engagement
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It's camping season again - welcome back campers! Time for fresh air, nature hikes, and roasting marshmallows by the fire. We're looking forward to another memorable season.



Post Impressions	Post Reach	Engagement
1,031	1,095	25

Welcome aboard to our 2024 Tree Planting crew! Today marks the beginning of the tree planting season at KCCA. We're committed to bolstering forest cover in the watershed, with almost 50,000 trees planted yearly. #LoveMyWatershed

Facebook & Instagram Summary



Facebook Followers: 3,708
 Instagram Followers: 1,309
 Facebook Post Reach: 15,000
 Instagram Reach: 373



Post Impressions	Post Reach	Engagement
3,239	3,032	976

Introducing our newest cohort of seasonal staff! Join us in welcoming some fresh and familiar faces as they begin training for opening day. Welcome to the team!



Post Impressions	Post Reach	Engagement
4,583	4,560	297

Exciting news for Township of Southwold! Join us for the grand opening of Deer Ridge Conservation Area on May 30th at 2:30 p.m. This stunning 46-acre forest habitat, generously donated by Ted and Duggie Gill, is KCCA's newest Conservation Area. Join us for opening remarks followed by a guided hike as we celebrate and reconnect with nature. Deer Ridge is located at 147 Glengariff Drive. Event is rain or shine. Parking is limited – please consider carpooling. Please RSVP by May 20, 2024 to Marianne Levogiannis at 519-631-1270 ext. 224 or marianne@kettlecreekconservation.on.ca



Twitter Summary

Impressions: 812

Followers: 1,367



Total Impressions	Engagements
45	0

Apply now for the Elgin/Kettle Creek Agricultural Conservation Scholarship! Open to Elgin County or Kettle Creek watershed residents aged 17-30 pursuing agriculturally-related studies with an environmental focus at a post-secondary institution. Learn more:



Total Impressions	Engagements

Pinafore Park is all set up and ready for the return of the St. Thomas-Elgin Children's Water Festival! We're looking forward to welcoming students tomorrow for a great week of learning about water. #StOnt #LoveMyWatershed

@cityofstthomas



Province clarifies stance - Says Private Well Water Testing Will Continue

The Ontario Minister of Health Sylvia Jones, said during Question Period at Queen's Park yesterday (April 16) that the Province of Ontario will continue to provide free well water testing for rural households.

In December, an Auditor General's report into Public Health Ontario (PHO), recommended that the agency "phase out private well water testing". Public Health Ontario accepted the recommendation and said it would work with the Ministry of Health to implement the recommendation.

Since then, questions have been circulating among rural municipalities, the media, and Public Health Units, about the governments intentions regarding private well water testing.

"Let me be as clear as I can possibly be", Jones told the House, "There is no one in the Province of Ontario or in this Legislature who believes that putting well water testing at risk is on the table. I want to be very clear on that matter. Of course, the Ministry of Health funds Public Health Ontario to provide testing services for individuals who rely on private drinking water systems to serve households. We all know that. The ministry has not made any decisions about changes to the provincial well water testing program, including which laboratories conduct testing of water samples.

"I want to be very clear: There have been no changes. People who want to get their well water tested—and there are thousands across rural Ontario, including in my own riding—take those tests to their public health unit. They get tested. They get those results. That continues."

A Ministry of Health release accompanying her statement, added that "The Ministry of Health funds Public Health Ontario (PHO) to provide testing services for individuals who rely on private drinking water systems to serve a single household. The ministry has not made any decisions about changes to the provincial well-water testing program; including which laboratories conduct testing of water samples."

April Project Tracking



Kettle Creek
Conservation Authority

CORPORATE SERVICES

- Preparing for the Grand Opening of Deer Ridge Conservation Area scheduled for May 30, 2024 at 2:30 p.m.
- Assisted with Children's Water Festival May 6 – 10 including sign development, set-up and take-down
- Updated the KCCA website, including additions to the Watershed Connections and Deer Ridge Conservation Area pages
- Reservation computer setup at campgrounds for the season completed
- Aspira (reservation system) orientation for seasonal staff undertaken April 27, 29, 30 with additional assistance provided May 1st to ensure smooth introduction of new staff
- Canada Summer Jobs funding approval for 2 positions for 8 weeks.
- Attended a demo on Freedom Of Information software May 2

FLOOD FORECASTING AND ENVIRONMENTAL MONITORING

- Applied to the DFO Municipal Drain Classification Funding program. A successful application could result in ~9.9k in funding and data collection will occur at the end of August.
- Assisted with the facilitation of the 2024 St. Thomas-Elgin Children's Water Festival at Pinafore Park from May 7-10, 2024.
- Collected surface water samples throughout the KCCA watershed for the month of April as part of the ongoing (PWQMN) surface water monitoring program.
- Assisted with the pre-season safety inspections at Lake Whittaker and Dalewood campgrounds on April 25, 2024
- Facilitated the KCCA Enhanced Riverine Floodplain Mapping project (Dodd Creek) Virtual Public Information Centre on April 17, 2024.
- Collected snow survey data on May 1 and May 15, 2024, and submitted the data to the Surface Water Monitoring Centre for flood forecasting and warning modelling. The program has ended for the season.
- Reviewed municipal drain maintenance notifications, new drainage works proposals and attended site visits as necessary (ongoing).

STEWARDSHIP AND OUTREACH

- Orientation information distributed to this year's Kettle Creek Environmental Youth Corps participants – first event to be held later in May
- Final planning and hosting of the St. Thomas-Elgin Children's Water Festival:
 - Finalized site logistics and site layout details
 - Hosted the Teacher Orientation Session
 - Confirmed volunteers and finalized the volunteer schedule – over 125 volunteers each day
 - Led Festival set-up on Monday, May 6 with the Festival running May 7-10 – over 3,200 students from 23 schools attending over the four days
 - Hosted the Partner Recognition Event on May 9

FORESTRY AND INVASIVE SPECIES

- Tree Planting Crew started on April 24
- Delivery of seedlings from Pineneedle and Somerville nurseries on April 23 and April 29
- BTN Nurseries in partnership with Trees for Life provided 200 large stock trees to KCCA at no cost
- Invoicing and processing payments for tree orders
- Distributed over the counter seedlings to landowners at two pick up events on May 3 and 4
- Led a garlic mustard pulling event with local Beavers, Cubs and Scouts at Pinafore Park
- Submitted an application to TD Tree Days to host a community planting event in the Fall

CONSERVATION AREAS AND MAINTENANCE

- Training of seasonal staff on April 27 and 29 followed by Opening Day on May 1st.
- Dalewood: Waiting on 18 seasonal campers to bring their trailers into the park after the first weekend. Ground conditions are wet, but most campers are in and set up for the season.
- Lake Whittaker: Received over an inch of rain the day before opening, making the park quite wet. By the end of opening weekend all but 14 of the 75 seasonal campers had their trailers placed without any major rutting or damage.
- Improvements completed at Kirk Cousins Management Area, opened for use on May 1st.
- Completed seasonal staff Health & Safety training at both LWCA and DWCA April 27th.
- Assisted with equipment training at LWCA and DWCA April 29th and 30th.
- Maintenance Assistant completed walkthrough of all KCCA trails prior to opening on May 1st.
- Constructed and installed new beach signs at LWCA.

TO: Board of Directors
FROM: Jennifer Dow
Date: May 15, 2024
Subject: May 2024 Watershed Conditions Report
Recommendation: For information



PURPOSE

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

REPORT SUMMARY

- Water levels throughout the watershed are fluctuating with rain events.
- Lake Whittaker small drinking water system up and running for the 2024 camping season.

BACKGROUND

As of May 5, 2024, Lake Erie's static water level daily mean was 174.63m. This water level is 32cm above average, 5cm lower than what was recorded at the same time last year, and 41cm 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 rose 16cm over the month of April, which is a greater than the average rise over the period of record.

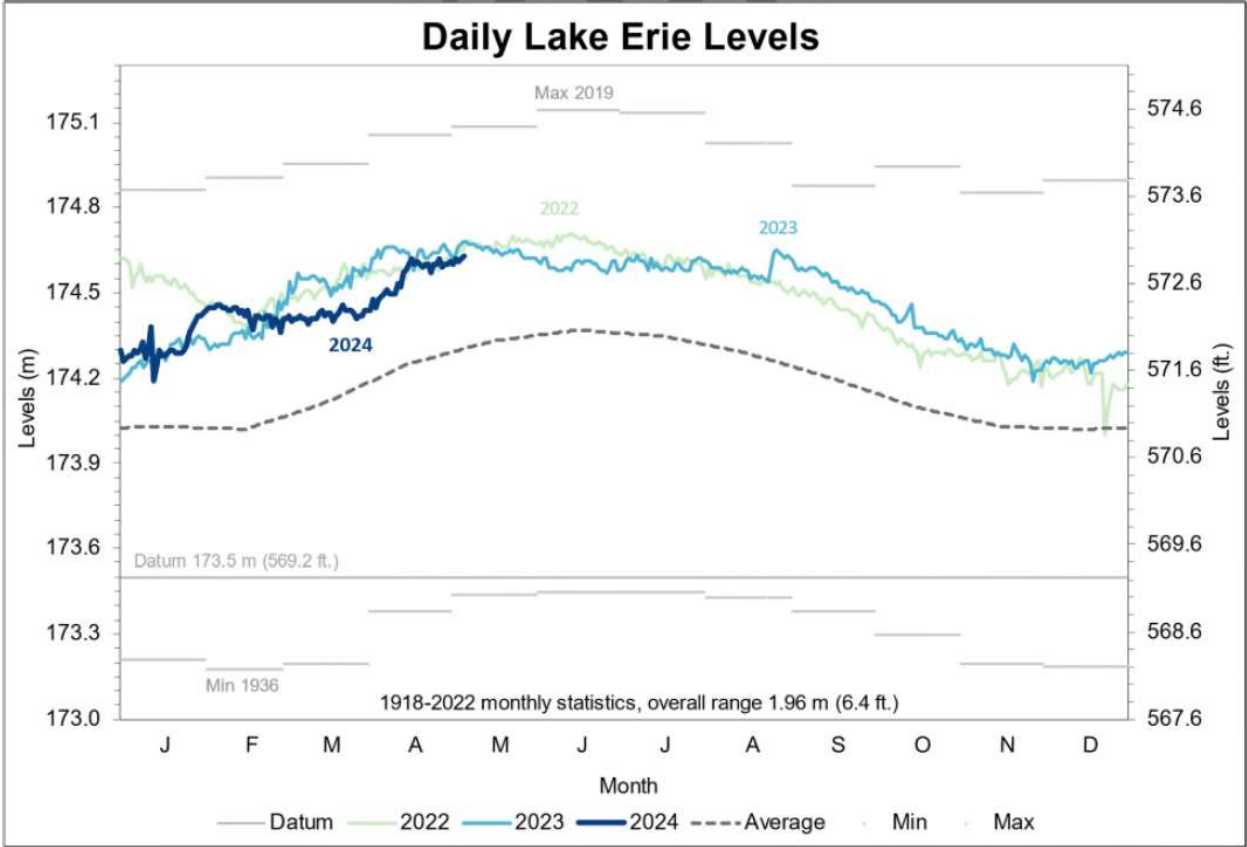
The KCCA watershed historically receives 80mm of rain during the month of April. The watershed received 131% of the average total rain for the month of April, which is about 105.4mm for the area. The three-month precipitation levels were above normal for February to April. The Environment Canada outlook for May to July indicates above normal temperatures and normal precipitation for the region. Staff conducted snow surveys on May 1 and May 15, 2024, to end the snow monitoring program for the 2023-2024 season.

As of May 5, 2024, there is one Conservation Authority (CA) in a confirmed Level 1 Low Water Condition (Central Lake Ontario CA) in the Southern Region.

Lake Whittaker's three small drinking water systems were started up for the 2024 operating season. Distribution samples were collected from all three systems and tested for bacteria in advance of campground opening on May 1. During the operating season, residual chlorine levels are checked daily in combination with bacteria sampling that occurs twice a month.

RECOMMENDATION

For information.





May 2, 2024

Sent Via Email

The Honourable Sylvia Jones
Minister of Health

sylvia.jones@ontario.ca

Re: Recommended phase out of free well water testing in the 2023 Auditor General's Report

Dear Minister Jones;

The Long Point Region Conservation Authority is concerned with the Public Health Ontario's recommendation of phasing out free water testing.

The Long Point Region watershed has a total population of approximately 100,000 people. Of those, approximately one-third rely on private water sources for their drinking water supply. These private water sources include personal wells and sand points which are not actively monitored. With the recommendation to discontinue free water testing, we fear many residents will not undertake regular testing and will be put at risk.

At the May 1st meeting of the Long Point Region Board of Directors, the following resolution was unanimously approved:

Motion No.: A-69/24

Moved By: Chris Van Paassen
Seconded By: Tom Masschaele

WHEREAS: private water systems (e.g., wells) are not protected through legislated requirements under The Safe Drinking Water Act 2002 and The Clean Water Act 2006, but are more likely to contribute to cases of gastrointestinal illness than municipal systems;

AND WHEREAS: the 2023 Ontario Auditor General's value-for-money audit of Public Health Ontario (PHO) recommended that PHO, in conjunction with the Ontario Ministry of Health, begin the gradual discontinuance of free private drinking water testing;

AND WHEREAS: in the jurisdiction of LPRCA, many households do not receive water from municipal systems, with many relying on a private drinking water system, including wells;

AND WHEREAS: the Walkerton Inquiry Report Part II, concluded the privatization of laboratory testing of drinking water samples contributed directly to the E. coli outbreak in Walkerton, Ontario in May 2000;

AND WHEREAS: all Ontarians deserve safe, clean water, and free well-water testing is a way to help ensure that residents on private wells continue to have barrier-free access to well water testing.

THEREFORE, BE IT RESOLVED THAT: the Board of Directors calls on the Province to not phase out free well-water testing as part of the proposed streamlining efforts of public health laboratory operations in the province;

AND FURTHER THAT: this resolution be circulated to the Hon. Sylvia Jones, Minister of Health; Hon. Lisa Thompson, Minister of Agriculture, Food and Rural Affairs; Hon. Andrea Khanjin, Minister of the Environment, Conservation and Parks; local MPPs; and Conservation Ontario and Ontario's conservation authorities.

Thank you for your consideration of this request.

Sincerely,



Robert Chambers
Chair

cc. The Honourable Lisa Thompson, Minister of Agriculture, Food and Rural Affairs
The Honourable Andrea Khanjin, Minister of the Environment Conservation and Parks
Ms. Bobbi Ann Brady, Member of Provincial Parliament, Haldimand-Norfolk
Mr. Ernie Hardeman, Member of Provincial Parliament, Oxford
Mr. Will Bouma, Member of Provincial Parliament, Brant
Mr. Rob Flack, Member of Provincial Parliament, Elgin, Middlesex, London
Conservation Ontario
Ontario's 36 Conservation Authorities

Doug Ford, Premier of Ontario
Paul Calandra, Minister Municipal Affairs and Housing
Graydon Smith, Minister of Natural Resources and Forestry



May 4, 2024

RE: Bill 185 and aligned efforts should be withdrawn and significantly re-worked

Dear Premier Ford and Ministers,

The Ontario Headwaters Institute, an Ontario corporation with charitable status whose mission is to promote watershed security, considers Bill 185 and its aligned initiatives an egregious package that represents a death knell for environmental protection, sound planning, and legal rights in Ontario.

The bill and its aligned efforts (ERO 019-8320 - Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act - and ERO 019 8462 - Review of proposed policies for a new provincial planning policy instrument) should be withdrawn and significantly re-worked.

Over the last few years, most people in Ontario have supported the concept of efforts to reduce red tape and address the housing crisis. Sadly, the government's announced intentions have been implemented in cynical and toxic ways, often through omnibus bills or lengthy, multi-act regulatory changes, both with limited consultation. Repeatedly.

For example, the government has amended the Provincial Policy Statement four times and narrowed the mandate of conservation authorities so many times it is hard to count. It has reduced environmental safeguards in the Aggregate Resources Act, the Environmental Assessment Act, the Species at Risk Act, and the Ontario Wetland Evaluation System. It also tried to remove 15 parcels from the Greenbelt after promising to never touch it, apologized, and appears to be at it again.

Now, under Bill 185 and its aligned initiatives, the Province is once again proposing massive reductions to fundamental aspects of the environmental protection, planning, and legal regimes that made Ontario a model for the world.

