

 Corporate Services Department Legislative Services Division	
Date & Time Received:	April 02, 2024 10:07 am
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	



March 28, 2024

SEE DISTRIBUTION LIST

RE: CONSERVATION AUTHORITIES ACT REGULATED AREA MAPPING

Toronto and Region Conservation Authority's (TRCA) Board of Directors is pleased to have endorsed the [Conservation Authorities Act Regulated Area Mapping](#), at its meeting on March 22, 2024, adopting Resolution A#39/24 as follows:

WHEREAS in 2019, TRCA staff undertook the first jurisdiction-wide update to TRCA's Section 28 Regulation mapping update since 2006 in consultation with member municipalities, the public, and the building industry;

AND WHEREAS at TRCA Board of Directors Meeting #6/19, held on Friday, June 21, 2019, Resolution #A116/19 was approved, stating that staff continue to make updates to the Regulation mapping on an annual basis;

AND WHEREAS staff have now updated the regulated area mapping to reflect the most currently available information as well as the technical requirements of Ontario Regulation 41/24 that will come into effect on April 1, 2024;

THEREFORE, LET IT BE RESOLVED THAT the 2023 updates to the regulation mapping be endorsed by the TRCA Board of Directors for internal use, for municipal staff screening purposes, and for public viewing on TRCA's website;

AND FURTHER THAT the Clerk and Manager, Policy so advise the Ministry of Natural Resources and Forestry, TRCA municipal partners, Conservation Ontario and the TRCA-BILD Working Group.

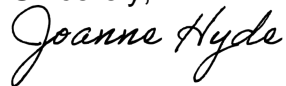
TRCA's Section 28 Regulation mapping annual update is based upon the most current information available related to regulated natural hazards and natural features and follows the guidance provided by Conservation Ontario for regulation mapping updates.

The implementation of the updated mapping will not result in any changes to the day-to-day functions and procedures for TRCA's roles and does not undermine the decisions made through the development review process and applications in progress do not

have to “re-start” the process based on being inside an area affected by the mapping updates.

If you have any questions or require additional information, please contact Mary-Ann Burns, Senior Manager, Planning Policy and Regulation at MaryAnn.Burns@trca.ca or (437) 880-2299.

Sincerely,



Joanne Hyde
Clerk and Manager, Policy

cc. John MacKenzie, Chief Executive Officer, TRCA
Laurie Nelson, Director, Policy Planning, TRCA
Mary-Ann Burns, Senior Manager, Planning Policy and Regulation, TRCA
Jennifer Keyes, MNRF, ca.office@ontario.ca
Angela Coleman, Conservation Ontario, acoleman@conservationontario.ca
Victoria Mortelliti, TRCA-BILD Working Group vmortelliti@bildgta.ca
City of Toronto, clerk@toronto.ca
Regional Municipality of Durham, clerks@durham.ca
Town of Ajax, clerks@ajax.ca
City of Pickering, clerks@pickering.ca
Township of Uxbridge, cleroux@town.uxbridge.on.ca
Regional Municipality of Peel, regional.clerk@peelregion.ca
City of Brampton, cityclerksoffice@brampton.ca
City of Mississauga, city.clerk@mississauga.ca
Town of Caledon, legislative.services@caledon.ca
Regional Municipality of York, regionalclerk@york.ca
City of Markham, customerservice@markham.ca
City of Richmond Hill, clerks@richmondhill.ca
City of Vaughan, clerks@vaughan.ca
Town of Aurora, clerks@aurora.ca
Township of King, clerks@king.ca
Town of Stouffville, clerks@townofws.ca
Township of Adjala-Tosorontio, Clerk@adjtos.ca
Town of Mono, ClerksOffice@townofmono.com

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, March 22, 2024 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: **CONSERVATION AUTHORITIES ACT REGULATED AREA
MAPPING**
Annual Update

KEY ISSUE

Seeking Board of Directors' endorsement of the annual update to Toronto and Region Conservation Authority's (TRCA) regulated area mapping based upon the most current information available related to regulated natural hazards and natural features.