Key aspects of the proposed changes that we oppose include:

Bill 185 (also ERO 019-8369)

- Abolishes regional planning, starting in Halton, Peel, Waterloo and York and then moving to all of the regions. This will, with other changes, encourage low-density urban sprawl, converting natural and agricultural lands while exacerbating water quality and quantity issues and the climate and biodiversity crises and doing little for affordable and attainable homes; and,
- Removes the right of appeal on Official Plans and Zoning By-Laws to the Ontario Land Tribunal for virtually everyone other than developers. This, along with Strong Mayor Powers, borders on totalitarianism.

ERO 019 8462: Replacing the Provincial Policy Statement with a Provincial Planning Statement

- Shifts planning from a balanced approach to crisis management to expedite housing;
- Allows sub-divisions on rural land throughout the Greater Golden Horseshoe;
- Allows settlement expansion at any time without a comprehensive municipal review;
- Abandons density targets; and,
- Removes the requirement for planning authorities to evaluate and prepare for the impacts of a changing climate on the water resource systems, further threatening Ontario's watershed security.

ERO 019-8320, New Permit and Review powers over Conservation Authorities

- This proposed regulation gives the Minister of Natural Resources and Forestry new powers to ignore and override conservation authorities, further weakening their valuable role in protecting Ontario's watershed security, with no ministry capacity for compliance and enforcement;
- In addition to supporting the position of Ontario Nature that that this proposal be withdrawn, we suggest that the reduction to CA mandates in Bill 23 be revoked and offer a further recommendation below.

These three initiatives go beyond your previous efforts to cut environmental protection, favour sprawl development, and subvert municipal democracy through Strong Mayor powers with the totally unacceptable withdrawal of legal rights. We recommend that:

1. All three initiatives be withdrawn and significantly re-worked, and that the anti-democratic provisions in Strong Mayor Powers be revoked;
2. Rather than pit the housing crisis against the environment, democracy, and legal rights, the Province should develop a sustainability lens for the Planning Act and/or the Provincial Policy Statement;
3. Rather than carve up our natural heritage, regional sources of life-giving water, and our agricultural lands for sprawl development, the Province should create new special policy areas across South-central Ontario to maintain the ecological goods and services and quality of life in Ontario for future generations; and,
4. Conservation Authorities should be re-mandated, with increased funding, to act as agencies for watershed security, nature-based solutions, and sustainable planning.

Sincerely,

Andrew McCammon

Executive Director

cc Designated recipients, Environmental Registry of Ontario
Standing Committee on Finance and Economic Affairs
Others



MNRF – Resources Planning and Development Policy Branch
Conservation Authorities and Natural Hazards Section
300 Water Street, 2nd Floor, South Tower
Peterborough, ON
K9J 3C7

May 6th, 2024

Re: Conservation Ontario's comments on the "Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act" (ERO # 019-8320)

Thank you for the opportunity to comment on the "Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act". Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit comments submitted by CAs on this proposal.

On April 1st, 2024, previously unproclaimed provisions in the *Conservation Authorities Act (CA Act)* and associated regulations came into effect. Provisions under sections 28.1, 28.1.1 and 28.1.2 of the *Act* provide the Minister new powers to:

1. Make an order to prevent a CA from issuing a permit to an individual (or individuals) to engage in an activity (or class of activities), that would be prohibited under section 28 of the *Act*;
2. Where an order is made, assume the responsibility for the permitting process in the place of a CA, where the criteria under section 28.1 of the *Act* concerning natural hazards and public safety can be satisfied; and,
3. Review (and potentially alter) CA permit decisions at the request of the applicant (where the Authority has refused a permit or assigned conditions to the permit that the applicant objects to).

Through Ontario Regulation 686/21, CAs provide mandatory programs and services to manage risks related to natural hazards, including preventing or mitigating those risks. Under the *CA Act*, certain prohibited activities require permits from the CA where the activity takes place in or adjacent to specified hazardous landscapes and features. CAs work closely with partner municipalities, the development community, consultants and watershed residents to ensure the permitting process and decisions are transparent, apolitical, and technically sound to protect people and property from the impacts of

natural hazards. Permitting decisions made by CAs are consistent with the *CA Act* and regulations and CA board-approved policies. When making decisions, CAs apply an integrated watershed management perspective to consider local conditions, potential impacts to upstream and downstream communities, and future management challenges.

Conservation Authorities support the Province's objective to increase housing without jeopardizing public health and safety, or the environment. Appeals of CA permitting decisions were infrequent over the past five years; specifically, <0.5% of the approximately 11,500 permits issued annually by CAs are appealed. Existing appeal mechanisms are in place under the *CA Act* to provide applicants with process certainty and appropriate recourse. CAs are committed to positive client service when reviewing and issuing permits, demonstrated by issuing 95% of all permits within provincial timelines in 2023.

In 2019, Ontario's Special Advisor on Flooding strongly supported the coordinated, scientific, and hazard/risk-based approach integrated in the current CA permitting process. This process, above all, holds the protection of people and property in the highest regard. Conservation Ontario offers the following comments to ensure this approach is maintained and that use of the Minister's powers will not have unintended impacts and consequences to long-established working relationships and CA review and appeal processes.

Recommendation #1: THAT MNRF pause implementing the regulation and engage with Conservation Ontario and CAs to discuss proposed requirements, implementation details, and public guidance.

The proposed regulation currently scopes the Minister's ability to intervene in the CA permitting process where the development activity pertains to a "specified provincial interest". Conservation Ontario notes the list of provincial interests is extensive, and captures too broad a scope of development applications submitted to CAs.

To ensure appropriate and efficient use of these powers, Conservation Ontario recommends MNRF pause finalization of the regulation and meet with Conservation Ontario, CAs, and municipal representatives to discuss the circumstances for use of the new Minister's powers as well as implementation / procedural details (i.e., how the Minister will consider requests / petitions and make decisions). Appropriate scoping of these details will ensure the process remains transparent and procedurally fair, extinguishes requests / petitions made to circumvent locally established processes, and continues to apply a watershed lens to natural hazard management.

Conservation Ontario offers the following initial comments to refine the proposed regulatory requirements:

- Certain provincial interests (e.g., community services) are defined as "Institutional use" in the Provincial Policy Statement (PPS) and are not permitted in/on hazardous lands and sites. Permitting these types of development activities in hazard lands

must not be considered by the Minister, and due care applied to ensure vulnerable populations or sensitive uses are not located in areas that pose an increased risk to life and property. Decisions by the Province must be consistent with the *CA Act*, Ontario Regulation 41/24, and policies in the PPS.

- Where a request for review or petition is made, proponents must indicate if the local municipality has endorsed the project and request for Minister's involvement. Development activities in one area of the watershed have the potential to impact upstream and downstream communities. Further, political resolutions are procedurally inappropriate where the CA Board (and Members) have hearing tribunal review responsibilities.
- It is proposed proponents be required to identify the status of other required project approvals. Proponents should be specifically required to indicate whether all approvals under the *Planning Act* are in place to demonstrate land use compatibility, appropriate zoning, etc. Permitting decisions made prior to having the appropriate planning approvals in place could put municipalities in a difficult position if they cannot support the works further to a Minister's permit.
- When a Minister's review is requested, the *CA Act* requires the Minister to notify the CA and applicant within 30 days of receiving a request. Further, when making an order under section 28.1.1, the Minister gives notice of an order to every applicable CA. In either scenario, notice should be provided to the applicable CA(s) at the time the request or petition is made. Confirmation on whether the proponent has made the CA(s) aware of initiating this process should be included in the regulatory requirements.

Recommendation #2: THAT MNRF establish a multi-disciplinary technical advisory committee to provide decision recommendations to the Minister.

The proposal does not address how the Minister will assess requests for review and petitions for orders and, if applicable, what information and criteria will be applied to make an order or a decision on a *CA Act* permitting matter. The *CA Act* requires the applicable CA to forward relevant documents and information relating to an application to the Minister, as well as provides the Minister with the ability to confer with any other person or body they consider may have an interest in the application. The *Act* and proposed regulatory requirements do not provide details on how this information will be considered.

Recent amendments to the *CA Act* and regulations require all CAs to develop permit application policy and procedure documents and make maps of regulated areas publicly available. CA permitting decisions are undertaken consistent with these board-approved policies, and informed by natural hazard mapping, modelling, and knowledge of local watershed conditions and ongoing/planned projects affecting the watershed. These tools, experience and expertise allow CAs to assess permit applications to determine if an activity may affect the control of flooding, erosion, etc., or jeopardize the health and safety of

persons or result in property damage. It is unclear how the Minister would review and make decisions on applications in the absence of these policies and tools.

An unclear process will add costs and time delays. The existing system includes professionals with a high degree of specialized expertise. For example, existing floodlines have been well justified and peer reviewed. To go down a path of competing submissions is better reserved for the Ontario Land Tribunal with the requisite experience to appropriately weight multiple technical expert submissions.

Alternatively, Conservation Ontario recommends MNRF establish a multi-disciplinary Minister's technical advisory committee to provide recommendations to the Minister when issuing permits or reviewing CA permitting decisions. The committee should bring together technical experts from CAs, Municipalities, the private sector, and applicable provincial ministries to prepare recommendations for the Minister on permit applications. A balance of expertise is essential to ensure bias is not introduced, allowing the Minister to make decisions based on the same criteria concerning natural hazards and public safety that are considered by CAs. Careful consideration of these applications is required to avoid unintended risk to public safety, properties, or natural hazards and avoid precedent setting decisions that may not align with CA board-approved policies.

Recommendation #3: THAT MNRF is fully responsible and accountable for losses or damages arising from Minister's decisions on permits.

When undertaking a review of a CA permitting decision or overtaking the CA permitting process further to an order, the Minister has the power to issue permits pursuant to the *CA Act*.

Where the Minister's decisions are inconsistent with CA Board-approved policies or CA natural hazard mapping and modelling, the liability for such decisions remains with the issuing body (the Minister of MNRF). CAs are not liable for decisions made under the *CA Act* by another body that may result in losses or damages. Liabilities and risks are one of the major drivers of exponentially increasing insurance costs/premiums, and CAs cannot be the insurers of last resort.

The amended *CA Act* and regulatory proposal purports to have CAs undertake compliance and enforcement activities with permits issued by the Minister. Without CA involvement in the review and approval process, it is difficult to anticipate enforcement and compliance staff resources necessary for permits issued by the Minister. Increases in enforcement and compliance activities may require additional time and staffing resources at the CA, that may increase costs associated with this program and service area. Due care must be applied when the Minister is reviewing and issuing permits to ensure appropriate conditions are assigned to the permit to minimize potential enforcement concerns.

Thank you for the opportunity to provide comments on the "Regulation detailing new Minister's Permit and Review powers under the Conservation Authorities Act" (ERO#019-8320). The details regarding these new Minister's powers must be carefully developed to ensure Minister's decision making on permits remains technical, apolitical and integrates a watershed perspective to natural hazard management to continue protecting the public, properties and infrastructure. Conservation Ontario would be pleased to meet with Ministry staff to further discuss the regulatory requirements and implementation details.

Sincerely,



Chris White
Chair, Conservation Ontario

c.c. All CA CAOs/GMs



May 10, 2024

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3

RE: Conservation Ontario's comments on the "Review of proposed policies for a new provincial planning policy instrument" (ERO# 019-8462)

Thank you for the opportunity to comment on the "Review of proposed policies for a new provincial planning policy instrument." 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. This letter provides general comments on the proposed policies and Attachment 1 provides responses to the consultation questions provided in the Environmental Registry notice.

Conservation Authorities play a key role within Ontario's land use planning and development framework. As prescribed through the Mandatory Programs and Services Regulation (O. Reg. 686/21), CAs review and comment on applications and other matters submitted pursuant to the *Planning Act* to help ensure consistency with the natural hazard policies found within policy statements issued under section 3 of the *Planning Act*, as well as the protection of drinking water sources.

Conservation Ontario is pleased with the proposed references to CA roles in natural hazard management and mitigation (see 5.2(1)) and watershed planning (see 4.2(5)), as well as promoting collaboration between CAs, planning authorities and the Province (see Vision [wise use and management of resources]). The proposed change to policy 5.2(1) requiring planning authorities to collaborate with CAs (where they exist) to identify hazardous lands and sites to manage development in such areas, is particularly welcome.

CAs apply an integrated watershed management perspective through their plan review and permitting roles which considers local conditions, potential flooding and erosion impacts to upstream and downstream communities, and future management challenges. This perspective is informed by natural hazard mapping, modelling, and knowledge of local

watershed conditions and ongoing/planned projects. This coordinated, scientific and hazard/risk-based approach used by CAs was strongly supported by Ontario's Special Advisor on Flooding in their 2019 report.

When planning for development in new or existing communities, the Province, planning authorities, and Conservation Authorities are required to work together to protect people, property and infrastructure from potential risks resulting from natural and human-made hazards. Conservation Ontario notes that language in the Vision section of the proposed PPS, 2024 is inconsistent with the proposed natural hazards policies (e.g., "mitigation" of risks associated with natural and human made hazards versus direction in policy 5.1.1 to direct development away from natural hazards where there is unacceptable risk to public health or safety or of property damage). To ensure a consistent approach with proposed policy 5.1.1 of the PPS, 2024, Conservation Ontario recommends the Vision section be amended to read "Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change, will be avoided, and where not possible, mitigated".

The provincial planning system has undergone significant changes in recent years, including several consultations on the replacement of the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("Growth Plan"). Upon issuance of the new PPS, planning authorities and CAs will require time to focus on implementation of updated provincial policy and legislation. To support successful implementation and increase consistency and certainty regarding planning outcomes, Conservation Ontario recommends the Province provide comprehensive implementation guidance for the proposed PPS in a timely manner. A list of the required implementation guidance is included in Attachment 1.

Ultimately, the efficacy of the proposed PPS policies hinges upon the ability to apply them through planning processes. For example, Bill 185 currently proposes amendments to the *Planning Act* to create regulations that provide for the non-application of any provision of the Act to community service facilities, including institutional uses. The Province is urged to ensure that applications involving institutional uses continue to be subject to the PPS such that the appropriate planning safeguards are in place to direct development outside of hazardous lands and hazardous sites, and areas where safe access through a hazard cannot be achieved. It is recommended that any proposed exemptions from the *Planning Act* and subsequently, the PPS, should be subject to the development being outside of a natural hazard area, where safe access can be achieved, and where no restrictions are required to protect the quality and quantity of drinking water supplies.

Thank you for the opportunity to provide comments on the "Review of proposed policies for a new provincial planning policy instrument" (ERO#019-8462). Comprehensive provincial policy must strike the appropriate balance on all matters of provincial interest. This balance will not only support the government's initiative to increase the supply and

diversity of housing in Ontario, but also provide for the continued protection of people, property and infrastructure from the impacts of natural hazards, drinking water sources, and natural spaces that support safe and healthy communities. Should this letter require any clarification, please contact Brandi Walter at bwalter@conservationontario.ca.

Sincerely,

Brandi Walter

Brandi Walter
Policy and Planning Liaison

Leslie Rich

Leslie Rich, RPP
Source Water Protection Manager

Attachment: Conservation Ontario's Feedback on the Proposed Policy Concepts and Proposed Wording for a New Provincial Planning Policy Instrument.

c.c. All Conservation Authorities' CAOs / GMs

Conservation Ontario
120 Bayview Parkway, Newmarket ON L3Y 3W3
www.conservationontario.ca

Attachment 1: Conservation Ontario's Feedback on the Proposed Policy Concepts and Proposed Wording for a New Provincial Planning Policy Instrument

Conservation Ontario offers the following responses to the consultation questions provided by the Ministry of Municipal Affairs and Housing (MMAH) on the Environmental Registry proposal. These responses should be read in conjunction with the general comments provided in Conservation Ontario's covering letter.

1. What are your overall thoughts on the updated proposed Provincial Planning Statement?

- Conservation Ontario is pleased with the reference in the Vision section to the Province, planning authorities and CAs working together to mitigate potential impacts on development or risks to public health and safety associated with natural hazards, including the risks associated with the impacts of a changing climate.
- In addition to the proposed references for collaboration and coordination with CAs, Conservation Ontario continues to recommend CAs be explicitly referenced in policy 6.2(1) as a part of the "coordinated, integrated and comprehensive approach...when dealing with planning matters". The integration of CAs throughout the proposed Provincial Planning Statement is a positive step forward to continue protecting people, property and infrastructure from potential impacts of natural hazards as well as protecting sources of drinking water.
- Conservation Ontario notes that the Province is not proposing to carry forward policy 1.1.1(c) from the PPS, 2020 which emphasizes the need for healthy, livable and safe communities to avoid development which may cause environmental or public health and safety concerns. The development of safe and healthy communities and the protection and conservation of ecological systems and natural resources are identified as matters of provincial interest under section 2 of the *Planning Act*. As mentioned in the covering letter, the proposed Vision section states that "Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change will be **mitigated**" (*emphasis added*). This represents an unacceptable departure from the Province's commitment to directing development away from natural hazards; potentially increasing the risk to people and property. The Provincial "Understanding Natural Hazards" Technical Guide, identifies that prevention measures, including "good land use planning, development and management, and the regulation of hazardous lands and unsafe developments" is the first and most important step. The efficacy of this preventative approach was recently re-confirmed by the "Independent Review of the 2019 Flood Events in Ontario" as well as "Ontario's Flooding Strategy". A suggested revision is provided in the covering letter.

2. What are your thoughts on the ability of updated proposed policies to generate appropriate housing supply, such as: intensification policies, including the redevelopment of underutilized, low density shopping malls and plazas; major transit station area policies; housing options, rural housing and affordable housing policies; and student housing policies?

- Section 5.1 in the proposed PPS, 2024 states that development shall generally be directed to areas away from hazardous lands and hazardous sites. The proposed PPS must ensure that, in accordance with the natural hazard policies (section 5.2) and water policies (section 4.2), intensification does not occur in hazardous lands or on hazardous sites, where safe access through the hazard cannot be achieved, or where development should be restricted to protect the quality and quantity of drinking water supplies.
- CAs remain committed to working with the Province, Municipalities, and other partners in support of increasing the overall supply and diversity of housing types in Ontario while maintaining strong protections for public health, safety, and the environment.

3. What are your thoughts on the ability of the updated proposed policies to make land available for development, such as: forecasting, land supply, and planning horizon policies; settlement area boundary expansions policies; and employment area planning policies?

- Existing policy 2.2.8.3 in the Growth Plan requires planning authorities to determine the feasibility of proposed boundary expansions based on the application of all policies within the Growth Plan. This includes ensuring that the proposed expansion would be planned and demonstrated to avoid, or if not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system, including the quality and quantity of water. Conservation Ontario continues to recommend this policy be brought forward into section 2.3.2 of the proposed Provincial Planning Statement (New Settlement Areas and Settlement Area Boundary Expansions) for “large and fast-growing municipalities.” This inclusion would provide consistency with policies related to using the watershed as the meaningful scale for integrated and long-term planning.

4. What are your thoughts on updated proposed policies to provide infrastructure to support development?

- Policies in section 4.2 encourage all municipalities and require large and fast-growing municipalities to undertake watershed planning to inform planning for several purposes, including planning for sewage and water services. Conservation Ontario is pleased with policies in section 4.2 that now encourage all municipalities to collaborate with applicable CAs when undertaking watershed planning. The proposed changes to the definition of watershed planning are further supported which relate watershed planning to the evaluation and consideration of impacts of a changing climate on water resources systems and clarify that the process can be

undertaken at many scales.

- A list of “large **and** fast-growing municipalities” is provided in Schedule 1 of the proposed PPS, 2024. Further to proposed policy 4.2, these municipalities would be required to undertake watershed planning to inform planning for several purposes. While Conservation Ontario notes that all municipalities are “encouraged” to undertake watershed planning, the requirement to do so would not capture smaller municipalities currently experiencing rapid growth. Such municipalities would benefit from undertaking watershed planning to inform how best to manage and plan for growth, rather than waiting until a time where they may meet the criteria to be designated a “large municipality,” and mitigative options identified through watershed planning would be more limited.
- Conservation Ontario is pleased with the amendments to policy 3.6.8 (“planning for stormwater management”) which provides direction related to minimizing, preventing or reducing increases in stormwater volumes. This direction is a positive addition and will ensure planning authorities have regard to increased volumes which may contribute to pluvial and fluvial flooding in developed areas from stormwater flows.
- Existing policy 3.2.7 of the Growth Plan has not been carried forward into the proposed PPS, 2024, which requires municipalities to develop stormwater master plans that are informed by watershed planning or equivalent, and examine / assess cumulative impacts to stormwater from development, including how impacts are exacerbated during extreme weather events. This policy is significant for mitigating impacts associated with a changing climate within Ontario’s communities. Conservation Ontario recommends this policy be retained for large and fast-growing municipalities.
- Conservation Ontario supports the new proposed policy 2.3.2.2 that requires planning authorities to “identify a new settlement area only where it has been demonstrated that the infrastructure and public service facilities to support development are planned or available.”

5. What are your thoughts on updated proposed policies regarding the conservation and management of resources, such as requirements to use an agricultural systems approach?

- Conservation Ontario is pleased with the integration of CAs with respect to identification of hazardous lands and sites, and management of development in those areas.
- As noted in comments on previous consultation about the PPS, Conservation Ontario supports the proposal to keep the natural heritage policies and related definitions analogous to those in the PPS 2020. Natural heritage features such as forests and wetlands play important roles in reducing flows, storing floodwaters, and mitigating drought. The natural heritage, water resource and natural hazard systems are inextricably linked, and coordinated protection of these systems is necessary to mitigate potential impacts associated with natural hazards, protect

drinking water sources, and provide access to green / open space which contribute to the development of safe, sustainable, and complete communities.

6. What are your thoughts on any implementation challenges with the updated proposed Provincial Planning Statement? What are your thoughts on the proposed revocations in O. Reg. 311/06 (Transitional Matters - Growth Plans) and O. Reg. 416/05 (Growth Plan Areas)?

- Conservation Ontario continues to recommend that the Province provide comprehensive, up-to-date implementation guidance concurrently with the issuance of the updated Provincial Planning Statement. It is noted that the proposed policies are quite flexible and may result in additional Ontario Land Tribunal hearings without adequate interpretation support. Comprehensive and up-to-date guidance with ongoing implementation support from the Province would help to increase consistency and certainty regarding planning outcomes, resulting in more timely approvals.
- Specifically, the Province should consider updating and/or finalizing the following: the Natural Hazard Technical Guides, the 1993 Watershed Planning Guidelines, the 2022 Subwatershed Planning Guide, and the Natural Heritage Reference Manual (and related guidance). Updated implementation guidance should include direction on planning for a changing climate, particularly with regard to natural hazard management, watershed/subwatershed planning, and stormwater management.



May 10, 2024

Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3

RE: Conservation Ontario's Comments on the "Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Removing Barriers for Additional Residential Units" (ERO# 019-8366);

"Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024)" (ERO# 019-8369); and the,

"Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes" (ERO# 019-8370)

Thank you for the opportunity to comment on the proposed legislative and regulatory changes as part of "Bill 185, the proposed *Cutting Red Tape to Build More Homes Act, 2024*". 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.

To support the Province in reaching their goal to build more homes in a safe and expedited manner, Conservation Ontario offers two key recommendations from a natural hazard and source water protection perspective.

- 1. Protect people and property from natural hazards and protect sources of drinking water.** Amend Bill 185 to clarify that proposed expedited development (i.e., Additional Residential Units (ARU's), institutional uses and student housing, standardized housing,) and settlement area boundary expansions are excluded from hazardous lands and hazardous sites, areas where safe access through a natural

hazard cannot be achieved, and where development should be restricted to protect the quality and quantity of drinking water supplies.

- 2. Maintain legislation that enables councils and planning authorities to pass by-laws requiring pre-application consultation;** and allow time to complete the consultation process to enable planning authorities to make complete application decisions, prior to allowing applicants to appeal to the OLT.

In the context of increasing risks due to climate change and the reduced availability of commercial/home insurance products to mitigate financial risks and losses associated with the impacts of natural hazards, we ask the Province to strongly consider the above recommendations. This will **avoid siting development in areas where there is an increased risk to public health and safety and to property damage from natural hazards (e.g., flooding and erosion), and to ensure the ongoing protection of Ontario's sources of drinking water.** The following paragraphs elaborate on the above recommendations.

Enhancing the Framework for Additional Residential Units (ARUs)

This proposal would enhance the Minister's authority to make regulations that could remove elements of municipal zoning by-laws (e.g., maximum lot coverage, limits on bedrooms allowed per lot) for the purpose of facilitating the development of ARUs, such as basement suites.

Conservation Ontario understands the importance of increasing availability of residential units in existing and proposed residential neighbourhoods to achieve the shared goal of building 1.5 million homes in a safe and expedited manner. Equally important to increasing the supply of housing is maintaining the health and safety of people, property and infrastructure, while safeguarding the natural environment. Under the *Planning Act*, the Minister shall have regard to matters of provincial interest, including the protection of public health and safety. Where the Minister considers using the new regulation-making authority, due consideration must be applied to ensure ARUs are not located in areas susceptible to natural hazards and where safe access through the hazard cannot be achieved, in accordance with Provincial standards. Furthermore, the Province should consider the potential cumulative impacts of locating ARUs on existing lots, including increased needs for stormwater management and the potential for localized flooding during storm events, resulting from increased impervious surfaces.

Recommendation

Clarify the proposed Minister's regulation-making authority that would not allow the Minister to remove elements of municipal zoning by-laws that would direct ARUs outside of hazardous lands and hazardous sites and where safe access through the hazard is not achieved. Continue to empower municipalities to regulate lot coverage where there is a higher possibility that stormwater infrastructure could be overwhelmed.

“Use It or Lose It” Tools

Conservation Ontario supports the Province’s proposal to enhance lapsing authority for approvals of draft plans of subdivision/condominiums and site plan control approvals. This proposal would help address outdated approvals that do not meet modern planning standards and would allow for the impacts of natural hazards to be reassessed upon lapsing. Natural hazards are dynamic and variable [especially in a changing climate] and the proposed tool would ensure that approvals reflect the current state of natural hazard features and associated risks; to reduce potential risks to public health and safety, and to property damage.

Municipal Pre-Application Process

The Province proposes to make municipal pre-application consultation voluntary at the discretion of the applicant and to allow an applicant to challenge complete application requirements to the Ontario Land Tribunal (OLT) once a fee has been submitted or pre-consultation has begun. This proposal will revoke the existing-time-limited window once a municipality rejects an application as not being “complete”.

The pre-application process provides the applicant and municipality an opportunity to develop a comprehensive understanding of the site-specific application requirements for a project. Integrated pre-consultation with applicable regulatory agencies, such as CAs, is strongly encouraged as an effective process for scoping natural hazard technical studies that establish clear submission requirements. Pre-consultation also enables CAs, acting as Source Protection Authorities, to identify whether the proposal relates to a significant drinking water threat or its potential impact on any drinking water sources protected by a Source Protection Plan. Pre-application consultation frequently streamlines the applicant’s time and resources needed for a complete application and ensures natural hazard and drinking water source protection constraints are appropriately addressed. Furthermore, reasonable time should be allowed to complete the consultation process, before allowing an applicant to appeal to the Tribunal.

Should this proposal be enacted and where CAs are not included in pre-application consultation, the opportunity to address natural hazard impacts or potential impacts on drinking water sources protected by a Source Protection Plan could be missed. This may result in further delays as these impacts will need to be addressed later in the process.

Recommendation

Maintain the ability for councils and planning authorities to pass by-laws requiring pre-application consultation; and allow time to complete the consultation process to enable planning authorities to make a complete application decision, prior to allowing an applicant to appeal to the OLT.

Expedited Approval Process for Community Service Facility Projects and Exempting Universities from the Planning Act

A new section of the *Planning Act* is proposed that will enable regulations to provide for the

non-application of any provision of the Act, or a regulation made under the Act, or for setting out restrictions or limitations, to prescribed classes of community service facilities that meet prescribed requirements. The proposal would apply to community service facilities, including an undertaking of a board defined under the *Education Act*, a long-term care home, and a hospital. Similarly, publicly assisted colleges and universities are proposed to be exempt from the *Planning Act* and planning provisions of the *City of Toronto Act, 2006* for university-led student housing projects on- and off-campus.

The Provincial Policy Statement, 2020 strictly prohibits institutional uses, including long-term care homes, hospitals, and schools, from being located in lands affected by natural hazards and where safe access through the hazard cannot be achieved. Any proposed regulatory exemptions or expedited approval processes must consider the Province's direction regarding natural hazards to ensure vulnerable populations or sensitive uses are not located in areas that pose an increased risk to life and property.

Recommendation

Amend the proposal to ensure any new regulation excludes institutional uses and student housing from hazardous lands and hazardous sites and where safe access through the hazard cannot be achieved, in accordance with provincial standards.

Facilitating Standardized Housing Designs

A new section of the *Planning Act* is proposed that will enable regulations to establish criteria to facilitate planning approvals for standardized housing. The proposed changes would only apply to certain specified lands and would identify elements of the *Planning Act* and/or *City of Toronto Act, 2006* that could be overridden and/or certain planning elements that could be removed if the criteria are met.

Conservation Ontario recognizes the importance of establishing an expedited process for undertaking development of standardized housing; however, it must be provided in legislation that these projects be excluded from hazardous lands and hazardous sites, and in areas where safe access through the hazard cannot be achieved. This would further expedite approvals by only including sites that are safe to develop from a natural hazard perspective.

Recommendation

Amend the proposed legislative change so that any new regulation include criteria that standardized housing shall not be permitted in lands affected by hazardous lands and hazardous sites, and where safe access through the hazard cannot be achieved.

Settlement Area Boundary Expansions

The Province proposes to allow applicants to appeal a municipality's refusal or failure to make a decision on privately requested official plan or zoning by-law amendments that would change the settlement area boundaries, outside of the Greenbelt Area. Conservation Ontario is concerned that proposals for settlement area boundary expansions would disregard or underestimate natural hazards, safe access, and sustainability of municipal

sources of drinking water; resulting in a lengthy appeal process initiated by municipalities or CAs.

Recommendation

That the proposal be amended to require expansion of settlement area boundaries to exclude hazardous lands and hazardous sites, lands where safe access through the hazard cannot be achieved, and where development should be restricted to protect the quality and quantity of drinking water supplies, in particular if impacting sustainability of municipal sources of drinking water.

Thank you for the opportunity to review and provide comments on Bill 185. Should you have any questions regarding the comments and/or recommendations in this letter, please contact Brandi Walter at bwalter@conservationontario.ca.

Sincerely,

Brandi Walter

Brandi Walter
Policy and Planning Liaison

Leslie Rich

Leslie Rich, RPP
Source Water Protection Manager

c.c. Conservation Authority CAOs / GMs

TO: Full Authority
FROM: Elizabeth VanHooren and Jessica Kirschner
Date: May 15, 2024
Subject: Record Retention Policy and Schedule



Recommendation: **That the Kettle Creek Conservation Authority Records Retention Policy and Schedule be approved as presented.**

PURPOSE

To present for consideration a comprehensive Record Retention Policy and Schedule and update members on the progress of implementing a more paperless work environment.

REPORT SUMMARY

- KCCA was awarded \$30,000 through the Community Services Recovery Fund in May 2023 to complete the project *File Forward: Record Management for a Changing Work Environment*. Funds are required to be spent by June 2024.
- Funds are to be spent on developing improved document management including digitizing historical photos, maps and files.
- KCCA is in the process of scanning the Authority's extensive photo/slide library, maps and historical paper files.
- In conjunction with the project KCCA was part of a conservation authority collaborative effort to develop a legally vetted records retention policy and schedule. Credit Valley Conservation Authority led this initiative, and the legally vetted information was provided to all CAs involved in the project in December 2023.
- Once approved the records retention policy and schedule will be used by staff to direct the historical records of the Authority.
- Staff will continue to develop internal processes and procedures to ensure the Records Retention Policy is implemented appropriately moving forward.

BACKGROUND

In 2023, KCCA applied to the Community Services Recovery Fund for \$56,000 to complete the project *File Forward: Record Management for a Changing Work*

Environment. The request was to scan historical photos, maps and essential files and the development of a document and file management system.

KCCA was successful in obtaining \$30,000 and staff were asked to scope the project to available funds concentrating primarily on scanning historical documents.

As of April, roughly 90% of KCCA's historical paper files are now digitized. While some of these records will be retained for historical purposes—others may be eligible for destruction.

In order to make sure KCCA's retention and destruction policy was up to date with current legislation, KCCA worked with a collaborative of 19 conservation authorities to develop an up-to-date Retention Policy and Schedule. The initiative was led by Credit Valley Conservation Authority who also arranged to have the schedule legally reviewed. With permission, KCCA's policy also borrows from Hamilton Conservation Authority's policy and adheres to the legally vetted Retention Schedule provided to the collaborative.

KCCA has modified the template Retention Policy and Schedule to meet our organizational needs. The draft policy and schedule are attached.

Once approved, staff will rely upon the Retention Policy and Schedule to direct the retention of historical paper records of the Authority. Files will be either scanned and retained, scanned and destroyed or destroyed in accordance with the retention schedule.

Moving forward, staff will be developing internal policies and procedures to ensure that records are managed in accordance with the Retention Policy and Schedule and continuously improved.

Recommendation: That the Kettle Creek Conservation Authority Records Retention Policy and Scheule be approved as presented.

Records Retention Policy

Policy Statement

The purpose of this Policy is to ensure that records and documents of Kettle Creek Conservation Authority are adequately protected and maintained and to ensure that records are disposed of at the appropriate time in keeping with the Authority's Administrative By-Laws – Records Retention (B. Governance Section 17).

Application

The Records Retention Policy applies to all records regardless of format or medium of storage. The policy and schedule ensure that official records no longer needed by the organization are discarded at appropriate times. All records created by Kettle Creek Conservation Authority or in the organization's possession are the property of Kettle Creek Conservation Authority and are managed as a corporate resource. The policy governs expectations for staff and management directly responsible for records management as well as those who create and consume records during the course of their duties.

Purpose

Adherence to this policy will preserve and protect the records of the organization. Additionally, the implementation of this policy will improve organizational effectiveness and efficiency through savings in both staff time and corporate memory retention. The policy will also advance KCCA's corporate resiliency by ensuring a systematic approach to managing its current records and preparing for the future, as KCCA transitions into increasingly digital methods of creating, transmitting, and retaining records.

This policy will:

- meet legislative and regulatory requirements,
- protect the rights of employees through management of personal information,
- provide accurate and current information for support in decision-making and day-to-day operations,
- facilitate effective creation, retrieval, and maintenance of current records,
- improve the flow of information throughout the organization,
- improve accountability and transparency of decision-making,
- enable efficient responses to information requests from the public, Board members, and staff,
- reduce space and costs required for storage of obsolete records,
- preserve the corporate memory,
- provide continuity in the event of a disaster, and
- ensure compliance with the Municipal Freedom of Information and Protection of Privacy Act.

Definition

Accountability: The program area that is accountable for ensuring that the official record is managed throughout its lifecycle. This is the program area that has primary interest or ownership of the record. All users and authors of corporate records will be accountable for ensuring that their record management obligations are satisfied throughout the records management cycle.

Archival Records: Archival records may be selected for permanent retention to document and preserve the history of KCCA as an organization.

Records Retention Policy

Disposition: The final outcome of a record when its retention period is complete. Disposition may indicate one of the following:

- Archival Selection, where records may be selected for permanent retention to document and preserve the history of KCCA as an organization.
- Destruction, where records are securely destroyed beyond the point of recognition or recovery. For paper records, this means cross-cut or particle shredding; for electronic records, this means a complete deletion from shared drives, servers, and backup.
- Permanent retention, where records are retained until Kettle Creek Conservation Authority ceases to exist as an organization.

Filing Methodology: The filing methodology outlines the filing system that should be used for that particular record series whether it is by date, subject, address, person's name, project/permit number, etc. Each program area will maintain its own filing methodology that easily supports the identification of the appropriate retention period. This provides consistency when searching for documents.

Record: All documented information recorded in any form, including paper and electronic, on any type of medium, relating to Authority business.

Active Records support day-to-day activities, are typically less than two years old, and are referred to for a minimum of twice monthly for six months.

Transitory Records are records of temporary usefulness that are needed only for a limited length of time in order to complete an action or finish a file. Transitory records should be deleted or destroyed when they are no longer useful. A transitory record can be destroyed at any time before the approved retention period. Transitory records include:

- All interoffice memos such as all staff, personal messages, upcoming special events, or minor administrative details such as phone messages, meetings, holidays, and reservations
- Any or all duplicate copies of reports, memos, emails, correspondence or newsletters, agenda, minutes, etc. Note: transitory records are not the same as duplicate records that are required for a business purpose.
- Preliminary draft letters, memos, reports, etc. which are not of significant value to the final document.
- Unsolicited advertising and announcements (brochures, flyers, etc.)

Inactive Records: Records that are generally older than two years, retained for legal or operational requirements, but are not required on a regular basis.

Record Retention Schedule: A comprehensive list of record series, indicating the length of time each series is to be maintained in office areas (active), records centers (inactive), and when and if each series may be destroyed or transferred to an archive. Establishes corporate policy governing retention and destruction.

Records Retention Policy

Record Series: A group of related records created as the result of a similar business activity or function and are filed as a unit and are maintained together for retention scheduling purposes.

Retention (Period): The period of time for which a record must be kept, usually expressed in years.

Trigger Event (T/E): An action, event, or time of year that changes active records to inactive records. After the trigger, retention periods begin. Examples of trigger events include the termination of an employee or contract or the adoption of a new policy. For ongoing files, the end of a calendar year may be treated as the trigger event that closes a file pertaining to that year.

General Procedures:

1. The General Manager/Secretary Treasurer or designate will ensure that the Records Retention Policy and procedures are presented to and adopted by staff as a corporate priority. Staff will work with the General Manager and the Corporate Services Coordinator to ensure that their records management responsibilities are being met.
2. An annual review of existing records is undertaken by management in consultation with the Corporate Services Coordinator to determine their retention and location status. New records may be added to the retention schedule with the the General Manager. The retention schedule and policy should be reviewed by the Board of Directors every five years.
3. Records that are private, confidential, privileged, or essential to business continuity and disaster recovery will be identified and protected with appropriate security measures.
4. Once a trigger event occurs, a file is closed, and the retention period begins.
5. All Authority employees who create, work with, or manage records shall:
 - a) Comply with the retention periods as specified in Schedule "A" attached hereto;
 - b) Ensure that official records in their custody or control are protected from inadvertent destruction or damage;
 - c) Ensure that transitory records in their custody or control are destroyed on an ongoing basis once they have served their administrative purpose.
6. In the event that the Authority is served with any subpoena or request for documents or any employee becomes aware of a governmental investigation or audit concerning the Authority or the commencement of any litigation against or concerning the Authority, the employee will inform his/her supervisor and any further disposal of documents shall be suspended until the matter is concluded.



Records Retention Policy

Disposition of Records

Records disposition should be done regularly on an annual basis usually at the end of the calendar or fiscal year.

The General Manager/Secretary Treasurer or designate, will work with the appropriate staff/program area to execute the disposition of records at the end of the retention period in accordance with the Retention Schedule set out in Schedule A. Detailed documentation describing the records, and the date and method of destruction is required.

There are no specific requirements for the destruction of electronic documents currently. The destruction of electronic documents will be subject to further review as part of continuous improvement to KCCA's document management policies and procedures.

Official records in the custody or control of the Authority shall not be destroyed unless such records are older than the retention period set out in Schedule "A".

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Kettle Creek Conservation Authority Records Retention Schedule

Legend for Retention and Disposition Terms

Code	Term	Definition
A	Archival/Archival Selection	Record series which is assessed to have historic significance. Archival documents are retained for 10 years at which point they are appraised again for historic importance and possibly archived for another 10 years. Every 10 years they are reviewed for historical significance.
CCY	Current Calendar Year	Refers to January 1 st to December 31 st . This means that the record series is kept for the current year the record was declared (created and final) plus the additional years outlined in the retention schedule e.g. CCY+2 means that the current year plus 2 additional years will be kept.
D	Destroy	Requires that upon expiration of the retention period the document is destroyed – shredded, recycled, deleted (expunged).
S/O	Superseded or Obsolete	Refers to the replacement of a document once it has been updated or revised. The new document supersedes the previous version.
T/E	Event Trigger for termination or close of an event or activity	Refers to a record being retained until it has been closed or terminated, typically used for case-based or project records where the retention refers to the case being closed or the transaction being completed. For example, this retention applies to an employee file and is triggered at the point at which the employee leaves the organization. These records are usually maintained until the case or transaction or employee record is closed/terminated plus a pre-defined number of years, e.g. T/E+3 means retained until the case is closed plus 3 more years.
PIB	Personal Information Bank	Refers to records of individuals who are identifiable by home address, phone number, SIN#, birth date, etc. This information is protected under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) legislation.
P	Permanent	Refers to records that are reviewed every 10 years to see if permanent value is still valid. This is a best practice from Library and Archives Canada.

Record Series	Accountability	Retention Period	Disposition
ADMINISTRATION & GOVERNANCE			
Administrative Management			
Annual Reports	Public Relations	Permanent	Permanent
Annual Strategic Work Plans	General Manager/Secretary Treasurer	CCY +7 years	Destroy
Directories, Contacts and Memberships	Corporate Services	CCY + 1 year after Superseded or Obsolete	Destroy
Blank Forms and Templates	Corporate Services	1 year after Superseded or Obsolete	Destroy
External Meetings and Committees	Corporate Services	CCY + 4 years	Destroy
Internal Meetings and Committees	Corporate Services	CCY + 4 years	Destroy
Office Administration Final records of general office administrative functions and subjects not covered elsewhere.	Corporate Services	CCY + 2 years	Destroy
Governance			
Administrative By-law Including final documents of development, updates and version(s) of the Administrative By-Law.	General Manager/Secretary Treasurer Corporate Services	Permanent	Permanent
Board Administration and Orientation	General Manager/Secretary Treasurer Corporate Services	CCY + 8 years	Destroy
Board Agendas, Minutes and Resolutions	General Manager/Secretary Treasurer Corporate Services	Permanent	Permanent
Closed Meetings – In Camera Sessions	General Manager/Secretary Treasurer	Permanent	Permanent
Hearing Board	General Manager/Secretary Treasurer Planning and Development	Permanent	Permanent
Source Protection Authority Meetings, Minutes and Resolutions	General Manager/Secretary Treasurer Corporate Services	Permanent	Permanent
Orders in Council and Articles of Incorporation	General Manager/Secretary Treasurer Corporate Services	Permanent	Permanent

Record Series	Accountability	Retention Period	Disposition
Provincial proclamation of KCCA, changes to watershed jurisdiction, letters patent.			
Legal and Risk Management			
Accident and Incident Reporting On KCCA properties; in buildings, structures or vehicles; involving staff or public.	Health and Safety/Corporate Services	15 years after resolution of matter or incident - unless involves a minor, then 15 years after minor turns 18	Destroy
Agreements and Contracts Decisions/ final documents for agreements, contracts, service level agreements, licenses between KCCA and external organizations.	Corporate Services Specific Program Areas	CCY + 7 years after expiry of agreement/contract	Destroy
Business Continuity – Disaster Preparedness and Recovery Planning	General Manager/Secretary Treasurer Corporate Services	CCY + 2 years after superseded	Destroy
Consent Releases and Waivers Including insurance and liability waivers, hold harmless agreements, subscription consents, parental and consent release forms.	Corporate Services	CCY +15 years	Destroy
Freedom of Information (FOI) & Protection of Privacy Documents related to the completion of requests for information submitted under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)	FOI Officer Corporate Services	T/E +5 years T/E = Completion of request, closure of file or expiry of appeal period.	Destroy
Insurance Administration	Corporate Services	CCY + 15 years	Destroy
Legal Documents - Other Court documents, evidence, briefs, solicitor-client advice, legal counsel opinion used in litigation and prosecution. May also include tribunal documentation, court enforcement documents, etc. <i>NOTE: Matters related to Hearings and Violations and Court Cases pertaining to S28 are filed under Planning & Regulations/S28 Regulations/Permits & Hearings</i>	Corporate Services	Litigation: 15 Years from Settlement, Resolution or Expiry of Appeal Prosecution: 10 Years from Settlement, Resolution or Expiry of Appeal	Destroy
Memorandum of Understanding (MOU) – External Organizations Includes Universities,private businesses, etc.	Corporate Services Specific Program Areas	CCY + 7 years After memoranda expires	Destroy
MOU - Municipal (CA Act)	Corporate Services	CCY + 15 years after memoranda expires	Destroy

Appendix - A

Record Series	Accountability	Retention Period	Disposition
Section 29 Infractions - CA Lands Records relating to violations of section O. Reg 109, R.R.O. 1990, made under section 29 of the <i>Conservation Authorities Act where an eviction, or notice of trespass is issued.</i>	Relevant Conservation Areas	T/E+ 10 years T/E = issue resolved	Permanent
Statements of Claim Includes potential and filed claims against or by KCCA,	General Manager/Secretary Treasurer Corporate Services	Permanent	Permanent
Plans, Policies, Procedures			
Corporate Policies Records related to developing corporate policies	Corporate Services	10 years after Superseded or Obsolete	Destroy
Corporate / Strategic Plans Documentation related to planning, development and publication of corporate and strategic plans e.g., Strategic Plan, Watershed Plan, etc.	Corporate Services	Permanent	Permanent
Departmental Standard Operating Procedures (SOPs) & Business Plans	Specific Program Areas	10 years after Superseded or Obsolete	Destroy
Program Reference Material and Resources Background reports, program design, program reviews, reference documents, etc....	Specific Program Areas	Superseded or Obsolete	Destroy
ASSET MANAGEMENT			
Capital Assets & Works			
Asset Register Includes assets such as land, structures and equipment, computers, equipment, vehicles and any other large physical purchases. May contain description of asset, appraisals, purchasing information, location, etc.	General Manager/Secretary Treasurer Corporate Services	CCY + 15 years after equipment replaced or asset disposed of	Archive
Capital Works –Improvements, Construction and Renovations Records relating to development, construction and renovation of KCCA facilities, and conservation areas. Includes specifications, guidelines, final master architectural and structural engineering drawings/plans, land appraisals, etc.	Corporate Services CA Management	CCY + 15 years after building/facility disposed of	Archive
Corporate Security - Physical	Corporate Services	CCY + 6 years after system replaced	Destroy

Record Series	Accountability	Retention Period	Disposition
Records relating to the physical security of buildings, facilities, and other areas, including fire alarm systems, use of locks, security personnel, etc.			
Electronic Monitoring and Surveillance Records (Photographic and Video Monitoring and Surveillance Policy) Includes video/audio security information, IT data and network back-ups, building access records, web traffic, computer logins, trail counters, trail cameras, flood forecasting and monitoring cameras, etc.	Corporate Services or CA Management	Various As Per Photographic and Video Monitoring and Surveillance Policy	Destroy
Operations and Maintenance - Routine			
Buildings Records relating to monitoring and scheduling of building structure maintenance and internal property systems; and monitoring and maintaining components of property systems (heating/cooling systems, plumbing, elevating devices, etc.).	Corporate Services CA Management Relevant Conservation Areas	CCY + 7 years after contract completed or warranties expired	Destroy
Equipment & Vehicles Records relating to operation, maintenance and leases of/for general office equipment (telephones, cell phones, printers, etc.); vehicles (owned and leased); and other equipment (monitoring, landscaping, etc.)	Corporate Services	CCY + 7 years after equipment replaced or disposed of or lease end	Destroy
Dams, Weirs, Flood and Erosion Control Structures Documents related to the maintenance of watershed dams and weirs including work orders, inspection checklists, repair history, inspection logs, maintenance records, studies, etc.	Water Resources	Permanent	Permanent
Operations and Maintenance – Conservation Areas			
Inspections, Schedules and Reports Documents related to routine maintenance inspections, schedules and reports of KCCA conservation areas. Includes drinking water system sampling analysis.	Relevant Conservation Areas	CCY + 5 years after file closed or inspection completed.	Archive
Maintenance and Repairs - Routine	Relevant Conservation Areas	CCY + 10 years after file closed or work order completed	Archive

Record Series	Accountability	Retention Period	Disposition
Documents related to routine operations and maintenance of conservation areas - trails and minor bridge maintenance, snow plowing, grass cutting, hazard tree removal, etc. Includes communications related to work planning, work orders, price lists, estimates under \$5,000, repair history, etc.			
Swimming Pool Documentation – i.e. log books, chemistry tests etc	Relevant Conservation Areas	CCY + 1 year	Destroy
Lake Whittaker Small Drinking Water Systems (SDWS)—i.e. log books, water testing results and maintenance records, SDWS Operations Manual	Relevant Conservation Areas Water Resources		
Lake Whittaker Beach Sampling Program—i.e. field data sheets, water testing results	Relevant Conservation Areas Water Resources		
CONSERVATION AREAS			
Access Permits for Conservation Lands Applications and permits for activities conducted on conservation lands (i.e., research, trapping, external consultants working on behalf of a municipality).	Relevant Conservation Areas Water Resources	CCY +5 years after permit expires	Destroy
Conservation Area Facility Rentals (group camping, watercraft rentals, pavilion rentals)	Corporate Services	CCY + 7 years	Destroy
Printed hard copy camping permits, day use permits	Relevant Conservation Areas	CCY+1	Destroy
Seasonal Camper Applications, correspondence and agreements,	Corporate Services	CCY + 7 years	Destroy
Partnerships Community partnerships such as “Friends Of” groups, libraries, arts, culture, nature organizations, etc.	Corporate Services Relevant Conservation Areas	CCY + 7 years after partnership terminated	Destroy
CONSERVATION LANDS			
Conservation Lands Management Planning Documentation related to the strategic and master planning for conservation areas.	Relevant Conservation Areas Corporate Services	Permanent	Permanent
Easements and Agreements Documentation related to KCCA or external encumbrances and agreements, including easements.	Corporate Services	Permanent	Permanent
Land Acquisition and Disposition	Corporate Services	Permanent	Permanent

Record Series	Accountability	Retention Period	Disposition
Documentation related to the purchase and sale of land including correspondence, consultant procurement and deliverables, legal records.			
Plan Review Proponent documentation related to projects that directly or indirectly impact conservation lands owned or managed by KCCA.	Corporate Services Planning and Development	Permanent	Permanent
FINANCIAL MANAGEMENT			
Accounts Processing			
Accounts Payable	Corporate Services	CCY + 7 years	Destroy
Accounts Receivable	Corporate Services	CCY + 7 years	Destroy
Capital Asset Accounting Documents related to financial accounting for capitalization, disposal, and amortization of fixed assets.	Corporate Services	Permanent	Permanent
General Ledger and Trial Balance	Corporate Services	CCY + 8 years after all administrative actions are completed	Destroy
Auditing			
Auditing Preparation	Corporate Services	CCY +7 years	Destroy
Financial Audited Statements	Corporate Services	Permanent	Permanent
Bank Administration	Corporate Services	CCY + 7 years	Destroy
Bank Statements and Reconciliations	Corporate Services	CCY + 7 years	Destroy
Investments	Corporate Services	CCY + 7 years from end of the last tax year they relate to	Destroy
Budgets – Operating and Capital	Corporate Services	CCY + 10 years after all administrative actions are completed	Destroy
Financial Reports Internal reports – monthly variance and forecasts. Other reports related to surplus, variance, etc...	Corporate Services	CCY+ 7 years	Destroy
Annual Tax Returns	Corporate Services	CCY + 7 years	Destroy

Record Series	Accountability	Retention Period	Disposition
<i>NOTE: Charity receipts from donations are found under Funding/Donors, Donations & Recognition</i>			
Charity Registration			
Registration for KCCA Charitable Status	Corporate Services	Permanent	Permanent
Funding			
Administration Fund Raising	Corporate Services	CCY + 7	Destroy
Donors, Donations and Recognition Monetary, in-kind.	Corporate Services	CCY + 7	Destroy
Grants and Subsidies – Applications/ Proposals Applications for grants and subsidies from federal, provincial, municipal, business, private or other sources.	Corporate Services Specific Program Area	CCY + 8	Destroy
Grants and Subsidies - Approved Final grants and subsidies received and/or approved from federal, provincial, municipal, corporate, private, or other sources.	Corporate Services Specific Program Area	CCY + 9 years following the final receipt of grant and reporting requirements are completed.	Destroy
Municipal Apportionments and General Levies Allocations for municipal apportionment received from Conservation Ontario via MPAC.	Corporate Services	Permanent	Permanent
Reserve Funds Administration of reserve funds	Corporate Services	CCY + 7 years	Destroy
Special Benefiting Levies Applications and special benefit levies from municipalities.	Corporate Services	CCY + 7 years	Destroy
Purchasing and Procurement Management			
Procurement Card Management – Visa <i>NOTE: VISA monthly transactions tracking report filed under Financial A/P records.</i>	Corporate Services	CCY + 7 years	Destroy
Tendered Purchases Records relating to the tendering process, including prequalification, Requests for Proposals (RFPs), Requests for Quotes (RFQs), Request for Information (RFIs), vender responses, proposals, tender submissions, sole source information, vendor	Corporate Services Program Specific Area	CCY + 7 years	Destroy

Record Series	Accountability	Retention Period	Disposition
evaluation criteria, proof of WSIB, proof of insurance and evaluation of vendor performance. May include records dealing with unsuccessful bids.			
Taxes			
Harmonized Sales Tax (HST/GST/PST)	Corporate Services	CCY + 7 years	Destroy
Property Taxes Documentation relating to property taxes and rebates, and tax incentives for Managed Forest Tax Incentive Program (MFTIP) and Conservation Lands Tax Incentive Program (CLTIP).	Corporate Services Forestry and Lands	Property Tax CCY + 7 years MFTIP/CLTIP CCY + 7 years after plan expiry	Destroy
FLOOD FORECASTING & LOW WATER			
Flood Contingency and Dam Emergency Preparedness Plans	Water Resources	Permanent	Permanent
Climate and Streamflow Data	Water Resources	Permanent	Permanent
Dam Safety Reviews	Water Resources	Permanent	Permanent
Flood Event Records Including records regarding riverine, ice jams, storm surge related events, Port Stanley Look-Up Tables	Water Resources	Permanent	Permanent
Flood Event Photos	Water Resources	Permanent	Permanent
Low Water Records	Water Resources	Permanent	Permanent
Flood Contact Lists	Water Resources	CCY + 15 years	Destroy
Flood Related Models Including HEC-HMS, HEC-RAS, WATFLOOD and related manuals, documentation	Water Resources	Permanent	Permanent
Mapping Flood Hazard Maps, Flood Risk Mapping, Inundation Mapping, Spills Mapping	Corporate Services	Permanent	Permanent
Flood Operations Manual Note: contains personal information	Water Resources	CCY +15 years after superseded or obsolete	Archive
HUMAN RESOURCES MANAGEMENT			
Attendance and Time Off			
Leaves and Absenteeism Related Documentation Records related to employee leaves (pregnancy, parental, sick, bereavement or any other leave covered under the ESA), absenteeism, vacation and other	General Manager/Secretary Treasurer Corporate Services	CCY + 7	Destroy

Appendix - A

Record Series	Accountability	Retention Period	Disposition
requests for time off. Records may include timesheets, reports and general program information.			
Compensation and Benefits			
Benefits and Pension Employee benefit and pension program information	General Manager/Secretary Treasurer Corporate Services	Superseded or obsolete + 7 years	Destroy
Job Evaluations and Compensation Job evaluations, job descriptions, compensation reviews, including the program administration guidelines etc.	General Manager/Secretary Treasurer Corporate Services	Superseded or obsolete + 11 years	Destroy
Pay Equity	General Manager/Secretary Treasurer Corporate Services	Permanent	Permanent
Employee Management			
Accessibility Management Accessibility Reports & Audits, Correspondence to and from Provincial Ministries, Inspections and Compliance	General Manager/Secretary Treasurer Corporate Services	CCY + 15 years	Archive
Disability Management Short Term Disability applications, medical notes, communication logs, tracking etc.	General Manager/Secretary Treasurer Corporate Services	CCY + 25 years	Destroy
Employee Files Records relating to the employment history of all KCCA employees. Résumé, employee contracts, pension and benefit enrollment; training and development, performance appraisals, commendations, disciplinary letters, terminations, etc.	General Manager/Secretary Treasurer (Full Time) Corporate Services (Contract)	Termination, resignation or retirement of employee +50 years	Destroy
Labour and Employee Relations			
Exit Interviews	Corporate Services CA Management	CCY + 7 years after resignation or retirement	Destroy
Human Rights, Violence and Harassment Complaints and Investigations	General Manager/Secretary Treasurer Corporate Services	CCY + 10 years after investigation/case completed	Destroy
Occupational Health and Safety (OHS)			
Accident & Incident Reports/Investigations Both internal (staff) and external (public)	Corporate Services Health and Safety Coordinator	CCY + 10 years after investigation/case completed	Destroy

Appendix - A

Record Series	Accountability	Retention Period	Disposition
Fire Monitoring, Safety Plans & Other Prevention Programs Documentation relating to Authority's responsibility for fire monitoring and safety plans of KCCA's facilities; and other prevention programs (e.g. personal protective equipment)	Corporate Services Health and Safety Coordinator	CCY + 10 years after superseded	Destroy
First Aid Training	Corporate Services Health and Safety Coordinator	Superseded or obsolete	Destroy
Internal Safety Communications Fact sheets (ticks, heat/cold stress, etc.), safe work procedures, etc.	Corporate Services Health and Safety Coordinator	Superseded or obsolete	Destroy
Joint Health and Safety Committee (JHSC) Documentation	Corporate Services Health and Safety Coordinator	CCY + 7 years	Destroy
Ministry of Labour (MOL) Documents related to reporting, investigations, orders, critical injuries, field visit reports, etc.	Corporate Services Health and Safety Coordinator	CCY + 10 years	Destroy
OHS Training Documents E.g., working at heights, confined spaces, chain saw operation, etc.	Corporate Services/Health and Safety Coordinator	Superseded or obsolete	Destroy
Safety Data Sheets (SDS) - Workplace Hazardous Materials Information System (WHMIS)	Health and Safety Coordinator	CCY + 3 years after superseded	Destroy
Workplace Hazard / Risk Assessments	Corporate Services Health and Safety Coordinator	CCY + 7 years	Destroy
Workplace Safety and Insurance Board (WSIB) Reporting Employee WSIB claims, forms, correspondence, statistical reports and supporting documentation, appeals and tribunal information, modified work programs, return to work plans.	General Manager/Secretary Treasurer Corporate Services	CCY + 50 years after termination of employment	Destroy
Organizational Design			
Organization Development Changes to and final organizational structure/chart including development, staff positions/titles, hierarchy of reporting relationships, authority and responsibility.	Corporate Services	2 years after Superseded or obsolete	Archive
Payroll Administration			

Record Series	Accountability	Retention Period	Disposition
Payroll Administration (HR) Regular entry and reconciliation of employee payroll details and related reports. Attendance, timesheets and payroll deductions (CPP, EI, income tax, benefits). Documents relating to annual summaries of year-end reporting to government such as to CRA, Workers' Compensation, OMERS reports, etc.	General Manager/Secretary Treasurer Corporate Services	CCY + 7 years	Destroy
Payroll Bookkeeping (Finance) Includes payroll financial reports (registers and ledgers)	General Manager/Secretary Treasurer Corporate Services	CCY + 7 years	Destroy
Records of Employment, T4 Statements Documents relating to records of employment of staff for purpose of Employment Insurance EI benefits, and employer copies of T4/T4A statements of remuneration per calendar year.	General Manager/Secretary Treasurer Corporate Services	CCY + 7 years	Destroy
Recruitment and Selection			
Staffing Competitions (Permanent) Documentation relating to hiring for full-time authority positions. Records include job posting/ads and recruitment selection process including résumés under consideration, interview questions and notes, evaluations, etc.	Corporate Services General Manager/Secretary Treasurer	CCY + 7 years After position staffed	Destroy
Staffing Competitions (Contract/Short-Term) Documentation relating to hiring for full-time authority positions. Records include job posting/ads and recruitment selection process including résumés under consideration, interview questions and notes, evaluations, etc.	Corporate Services	CCY + 2 year After position staffed	Destroy
Staff Training and Development			
Orientation Program Development, delivery and checklists for on-boarding of new staff.	Corporate Services	CCY + 2 years after superseded or obsolete	Destroy
Professional Development & Training Records Documentation relating to the development, delivery, and reporting of employee training provided.	Corporate Services	CCY + 2 years after all administrative actions completed	Destroy
INFORMATION TECHNOLOGY			

Record Series	Accountability	Retention Period	Disposition
GIS			
Databases Current active geospatial vector and raster datasets.	Corporate Services	Permanent	Permanent
Imagery Includes digital ortho-imagery of KCCA jurisdiction, metadata, calibration information, and derivatives, and possibly other remotely sensed data such as satellite images, bathymetry, and LiDAR datasets.	Corporate Services	Permanent	Permanent
Internal and External Geo-Applications	Corporate Services	T/E + 7 years T/E = application decommissioned	Destroy
Projects GIS projects supporting KCCA programs including map documents, analytical datasets, reference materials, etc.	Corporate Services	CCY + 15	Archive
Reference Spatial Data Legacy geospatial datasets and related attributes.	Corporate Services	CCY + 7 years	Archive
Network Management			
Backup and Security Of KCCA electronic information systems.	Corporate Services	Annual Backup CCY + 2 years	Destroy
Firmware Drivers and firmware patches for network equipment servers, workstations, printers, etc.	Corporate Services	Automated log files kept until overridden User created files = CCY + 2 years	Destroy
Servers and Virtual Machines May contain server maintenance routines, troubleshooting guidance, upgrades, etc.	Corporate Services	Automated log files kept until overridden User created files = CCY + 2years	Destroy
Records Information Management			
Classification and Records Retention Schedule Records relating to the development and implementation of the records classification structure and the retention and disposition schedule initiatives.	Corporate Services	CCY + 10 years after record retention schedule is superseded or obsolete	Destroy
Records Destruction Certificates Records documenting the disposal of electronic and hardcopy records.	Corporate Services	CCY + 20 years after record destroyed	Destroy
MARKETING & COMMUNICATIONS			

Appendix - A

Record Series	Accountability	Retention Period	Disposition
Audio Visual – Corporate Corporate photographs, videos, and recorded audio including consent forms commissioned/photographed by Public Relations.	Public Relations	Permanent	Permanent
Audio Visual – Department/Program Specific Photographs, videos, and recorded audio including consent forms commissioned by departments or programs.	Program Specific Area	CCY + 10 years	Archive
Celebrations and Recognition - Corporate Includes event information for employee service and recognition awards, corporate anniversaries, etc.	Public Relations	CCY + 10 years	Archive
Creative Services Graphics Products developed using graphic design tools and software e.g., ads, brochures, booklets, signage, swag, etc.	Public Relations	CCY + 4 years after superseded or obsolete	Archive
Corporate Identity and Branding Planning, development, administration (logos, brand guidelines, etc.). Excludes final templates and forms (see Administration & Governance / Forms & Templates).	Public Relations	CCY + 10 years after superseded or obsolete	Archive
Events, In Class/Online Training, Webinars, Presentations, Speaking Engagements Conservation area, community outreach, etc. Documents related to planning, speaking notes, event outline. <i>EXCLUDES</i> final Board presentations filed by Corporate Services as part of approved minutes.	Program Specific Area	CCY + 10 years	Destroy
Internal Crisis Communications Corporate plans and materials for internal audiences related to crisis communications.	Corporate services	CCY +5 years	Destroy
Marketing / Social Media and Campaigns Marketing/communications plan development, execution and evaluation including strategies, tactics, orders, etc. Includes social media campaigns and content distribution across platforms (Instagram, etc.)	Public Relations	CCY + 5 years	Archive

Record Series	Accountability	Retention Period	Disposition
Media Relations and Monitoring Key messages for media response, misinformation management, media releases/advisories, media contact lists, images, etc.	Public Relations	CCY + 7 years	Archive
Website Content & Redevelopment	Public Relations	Superseded or obsolete	Destroy
Web Form Data May contain personal information i.e., job applications, contest entries, program intake forms.	Public Relations	Quarterly within each calendar year	Destroy
Web and Social Media Analytics	Public Relations	CCY + 7 years	Archive
MONITORING & INVENTORY			
Data Includes aquatic and terrestrial ecology monitoring and inventory; surface water/groundwater quality and quantity; Ecological Land Classification (ELC) mapping	Water Resources	Permanent	Permanent
Field Sheets Digital documentation related to the forms and data sheets used in all inventories and monitoring programs.	Water Resources	Superseded or Obsolete	Destroy
Monitoring Program Scheduling	Water Resources	CY + 3 years	Destroy
Reporting Documentation relating to technical and non-technical reporting of inventory and monitoring data. This includes, but is not limited to, watershed report cards, characterization reports,	Water Resources	Permanent	Permanent
PLANNING & DEVELOPMENT			
Planning and Development Policies			
Records related to developing corporate policies	Corporate Services	10 years after Superseded or Obsolete	Destroy
Provincial Natural Hazard Guides Records relating to provincial technical documents providing guidance and standards for hazard identification.	Planning & Development	Superseded or Obsolete + 20 years	Destroy
Plan Input			
Aggregates	Planning & Development	Permanent	Permanent

Record Series	Accountability	Retention Period	Disposition
Documents relating to KCCA input on Aggregate/ Resource mining developments.			
Comprehensive Zoning Bylaws Records relating to municipal assistance in Comprehensive Zoning By-Law updates, including Zoning maps.	Planning & Development	Permanent	Permanent
Municipal Planning/Official Plans/ Secondary Plans Documented records of KCCA input to municipalities including Official Plans, Secondary Plans, Comprehensive Zoning By-Laws and other approved policy documents, including comments to the Ministry of Municipal Affairs & Housing (MMAH).	Planning & Development	Permanent	Permanent
Studies - KCCA Input Documents relating to KCCA input on municipal studies.	Planning & Development	CCY + 20 years	Destroy
Plan Review			
Applications Requests for formal municipal planning act approvals across the watershed.	Planning & Development	Permanent	Permanent
Applications – no objections Requests for formal municipal planning act approvals across the watershed.	Planning & Development	CCY + 7 years	Destroy
Environmental Assessments Records relating to studies of environmental issues and impacts as part of assessments within KCCA watershed.	Planning & Development	CCY + 20 years	Destroy
Legislative and Policy Reviews Records relating to input on provincial policy plans and certain municipal policies (e.g., Site Alteration By-laws, entrance setback requirements).	Planning & Development	Permanent	Permanent
Master Drainage Plans Records relating to municipal documents referenced during technical reviews for planning applications.	Planning & Development	CCY + 20 years	Destroy
Regulations-Sec 28			
Complaints Documented complaints regarding potential contravention of Section 28 regulations.	Planning & Development	CCY + 7 years	Destroy

Appendix - A

Record Series	Accountability	Retention Period	Disposition
Enforcement Records relating to violations and investigations and court cases.	Planning & Development	Permanent	Permanent
Sec 28 Permits and Hearings Documentation related to permit applications, permits issued/denied and appealed by applicants, and subsequent Hearings and Mining & Lands Tribunal appeals.	Planning & Development	Permanent	Permanent
Sec 28 Pre Submission Consultation Records Pre submission application consultation records where no subsequent application for permit is submitted	Planning & Development	CCY + 10 years	Archive
Municipal Drains Reviews under the DART protocol, including engineer's reports, maps, drawings, site photographs, Notification of Drain Maintenance or Repair and Section 28 permits if issued.	Planning & Development Water Conservation	Permanent	Archive
Property Inquiries			
Data Requests Documents detailing the requested data and what was provided by KCCA.	Corporate Services Planning & Development	CCY + 10 years	Destroy
General Development/ Legal Inquiries Requests for information regarding property for sale and legal or real-estate inquiries involving property transfers.	Planning & Development	CCY + 5 years	Destroy
General Development/ Legal Inquiries with Violation	Planning & Development	Permanent	Permanent
Potential Development Proposed developments and/or site alteration activities, and pre-application consultations to assist in determining requirements for a complete application (permitting). May include Planning-related inquiries.	Planning & Development	CCY + 7 years	Destroy
Permitted Development	Planning & Development	Permanent	Permanent
OUTREACH, RESTORATION, STEWARDSHIP & EDUCATION			
Restoration and Stewardship Project and Program Records	Stewardship Forestry and Lands	Permanent	Permanent

Appendix - A

Record Series	Accountability	Retention Period	Disposition
<p>Includes permits, project documentation, decision correspondence, site assessment and other reports; concept and planting plans, mapping; monitoring project photos/videos (excluding images of people), site photos pre, during, post; other performance monitoring-related data, funding provided to landowners.</p> <p>Note: May contain personal information.</p>			
<p>Education – In-Class Program Documents -</p>	<p>Program specific</p>	<p>Superseded or Obsolete + 5 years</p>	<p>Destroy</p>
<p>Volunteer Management</p>			
<p>Volunteers Database Documentation relating to volunteers’ recruitment, hours of service and nature of assignment(s) with KCCA. Signed documents for confidentiality, waivers, personal information use, training, and emergency contact info may also be included.</p> <p>NOTE: Volunteer recognitions are filed under Communications/ Celebrations & Recognition</p>	<p>Corporate Services</p>	<p>CCY + 4 years after volunteer’s services no longer required or available. If volunteer left before turning 18, 4 years after turning 18.</p>	<p>Destroy</p>
<p>SOURCE WATER PROTECTION</p>			
<p>Assessment Reports, Source Protection Plan, Explanatory Document, Amendments of the Regulation, Annual Progress Reports and Forms</p>	<p>Corporate Services</p>	<p>Permanent</p>	<p>Permanent</p>
<p>Background Technical Studies and Models Foundational technical studies, models and updates for groundwater studies, water budgets, etc.</p>	<p>Corporate Services</p>	<p>Permanent</p>	<p>Permanent</p>

TO: Full Authority
FROM: Elizabeth VanHooren
Date: May 15, 2024
Subject: Integrated Accessibility Policy



Recommendation: That the Kettle Creek Conservation Authority Integrated Accessibility Policy be approved.

PURPOSE

To present for consideration a comprehensive Integrated Accessibility Policy for approval.

REPORT SUMMARY

- Regulation 191/11: Integrated Accessibility Standards under the Accessibility for Ontarians with Disabilities Act, 2005 requires organizations to create written accessibility policies and make them publicly available.
- KCCA’s existing Accessibility Policy was approved in October 2010 and concentrates solely on the Accessible Customer Service Standard and fails to capture KCCA’s commitment to the other three standards included in the Regulation including: information and communication; employment; transportation; and design of public spaces.
- With less than 50 employees, under Regulation 191/11 KCCA is classified as a “small organization”. KCCA’s integrated Accessibility Policy is therefore, written following the criteria for this classification.
- The Standards for Transportation do not apply to KCCA.
- KCCA is in compliance with the requirement of a small organization under the Regulation; this updated Policy will allow KCCA to share its commitment with the staff and the public in policy format.

Recommendation:
That the Kettle Creek Conservation Authority Integrated Accessibility Policy be approved.



Integrated Accessibility Policy

DRAFT

Accessibility Plan

Contents

KCCA’s Integrated Accessibility Policy	4
Purpose	4
Applicability.....	4
Statement of Organizational Commitment	5
Application	5
Definitions.....	5
General Standard	7
Procurement of Goods, Services and Facilities.....	7
Self-Service Kiosks.....	8
Training	8
Feedback.....	8
Notice of Availability of Documents	9
Customer Service Standard.....	9
Assistive Devices and other Measures that Assist with Accessibility	9
Notice of Temporary Disruption	9
Support Persons.....	10
Service Animals	10
Information and Communications Standards.....	11
Accessible Formats and Communication Supports	11
Emergency Procedures, Plans or Public Safety Information.....	12
Accessible Websites and Web Content	12
Employment Standards.....	12
Recruitment, Assessment and Selection Process	12
Informing Employees of Supports	13
Accessible Formats and Communication Supports for Employees	13
Workplace Emergency Response Information.....	13
Documented Individual Accommodation Plans.....	13
Return to Work Process	14

Accessibility Plan

Performance Management, Career Development, and Redeployment.....	14
AODA Design of Public Spaces Standards (Accessibility Standards for the Built Environment)	14
AODA Reporting Requirements	14
Financial Implications.....	14
Changes to This or Other Policies	15
Questions About this policy	15
APPENDIX A - Best Practices for Interacting with Customers with Disabilities	15

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KCCA's Integrated Accessibility Policy

Purpose

Regulation 191/11: Integrated Accessibility Standards under the Accessibility for Ontarians with Disabilities Act, 2005 requires organizations to create written accessibility policies and make them publicly available. This document outlines the policies that Kettle Creek Conservation Authority (KCCA) uses to improve opportunities for people with disabilities.

This policy should be considered when:

- providing orientation to new staff, board members, volunteers
- making changes to websites and public information
- someone asks for accessible information
- seeking feedback
- advertising positions and hiring new employees
- employees identify a permanent or temporary disability
- building new or making major changes to recreational trails, beach access routes, off-street parking, and service-related elements like service and waiting areas
- providing goods, services or facilities to people with disabilities

Applicability

The Integrated Accessibility Standards Regulation (Ontario Regulation 191/11) applies to all organizations and businesses in Ontario with one or more employees. An organization's requirements depend on which of the following classes it falls under.

- Ontario Government and Legislative Assembly
- Designated public sector organizations with 50+ employees
- Designated public sector organizations with 1-49 employees
- Private and non-profit organizations with 50+ employees
- Private and non-profit organizations with 1-49 employees

KCCA is classified as a "small organization" in the regulation (i.e. non-profit organization with 1-49 employees). The policies in this document have been developed following the criteria and this classification under the regulation.

The Standards for Transportation do not apply to KCCA.

Statement of Organizational Commitment

KCCA is committed to ensuring equal access and participation for people with disabilities and treating people with disabilities in a way that allows them to maintain their dignity and independence.

KCCA is committed to providing individuals with disabilities the same opportunity to access our goods, services or facilities in a way that respects their dignity and independence and allows them to benefit from those services.

KCCA believes in integration and is committed to meeting the needs of people with disabilities in a timely manner. This will be accomplished by meeting our accessibility requirements under the Accessibility for Ontarians with Disabilities Act, 2005 and Ontario's accessibility laws.

Application

This policy applies to all persons who deal with members of the public or other third parties on behalf of the KCCA, whether the person does so as an employee, Board member, agent, volunteer, student placement, or otherwise and all persons who participate in developing the KCCA's policies, practices and procedures governing the provision of goods and services to members of the public or other third parties.

Definitions

Accessibility means a concept integral to human rights that refers to the absence of barriers that prevent individuals and/or groups from fully participating in all social, economic, political and cultural aspects of society. The term is often linked to people with disabilities and their rights to access, and also refers to design characteristics of products, devices, information, services, facilities or public spaces that enable independent use, or support when required, and access by people with a variety of disabilities.

Accessible refers to products, devices, information, services, facilities or public spaces that provide for independent, equitable and dignified access for people with disabilities, including but not limited to those with visual, auditory, sensory, cognitive and mobility related disabilities. The concept of accessible design ensures both "direct access" (i.e. unassisted) and "indirect access," referring to compatibility with a person's assistive technology.

Accessible Formats refers to formats usable by persons with disabilities including but not limited to large print, recorded audio and electronic formats, and Braille.

Accommodation means in the context of Human Rights. Accommodation means preventing and removing barriers caused by attitudinal, systemic, physical, information or communications, and technology barriers that unfairly exclude individuals or groups protected by Ontario's Human Rights Code from having equal access to full benefits available to others. Principles of accommodation include dignity, individualization and inclusion or integration.

Assistive Devices are used to replace, compensate or improve the functional abilities of people with disabilities. They include a broad range of items including mobility such as: prosthetics, wheelchairs, canes, walkers, medical such as ventilators, respiratory equipment and sensory such as communication aids, reading and writing devices and hearing aids.

Barrier is defined by the AODA as anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice.

Disability: as defined in Section 10 of the Ontario Human Rights Code, R.S.O. 1990 c. H.19.

- a) Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limited the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or another remedial appliance or device;
- b) A condition of mental impairment or a developmental disability;
- c) A learning disability, or dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- d) A mental disorder; or
- e) An injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

KCCA means the Kettle Creek Conservation Authority.

KIOSK means an interactive electronic terminal, including a point-of-sale device, intended for public use that allows users to access one or more services or products or both.

Practicable means capable of being done or put into practice; capable of being used. Factors relevant to determining if accessibility is practicable may include:

- Availability of accessible services, goods including commercial software or tools, or facilities;
- Technological compatibility between older products and newer ones being procured.

Recreational Trails are public trails intended to allow pedestrians to do recreation and leisure activities such as walk through parks, access playgrounds or get closer to nature. Recreational trails do not include wilderness trails; backcountry trails; portage routes or trails only meant for cross-country skiing, mountain biking or driving motorized recreational vehicles such as snowmobiles and all-terrain vehicles.

Service Animals is defined by Section 80.45 (4) of the AODA Customer Service Standards (O. Reg. 165/16) as an animal, is a service animal for a person with a disability if the animal can be readily identified as one that is being used by the person for reasons relating to the person's disability, as a result of visual indicators such as the vest or harness worn by the animal; or the person provides documentation from a regulated health professional confirming that the person requires the animal for reasons relating to the disability.

Support Person as defined by the Accessibility for Ontarians with Disabilities Act, 2005 shall mean any person, whether a paid professional, volunteer, family member or friend who accompanies a person with a disability in order to help with communication, mobility, personal care or medical needs or with access to goods, services or facilities.

General Standard

The Authority will use reasonable efforts to ensure that its policies, practices and procedures are consistent with the following principles:

- The Authority's goods and services are provided in a manner that respects the dignity and independence of persons with disabilities;
- The provision of the Authority's goods and services to persons with disabilities are integrated with those provided to persons who do not have disabilities unless an alternative measure is necessary to enable a person with a disability to obtain, use or benefit from the Authority's goods or services and;
- Persons with disabilities are given a reasonable opportunity equal to that of persons without disabilities to obtain, use or benefit from the Authority's goods and services.

Procurement of Goods, Services and Facilities

As required by the AODA, when acquiring or procuring goods, services, and facilities, including self-kiosks, the KCCA will incorporate accessibility criteria and features, and will do so as early as possible in the procurement process. Where it is not practicable to do so, an explanation will be provided upon request.

Self-Service Kiosks

The KCCA will have regard to accessibility features/consider accessibility for people with disabilities when designing, procuring or acquiring self-service kiosks.

Training

The AODA requires that employees, volunteers and persons who participate in developing KCCA policies must receive training on the AODA, the Ontario Human Rights Code, and Accessible Customer Service.

The Authority will ensure that all persons to whom this policy applies receive training as required by the Accessibility Standards for Customer Service. The amount and format of training given will be tailored to suit each person's interactions with the public and his or her involvement in the development of policies, procedures and practices pertaining to the provision of goods and services.

People will be trained as soon as practicable after being hired and subsequently will be provided with training in respect of any changes to the policies. KCCA will maintain records of the training provided including the name of the person and the date the training was completed.

Feedback

The Authority is committed to providing high quality goods and services to all members of the public it serves. Feedback from the public is welcome as it may identify barriers and will encourage continuous service improvements.

Information about the feedback process is available at the Administration Centre and on KCCA's web site.

Customers can submit feedback to:

Public Relations Supervisor, Kettle Creek Conservation Authority

Phone Number: 519-631-1270 ext.222

Fax Number: 519-631-5026

Mailing Address: 44015 Ferguson Line, St. Thomas, ON N5P 3T3

Email Address: info@kettlecreekconservation.on.ca

Website: www.kettlecreekconservation.on.ca

Feedback should first be directed to the Public Relations Supervisor or designate who will review and identify the feedback as a complaint, suggestion or compliment and forward to the relevant staff person. All feedback will be acknowledged within 30 days of receipt. Should the customer feel that their feedback was not appropriately addressed at the staff level, the customer has the option of presenting the feedback to the KCCA Board of Directors as a delegation.

KCCA's feedback form is available on KCCA's web site and meets Accessibility Standards for Customer Service. Alternate formats are available on request.

Notice of Availability of Documents

KCCA will advise the public that documents related to accessible customer service are available upon request and on KCCA's website: www.kettlecreekconservation.on.ca KCCA will provide these documents in accessible format or with communication support, on request.

Customer Service Standard

Assistive Devices and other Measures that Assist with Accessibility

A person with a disability may provide their own assistive device for the purpose of obtaining, using and benefiting from the KCCA's goods, services or facilities. It is the responsibility of the person with the disability to ensure their assistive device is operated in a safe and controlled manner at all times.

Exceptions may occur in situations where the KCCA has determined that the assistive device may pose a risk to the health and safety of a person with a disability or the health and safety of others on the premises. In these situations, and others, the Authority may offer a person with a disability, other reasonable measures to assist him or her in obtaining, using and benefiting from the KCCA's goods and services, where the KCCA has such other measures available. Staff within the applicable department will be trained in the application and use of devices the KCCA has on site or will provide that may be used by customers with disabilities while accessing our goods, services, or facilities.

Notice of Temporary Disruption

The KCCA is aware that the operation of its services and facilities is important to the public. However, temporary disruptions in the KCCA's services and facilities may occur due to reasons that may or may not be within the KCCA's control or knowledge.

The KCCA will make reasonable effort to provide the public with notice in the event of a planned or unexpected disruption in the facilities or services usually used by people with disabilities. This notice will include information about the reason for the disruption, its anticipated duration, and a description of alternative facilities or services, if available.

Notice may be given by posting the information at a conspicuous place on premises owned or operated by the Authority, by posting it on the Authority's website (www.kettlecreekconservation.on.ca) or by such other method as is reasonable in the circumstances.

When disruptions are planned or occur unexpectedly, KCCA will provide notice by any of the following means:

- Posting notices at the point of disruption and on KCCA's web site
- Contacting customers with appointments that may be affected,
- Verbally notifying customers when they are making an appointment or;
- Any other method that may be reasonable/practical under the circumstances.

Support Persons

A person with a disability may enter premises owned or operated by the KCCA with a support person and have access to the support person while on the premises. The KCCA may require a person with a disability to be accompanied by a support person while on Authority premises in situations where it is necessary to protect the health or safety of the person with a disability or the health and safety of others on the premises.

A support person, when assisting a person with a disability to obtain, use or benefit from the Authority's goods and services, will be permitted to attend at no charge where an admission fee is applicable.

Service Animals

Persons with a disability may enter premises owned or operated by the Authority accompanied by a service animal and keep the animal with them if the public has access to such premises and the animal is not otherwise excluded by law.

If it is not readily apparent that the animal is a service animal, the Authority may ask the person with a disability for a letter from a physician or nurse confirming that the person requires the animal for reasons relating to their disability. A service animal can be easily identified through visual indicators, such as when it wears a harness or a vest, or when it helps the person perform certain tasks.

If a service animal is prohibited by another law, KCCA will attempt to provide people with disabilities access to goods, services, or facilities. The reason the animal is excluded will be explained and another way of providing goods, services or facilities will be discussed.

It is the responsibility of the person with the disability to be in care and control of the service animal, at all times. If the service animal is not kept under control, has bitten another person or animal, or is a menace to the safety of other persons or animals, the service animal may be required to leave the premises. If this occurs the person will be permitted to continue to access the goods or services without the animal. In addition, KCCA employee will, upon request, consider alternate accommodations for the person in such circumstances.

The KCCA may refuse to permit the service animal to accompany the person until steps have been taken to correct the situation, and the issue has been resolved.

Information and Communications Standards

The Authority will offer to communicate with customers in ways that consider their disability and works with the person with disabilities to determine what method of communication works for them. Please refer to Appendix A: Best Practices for Interacting with Customers with Disabilities.

Accessible Formats and Communication Supports

The KCCA will create print, online and presentation materials to meet accessible format standards with respect to font family, font size, formatting, contrast and colours. The Microsoft 'Check Accessibility' or other available tool will be used to review documents before published or distributed.

Upon request, the KCCA will provide or arrange for the provision of accessible formats or communication supports for persons with disabilities. These accessible formats and communication supports will be provided in a timely manner and in a way that takes into account the individual needs of a person with a disability.

The KCCA communicates with people with disabilities in ways that take into account their disability. When asked, information about our organization and its services, including public safety information, in accessible formats or with communication supports will be provided.

The KCCA will consult with the person making the request to determine the suitability of an accessible format or communication support.

Such accessible documents and communication supports will be provided at a cost no greater than the regular costs charged to others. If, in consultation with the Corporate Services Department, the information or communication is determined to be unconvertible, the KCCA must provide the person requesting the information or communication with:

- an explanation as to why the information or communications are unconvertible; and
- a summary of the unconvertible information or communications.

The KCCA will also meet internationally recognized Web Content Accessibility Guidelines (WCAG) 2.0 Level AA website requirements, as practicable, in accordance with Ontario's accessibility laws.

Emergency Procedures, Plans or Public Safety Information

The KCCA will, upon request, provide emergency procedures, plans or public safety information in an accessible format or with appropriate communication supports as soon as practicable.

Accessible Websites and Web Content

The KCCA will ensure the official website and web content conforms, as practicable, to the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG). Except where meeting this requirement is not practicable, this conformity applies to websites, web content and web-based applications that are controlled directly or through a contractual relationship that allows for the modification of the product and to web content.

The KCCA Corporate Services Department is responsible for establishing and maintaining procedures, standards and guidelines to ensure Internet websites and web content are accessible.

Employment Standards

The KCCA will foster an inclusive workforce and provide equitable treatment and accommodation to ensure a barrier-free employment. The requirements in this section apply only to employees of the Conservation Authority. Volunteers and other non-paid individuals are not captured under this section.

Recruitment, Assessment and Selection Process

The KCCA is committed to equal consideration of candidates during the recruitment, assessment and selection process. Job applicants, including the public and current employees, will be notified of the availability of accommodations for persons with disabilities in its application process.

Individuals selected to participate in an interview or testing, will be notified of the availability of accommodations, upon request, during such an assessment or selection process. In cases where accommodations due to disability are requested, the KCCA will consult with the individual and provide or arrange for suitable accommodations in a manner that considers the applicant's disability needs.

Accommodations will be provided with respect to the materials or processes used in recruitment. When making offers of employment, the KCCA will notify the successful applicant of its policies for accommodating employees with disabilities.

Informing Employees of Supports

The KCCA notifies staff that supports are available for those with disabilities as soon as practicable after they begin their employment. Updates are provided when necessary.

Accessible Formats and Communication Supports for Employees

Upon request, KCCA will work with any employee with a disability to make workplace information accessible, providing the information in an accessible format or with communication supports suited to the individual needs of the employee.

Workplace information means:

- information that employees need to perform their jobs, and
- general information that is available to all employees at work.

Workplace Emergency Response Information

The KCCA will provide individualized emergency response information to employees who identify potential accessibility barriers when responding to emergency situations.

KCCA will work with the employee to develop individualized emergency response information. After obtaining the employee's consent this information will be provided to anyone designated to help them in an emergency. The KCCA will provide the information as soon as practicable after the need is expressed.

The KCCA will review the individualized workplace emergency response information:

- When the employee moves to a different location in the organization;
- When the employee's overall accommodations needs or plans are reviewed; and
- When the employer reviews its general emergency response policies.

Documented Individual Accommodation Plans

Upon request, KCCA will work with employees to develop individual accommodation plans that may include:

- If requested, any information regarding accessible formats and communication supports provided to the employee;
- If required, individualized workplace emergency response information; and
- Any other accommodations that are to be provided.

Return to Work Plans

Upon request, KCCA will develop Return to Work Plans for employees with a disability and who require disability-related accommodation in order to return to work. The return-to-work plan will outline the steps the KCCA will take to facilitate the return to work and will include documented individual accommodation plans as part of the process. The return-to-work process does not replace or override any other return to work process created by or under any other statute.

Performance Management, Career Development, and Redeployment

The KCCA will ensure employees with disabilities are provided equitable access to career development, performance management and redeployment opportunities.

AODA Design of Public Spaces Standards (Accessibility Standards for the Built Environment)

The KCCA shall comply with the AODA Design of Public Spaces Standards (Accessibility Standards for the Built Environment) when undertaking new construction and redevelopment of public spaces. Staff should refer directly to the Regulation for requirements on each standard. As a small organization KCCA has obligations under the following categories:

- Recreation trails/beach access routes;
- Accessible off-street parking; and
- Service-related elements like service counters, fixed queueing lines and waiting areas.

KCCA's extensive network of hiking trails are not defined as recreational trails. KCCA's hiking trails are wilderness or backcountry trails where it is not practical to meet the requirements of recreational trails due to existing site conditions (e.g. steep inclines and rocks bordering the route) and/or negative effects on water, fish, wildlife, plants invertebrates, species and risk, ecological integrity, or natural heritage values.

AODA Reporting Requirements

The KCCA will submit completed compliance reports to the province in accordance with the schedule set out in the AODA.

Financial Implications

The KCCA may incur costs in implementing staff training required for meeting the accessibility standards for customer service. There may also be costs for providing services and assistive devices. The other potential financial implication is in regard to non-compliance with the law. Enforcement provisions exist under the AODA that did not exist previously under the ODA.

Changes to This or Other Policies

The KCCA is committed to developing customer service policies that respect and promote the dignity and independence of people with disabilities. Any changes made to this policy will take into consideration the impact on people with disabilities. This document is publicly available. Accessible formats are available upon request.

Questions About this policy

This policy exists to achieve service excellence to customers with disabilities. If anyone has a question about the policy, or if the purpose of a policy is not understood, an explanation should be provided by or referred to the General Manager or their designate.

APPENDIX A - Best Practices for Interacting with Customers with Disabilities

General tips on how to welcome customers with disabilities

- Treat people with disabilities with the same respect and consideration you have for everyone else.
- Use *disability* or *disabled*, not handicap or handicapped.
- Remember to put people first. It is proper to say *person with a disability*, rather than disabled person.
- Patience, optimism, and a willingness to find a way to communicate are your best tools.
- Smile, relax, and keep in mind that people with disabilities are just people.
- Do not make assumptions about what type of disability or disabilities a person has.
- Some disabilities are not visible. Take the time to get to know your customers' needs.
- Be patient. People with some kinds of disabilities may take a little longer to understand and respond.
- If you are not sure what to do, ask your customer, "**May I help you?**"
- If you cannot understand what someone is saying, just politely ask again.
- Ask before you offer to help — do not just jump in. Your customers with disabilities know if they need help and how you can provide it.
- Find a good way to communicate. A good start is to listen carefully.
- Speak directly to a person with a disability, not to their interpreter or someone who is with them.

- Ensure that venues for public meetings/events hosted by Kettle Creek Conservation Authority are accessible.
- Arrange to meet customers at a convenient site if accessibility is an issue.

How to communicate with people with different types of disabilities

People with vision loss

Vision loss can restrict someone's ability to read, locate landmarks, or see hazards. Some customers may use a guide dog or a white cane, while others may not.

Tips:

- When you know someone has vision loss, don't assume the individual can't see you. Many people who have low vision still have some sight.
- Identify yourself when you approach and speak directly to the customer.
- Ask if they would like you to read any printed material out loud to them (for example, a schedule of fees).
- When providing directions or instructions, be precise and descriptive.
- Offer your elbow to guide them if needed.
- Provide documentation/reports in larger fonts, upon request.

People who have hearing loss

People who have hearing loss may be deaf, deafened, or hard of hearing. They may also be oral deaf – unable to hear but prefer to talk instead of using sign language. These terms are used to describe different levels of hearing and/or the way a person's hearing was diminished or lost.

Tips:

- Once a customer has identified themselves as having hearing loss, make sure you are in a well-lit area where they can see your face and read your lips.
- As needed, attract the customer's attention before speaking. Try a gentle touch on the shoulder or wave of your hand.
- If your customer uses a hearing aid, reduce background noise or move to a quieter area.
- If necessary, ask if another method of communicating would be easier (for example, using a pen and paper).

People who are deafblind

A person who is deafblind may have some degree of both hearing and vision loss. Many people who are deafblind will be accompanied by an intervenor, a professional support person who helps with communication.

Tips:

- A customer who is deafblind is likely to explain to you how to communicate with them, perhaps with an assistance card or a note.

- Speak directly to your customer, not to the intervenor.

People with speech or language impairments

Cerebral palsy, hearing loss, or other conditions may make it difficult for a person to pronounce words or may cause slurring. Some people who have severe difficulties may use a communication board or other assistive device(s).

Tips:

- Don't assume that a person with a speech impairment also has another disability.
- Whenever possible, ask questions that can be answered with "yes" or "no".
- Be patient. Don't interrupt or finish your customer's sentences.

People who have learning disabilities

The term "learning disabilities" refers to a variety of disorders. One example is dyslexia, which affects how a person takes in or retains information. This disability may become apparent when a person has difficulty reading material or understanding the information you are providing.

Tips:

- Be patient – people with some learning disabilities may take longer to process information, to understand, and to respond.
- Try to provide information in a way that takes into account the customer's disability. For example, some people with learning disabilities find written words difficult to understand, while others may have problems with numbers and math.

People who have intellectual / developmental disabilities

Developmental or intellectual disabilities, such as Down Syndrome, can limit a person's ability to learn, communicate, do everyday physical activities, and live independently. You may not know that someone has this disability unless you are told.

Tips:

- Don't make assumptions about what a person can do.
- Use plain language.
- Provide one piece of information at a time.

People who have mental health disabilities

Mental health issues can affect a person's ability to think clearly, concentrate, or remember things. Mental health disability is a broad term for many disorders that can range in severity. For example, some customers may experience anxiety due to hallucinations, mood swings, phobias, or panic disorder.

Tips:

- If you sense or know that a customer has a mental health disability, be sure to treat them with the same respect and consideration you have for everyone else.
- Be confident, calm, and reassuring.
- If a customer appears to be in crisis, ask them to tell you the best way to help.

How to interact with people who use assistive devices:

An assistive device is a tool, technology, or other mechanism that enables a person with a disability to do everyday tasks and activities such as moving, communicating, or lifting. Personal assistive devices can include things like wheelchairs, hearing aids, white canes, or speech amplification devices.

Tips:

- Don't touch or handle any assistive device without permission.
- Don't move assistive devices or equipment, such as canes and walkers, out of your customer's reach.
- Let your customers know about accessible features in the immediate environment that are appropriate to their needs (e.g., accessible washrooms, lift).
- Make sure you know how to use equipment or devices for customers with disabilities offered by the organization (e.g. lift). It could be helpful to have instruction manuals handy or an instruction sheet posted where the device is located.

How to interact with a person who has a guide dog or other service animal People with vision loss may use a guide dog, but there are other types of service animals as well. Hearing alert animals help people who are deaf, deafened, oral deaf, or hard of hearing. Other service animals are trained to alert an individual to an oncoming seizure.

Tips:

- Remember that a service animal is not a pet. It is a working animal. Avoid touching or addressing them.
- If you're not sure if the animal is a pet or a service animal, ask your customer.

How to serve a person accompanied by support person(s)

Some people with disabilities may be accompanied by support person(s), such as an intervenor. A support person can be a personal support worker, a volunteer, a family member, or a friend. A support person might help your customer with a variety of things from communicating, to helping with mobility, personal care, or medical needs.

Welcome support people to your workplace or business. They are permitted in any part of your premises that is open to the public. Provide notice, in advance, regarding any fees for events/programs that may or may not apply to a support person.

Tips:

- If you're not sure which person is the customer, take your lead from the person using or requesting your goods or services, or simply ask.
- Speak directly to your customer, not to their support person(s).

How to assist people with disabilities who need help accessing goods, services or facilities

If you notice that your customer is having difficulty accessing goods, services or facilities, a good starting point is to simply ask "How can I help you?" Your customers are your best source for information about their needs. A solution can be simple, and they will likely appreciate your attention and consideration.

Adapted from: *Accessibility Standard for Customer Service: Training Tips for employees: Ministry of Community and Social Services, © Queen's Printer for Ontario.*

TO: Board of Directors
FROM: Jennifer Dow
Date: May 15, 2024
Subject: Dodd Creek Enhanced Riverine Floodplain Mapping Approval



Recommendation: That the staff report on the Dodd Creek Enhanced Riverine Floodplain Mapping be received; and further

That the Dodd Creek Enhanced Riverine Floodplain Mapping Hydraulic Modelling (February 23, 2024) and the Enhanced Riverine Floodplain Mapping within the Dodd Creek Subwatershed Hydrological Modelling Report (February 21, 2024) be approved.

PURPOSE:

To update members on the results of the Dodd Creek Enhanced Riverine Floodplain Mapping Project—Public Information Centre and to obtain Board approval of the Hydraulic and Hydrological Modelling Reports and associated mapping.

REPORT SUMMARY:

- The Dodd Creek Enhanced Riverine Floodplain Mapping project which updated floodplain mapping for a 24km² study area in the Dodd Creek Subwatershed was completed in February 2024.
- O. Reg. 41/24 (s.4) stipulates that when mapping updates result in significant enlargements or reductions to conservation authority 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. A notice of the updated floodplain mapping was posted to KCCA's web site on March 28, 2024.
- A virtual Public Information Centre occurred on April 16, 2024, from 6-7 p.m. with three members of the public in attendance.
- Staff are not recommending any changes to the Dodd Creek Enhanced Floodplain Mapping Hydraulic and Hydrological Modelling reports and associated mapping as a result of the PIC and recommend approval.
- All associated reports, files and presentations can be viewed on the KCCA website at <https://www.kettlecreekconservation.on.ca/dodd-creek-floodplain-mapping-project/>

BACKGROUND:

In 2023, KCCA retained Aquafor Beech to complete updated floodplain mapping for a 24km² study area located in the Dodd Creek subwatershed with funding assistance from the Flood Hazard Identification and Mapping Program (FHIMP). The study area included the flood vulnerable communities of Paynes Mills, Talbotville and areas slated for future development. Updated mapping ensures 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.

The only urban area affected by increased floodplain was a small residential area in Talbotville. O. Reg. 41/24 (s.4) stipulates that the public and stakeholders must be provided 30 days notice prior to updated mapping being considered at an Authority meeting.

As the updated floodplain mapping resulted in a reduction and/or enlargement of the regulated area, staff obtained Board approval at the April 17, 2024, meeting, to initiate public notification. A notice of the updated floodplain mapping was posted to the KCCA's website on March 28, 2024.

The Dodd Creek Floodplain Mapping Project page provided public access to all relevant documents including:

- Presentations, board reports, final engineering reports and draft copies of the new mapping in PDF.
- A form to submit questions electronically or in writing to KCCA during the notification period (March 28-April 30, 2024)
- Details on the virtual Public Information Centre (PIC) that occurred on April 16, 2024, from 6-7 p.m. including a link to the recorded presentation after the PIC was complete.
- A copy of a one-page flyer that was distributed to the affected residents in Talbotville.

The KCCA Watershed Connections webpage garnered the following statistics:

- 96 page views and 55 users
- No questions submitted through the webpage, however staff received three direct calls from the public with questions, two of which indicated that they would visit the website and register for the PIC.
- Five (5) registered guests, three (3) attended the PIC.

In addition, social media posts to Facebook had a reach of 837 with six (6) link clicks, while X (formerly Twitter) resulted in 44 impressions. Questions received from the public ranged from

inquiries on how it would affect their property or taxes and where they could get further information.

A virtual Public Information Centre occurred on April 16, 2024, with KCCA staff and representatives from Aquafor Beech in attendance to deliver a presentation and answer questions. Questions asked included clarification on how the mapping would affect their property. One person identified concerns with development outside of the regulated area. The PIC was recorded and posted to the Watershed Connections webpage for the public to view at any time.

Staff are not recommending any changes to the circulated reports of the Hydraulic and Hydrological Modelling and associated mapping as a result of the PIC. Once approved the reports and associated mapping will be relied upon by staff to inform decisions on planning and development applications and the associated updates will be made to KCCA's Regulation Limit mapping.

Recommendation:

That the staff report on the Dodd Creek Enhanced Riverine Floodplain Mapping be received; and further,

That the Dodd Creek Enhanced Riverine Floodplain Mapping Hydraulic Modelling (February 23, 2024) and the Enhanced Riverine Floodplain Mapping within the Dodd Creek Subwatershed Hydrological Modelling Report (February 21, 2024) be approved.

TO: Board of Directors
FROM: Joe Gordon
Date: May 15, 2024
Subject: KCCA Regulation Limit Mapping Update



Recommendation: That an upset limit of \$12,000 be approved from cost savings within the 2024 Budget for the development of a GIS model to assist with required Regulation Limit Mapping updates.

PURPOSE:

To seek direction and approval from the Board of Directors on Regulation Limit Mapping Updates resulting from changes to the *Conservation Authorities Act* and the new Ontario Regulation 41/24.

SUMMARY:

- KCCA’s Regulation Limit mapping requires updates resulting from changes of Ontario Regulation 41/24 which came into effect on April 1, 2024.
- This presents an opportunity to undertake a comprehensive review and update of KCCAs regulation mapping.
- Areas affected by the regulation can be mapped using GIS methodology or automation relying upon the most up to date topographic mapping and Conservation Ontario associated guidelines.
- Staff is recommending allocation of an upset limit of \$12,000 to retain the services of a GIS professional to development the model to automate updates to Regulation Limit mapping and satisfy requirements of the new regulation.
- There is no budget impact; staff are able to make adjustments in the 2024 budget to accommodate the expense thanks to unexpected funding in the GIS department.

BACKGROUND:

As a result of recent changes to the *Conservation Authorities Act* and enactment of a new section 28 Regulation (ie. Ontario Regulation 41/24), KCCA is required to make amendments to its Regulation Limit mapping.

Specifically, mapping updates are required as a result of a change to the definition of a “watercourse” and a reduction in regulatory jurisdiction around wetlands.

In addition, O. Reg. 41/24 prescribes new requirements for maps of regulated areas to generally require the Authority to:

1. develop maps depicting the area of jurisdiction and make them available to the public;
 2. review mapping annually and update as necessary;
 3. ensure that stakeholders, municipalities and the public are notified when updates are made;
- and

4. promptly update maps where significant changes are required.

Staff are recommending that the Authority use this opportunity to undertake a comprehensive review and update of its Regulation Limit mapping. The current regulation mapping was originally developed in 2005 as part of the Generic Regulation implementation. Minor updates have occurred since 2005 solely to reflect designation of new wetlands and adjustments of hazardous lands through approved technical studies.

Conservation Authority Regulation Limit mapping includes the following areas that are further described within section 2 of O.Reg.41/24:

- River or Stream Valleys,
- Shorelines of Great Lakes St. Lawrence River System and Large Inland Lakes,
- Hazardous Lands,
- Watercourses,
- Wetlands,
- Other Areas (ie. 30m from wetlands and prescribed allowances from areas described above)

In addition, Conservation Ontario developed “Guidelines for Developing Schedules of Regulated Areas (October 2005)” and “Procedures for Updating Section 28 Mapping (April 2008)” that will assist with the methodology and terms of mapping areas affected by the regulation.

Based on a review of existing KCCA mapping, staff have identified a need to update: 1) confined and unconfined river or stream valleys where there are stable and unstable slopes, 2) watercourses based on the new definition, and 3) other areas (ie. prescribed distances or allowances from the hazard feature (ie. 30m from wetlands)).

Staff are confident that KCCA’s current mapping for the Great Lakes Shorelines and flooding hazards are up-to-date and accurate based on professional technical studies that were completed within the last five years. In addition, wetlands for the Kettle Creek watershed have been mapped and updated annually based on MNRF’s provincially significant wetland database and through preparation of KCCA’s annual report card.

Staff consulted with a GIS professional who has confirmed that a GIS model can be developed to create methodology or automation to map river or stream valleys and watercourses relying upon the most up to date LiDARR topographic base mapping. In addition, the automation model will also apply the prescribed allowances to all areas and create the combined regulated area.

Once developed, the GIS model can be used by staff in the future to update regulated area mapping as new base data or hazard designations are available or updated. This will assist with KCCA’s requirement of O.Reg.41/24 to review and update regulated mapping annually.

The following main deliverables could be achieved with an upset budget limit of \$12,000:

1. Individual regulated sub-areas for valley slopes, watercourses and hazard lands.
2. A combined regulated area that includes all sub-areas.
3. A methodology or automation to run quality assurances and checks on the regulation area.
4. A detailed report.

There is no budget impact to this projected expense. staff are able to make adjustments in the 2024 budget to accommodate the expense thanks to unexpected funding in the GIS department.

Recommendation: That an upset limit of \$12,000 be approved from cost savings within the 2024 Budget for the development of a GIS model to assist with required Regulation Limit Mapping updates.

TO: Board of Directors
 FROM: Joe Gordon
 Date: May 15, 2024
 Subject: May 2024 Planning and Regulations Activity Report



RECOMMENDATION:

That the May 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 April 13 to May 9, 2024.

Plan Input and Review:

KCCA #	File No.	Municipality	Application Type	Support	Conditions
2411	349 George Street	Central Elgin	Official Plan Amendment	No	See attached KCCA letter

Section 28 Permit(s):

Permit No.	Address	Municipality	Description
P24-017	279 Hill Street	Central Elgin	Construction of a 27-unit Townhome Condominium previously approved under the Planning Act where natural hazard policies were addressed. Development within the regulated area includes construction of Townhome dwellings (Units 1 & 21-27) including driveway access and storm sewer outlet supported by civil, structural and geotechnical engineering.
P24-018	St. George Street Reconstruction	Central Elgin	Revisions to the County of Elgin’s original application under P22-041 and an extension to the term of the prior permit is required due to delays in commencement of the project. Based on staff advice, the County has resubmitted under O.Reg41/24 for reconstruction of St. George Street between

			Wellington Road and CN Rail Line. The project includes new stormwater controls and municipal drain outlets supported by civil and geotechnical engineering.
P24-019	Highbury Av Road Widening	St.Thomas	Reconstruction and widening of Highbury Avenue from Centennial Ave, South Edgeware Road to Ron McNeil Line. Construction includes stormwater outlet conveyance for the Yarmouth Yards Industrial Park development along a portion of the Highbury Avenue east ditch from Dennis Road to the north culvert south of Ron McNeil Line.
P24-020	Hydro One Works	London	CO/HONI Agreement, Standard Compliance Requirement: F – Maintenance of existing access routes and G – Installation and removal of temporary access route.
P24-021	Bell – Salt Creek Crossing	Central Elgin	Placement of two new hydro poles with attached bell cable and strands crossing Salt Creek.
P24-022	Enbridge Gas Testing – Lyle Road	Southwold	Excavation and testing of existing pipelines within the vicinity of Dodds Creek along Lyle Road, Southwold Township.

April 12, 2024

Attn: Kevin McClure

Planner

City of St. Thomas

Planning and Building Services Department

Central Elgin Planning Office

9 Mondamin Street

St. Thomas, ON N5P 2T9

**RE: Proposed Official Plan Amendment
349 George Street, Port Stanley, Municipality of Central Elgin**

Dear Kevin McClure,

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. Specifically, KCCA relied upon its delegated responsibility to represent 'provincial interest' on matters relating to natural hazard policies of the *Provincial Policy Statement* (PPS) and its regulatory authority under Section 28 of the *Conservation Authorities Act*.

KCCA staff have reviewed and considered the following associated technical studies circulated in support of the application with regards to KCCA's mandate and policies:

- Planning Justification Report (Urban in Mind, February 7, 2023)
- Slope Stability – REV 2 (egmond Associates Ltd, January 24, 2024)
- Topographical Survey (Callon Dietz, September 10, 209)

We offer the following comments:

Proposal:

We understand the applicant is proposing to sever the existing property at 349 George Street to create two severed lots and one retained lot, and that an Official Plan amendment is required to facilitate a subsequent consent application.

Property Description (Natural Hazards):

The subject property contains a hill that slopes down in all directions. The northern slope is associated with a remnant river or stream valley that may be subject to erosion hazards. A watercourse known locally as the George Street Municipal Drain is located immediately at the toe of the northern slope which provides a storm water outlet for neighboring developments to the west.

Existing residential development is setback from the slope to the west and east, and the George Street municipal roadway is located at the toe of the southern slope. The southern slope also appears to have a cut mid-slope with a plateau where two dwellings are proposed to be constructed with driveway access as part of this application.

The subject property is also located within the bottom lands of a greater river or stream valley of Kettle Creek but is not affected by flooding hazards.

Conservation Authorities Act:

Please be advised that the entire subject property is affected by regulations enacted under section 28 of the *Conservation Authorities Act* whereby development and alteration 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* replaced 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 Natural Hazard policies which are applicable to the proposed development include:

- 3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of: b) 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.

6.0 Definitions

Development: means a creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act,

Erosion Hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Technical Guide: River & Stream Systems: Erosion Hazard Limit (OMNR)

Erosion Hazards (pg35)

By definition, the erosion hazard limit, depending on the type of river and stream system involved, should be based on the combined influence of:

- Toe erosion allowance
- Stable slope allowance
- Flooding hazard limit or meander belt allowance
- Erosion access allowance.

Central Elgin Official Plan (3.2 Natural Hazards):

A portion of the subject property contains a natural hazard land use overlay as shown on Schedule “G” of the Central Elgin Official Plan (adopted by Council August 18 2022)

The following natural hazard policies of the Central Elgin Official Plan were considered by KCCA:

3.2.1 e) Where development and/or site alteration is proposed on lands adjacent to the Natural Hazard designation, the site-specific limits of the natural hazard(s) shall be determined through relevant studies prepared by a qualified professional with recognized expertise in the appropriate principles using accepted methodologies to the satisfaction of the Municipality and the conservation authority having jurisdiction in the area. Those limits shall be interpreted as the correct limits of the Natural Hazard designation and include potential risks that may be associated with the impacts of a changing climate. Such interpretation shall not require amendment to this Plan.

3.2.2 ... The Erosion Hazard Limit is determined using the 100-year erosion rate (the annual rate of recession extended over a hundred-year time span), an allowance for slope stability and an erosion access allowance to be no less than 6 metres,

3.2.2 b) Where new development and/or site alteration is proposed within 30 metres of a Natural Hazard designation shown on the land use schedules: 1. The proponent shall complete a geotechnical analysis to determine the Erosion Hazard Limit. The analysis is to be prepared by a qualified professional having recognized expertise in the appropriate principles using accepted methodologies and approved by the Municipality and the Conservation Authority. 2. The Erosion Hazard Limit shall be interpreted as the correct limits of the Natural Hazard designation and such interpretation shall not require amendment to this Plan.

3.2.2 f) The Municipality does not permit the use of stabilization works as a means to adjust the Erosion Hazard Limit for the purposes of increasing the potential development envelope or permitting new development and/or site alteration within the Erosion Hazard Limit.

Conclusion(s):

In general, it appears that the technical studies submitted in support of the application to address natural hazard policies assessed the feasibility of construction upon the slope of the property rather than address the provincial and local requirements to determine the site-specific limits of the hazard and demonstrate that development has been directed away from hazardous lands.

At this stage in the planning process the question is not whether a qualified professional can certify that construction can safely occur. The planning policy requirement is to determine the limit of the hazard and demonstrate that the lot creation is not located within hazardous lands.

We offer the following comments in support of the above conclusion:

1. The proposed development activities resulting from the OP amendment and subsequent consent application is prohibited unless a permit can be obtained from KCCA under applicable regulations of the *Conservation Authorities Act*. Based on the current submissions, KCCA staff are not satisfied that a subsequent permit could be issued by KCCA for the proposed development as specific requirements to consider the application have yet to be satisfied as further discussed below.
2. Natural hazard policies of the PPS require development, which includes lot creation, to be located away from hazardous lands. Under the applicable PPS policies, KCCA does not support lot creation (ie. development) that encroaches into limits of erosion hazards. Thereby requiring the limits of the proposed lot creations to be entirely located outside of an erosion hazard limit. The technical submissions in support of the application have not demonstrated where the erosion hazard limit lies within the subject property to determine if the application is consistent with PPS natural hazard policies.
3. Consistent with the PPS, natural hazard policies of the Central Elgin OP and KCCA require that site-specific hazards including an erosion hazard limit be determined for proposed development within vicinity of a natural hazard designation or land use overlay.

The conclusions of the EAL slope stability report states that the slopes are stable and that they support the construction of houses upon the property (ie. slopes) rather than determining the erosion hazard limit and confirming that all development is directed away from the associated hazard limit.

4. The EAL slope stability report does not recognize the presence of a watercourse at the toe of the northern slope of the property. Recognizing that the northern slope appears to be part of a remnant river or stream valley, an erosion hazard limit considering allowances for toe erosion, stable slope and erosion access must be considered when determining the erosion hazard limit consistent with the applicable guidance developed by the Province. (ie. *Technical Guide: River & Stream Systems: Erosion Hazard Limit*).
5. The EAL report further recommends that cutbacks and/or engineered retaining wall will be required for Lots 2 and 3. In addition, the report confirms that Lot 3 intrudes on the slope and that the south-east corner should be graded with a shallower slope to maintain stability and/or retaining walls be constructed on the lower slope.

Relying upon the construction of engineered retaining walls or significant grading works to maintain slope stability to increase the potential developable area is not consistent with the Central Elgin OP policies. The Central Elgin OP and KCCA do not permit the use of stabilization works as a means to adjust the Erosion Hazard Limit for increased development purposes.

6. The Planning Justification Report submitted in support of the application fails to recognize or address any applicable natural hazard policies of the PPS, Central Elgin OP or Conservation Authority regulations to justify its conclusions that the proposed applications are consistent with the PPS and conforms to Central Elgin OP policies.

As a result of the above comments, staff of KCCA can not support the subject Official Plan amendment or subsequent consent applications as the requirements of applicable natural hazard policies and regulations have not yet been met to inform a decision on the merits of the application.

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



Joseph (Joe) Gordon
Manager of Planning and Development

cc. *Paul Clarke (County of Elgin)*
Steve Craig (CEPO)