RECOMMENDATION:

WHEREAS in 2019, TRCA staff undertook the first jurisdiction-wide update to TRCA's Section 28 Regulation mapping update since 2006 in consultation with member municipalities, the public, and the building industry;

AND WHEREAS at TRCA Board of Directors Meeting #6/19, held on Friday, June 21, 2019, Resolution #A116/19 was approved, stating that staff continue to make updates to the Regulation mapping on an annual basis;

AND WHEREAS staff have now updated the regulated area mapping to reflect the most currently available information as well as the technical requirements of Ontario Regulation 41/24 that will come into effect on April 1, 2024;

THEREFORE, LET IT BE RESOLVED THAT the 2023 updates to the regulation mapping be endorsed by the TRCA Board of Directors for internal use, for municipal staff screening purposes, and for public viewing on TRCA's website;

AND FURTHER THAT the Clerk and Manager of Policy so advise the Ministry of Natural Resources and Forestry, TRCA municipal partners, Conservation Ontario and the TRCA-BILD Working Group.

BACKGROUND

TRCA has a regulatory permitting responsibility to protect people, the environment and property from natural hazards associated with flooding, erosion, and slope instability, and to conserve valley lands, wetlands, watercourses and the shoreline of Lake Ontario. Pursuant to Section 28 of the Conservation Authorities Act, TRCA administers a "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation", (the Regulation), approved by the Minister of Natural Resources and Forestry and known as Ontario Regulation 166/06, as amended. Key objectives of the Regulation include preventing or reducing the risk to life and property; minimizing negative impacts on natural features, functions, and systems; and preventing the creation of new hazards or aggravation of existing hazards.

Item 8.3

The Regulation enables TRCA to prohibit or regulate development in areas of land associated with natural hazards, wetlands, and watercourses, collectively known as TRCA's Regulated Area.

In the Conservation Authorities Act, "development" is defined as:

- Construction, reconstruction, erection or placing of a building or structure of any kind;
- Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- Site grading; or
- Temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

The Regulation also prohibits, in the absence of a permit from TRCA, alteration of the channel of a watercourse and interference with a wetland.

The areas of land where TRCA's Regulation applies are:

- **River and stream valleys**, including valleys with stable and unstable slopes, plus an allowance of 15 metres surrounding the valley;
- **Floodplains and areas subject to stream-related erosion** (meander belts) where valleys are not clearly defined on the landscape, plus an allowance of 15 metres surrounding these areas;
- **Lake Ontario Shoreline**, including associated flooding, erosion, slope instability and dynamic beach erosion hazards, plus an allowance of 15 metres inland from these areas;
- **Watercourses**;
- **Wetlands and areas surrounding wetlands**, where development could interfere with the hydrologic function of a wetland (areas of interference). This includes 120 metres surrounding Provincially Significant Wetlands, wetlands on the Oak Ridges Moraine and 30 metres surrounding all other wetlands. (It should be noted that in 2019, TRCA implemented a permit streamlining measure to reduce the extent of the area of interference from 120 metres to 30 metres for mapped wetlands within the Province's Greater Golden Horseshoe Built Boundary, as updated by TRCA staff to include built urban areas since 2006.); and
- **Hazardous lands**, which are lands that could be unsafe for development due to flooding, erosion, dynamic beaches or unstable soil or bedrock.

Each of these natural hazards and environmental features and the associated regulated areas are described in law through the text of the Regulation. However, given the specific geographic areas to which the Regulation applies, and the need to represent these areas visually, the Regulation also provides for the creation of regulation mapping. This mapping can be updated by TRCA as new information becomes available.

Item 8.3

At TRCA's Board of Directors Meeting #6/19, held on Friday, June 21, 2019, Resolution #A116/19 was approved as follows:

THAT staff continue to make updates to the Regulation mapping on an annual basis;

TRCA staff have now completed the 2023 annual update to the Regulation mapping in consultation with TRCA development, infrastructure, enforcement, and technical review staff.

Regulation Mapping to Support New Permit Regulation Effective April 1, 2024

On April 1, 2024, amendments to the [Conservation Authorities Act](#) governing the permitting process will be proclaimed including a new section, "Part VI – Regulation of Areas Under Which Authorities Have Jurisdiction". A new Minister's regulation for all conservation authorities (CAs) was approved on February 16, 2024, [Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits](#), and will also come into effect on April 1, 2024. This new, single regulation will replace all existing individual CA permit regulations including TRCA's Ontario Regulation 166/06.

TRCA's annual regulation mapping update was scheduled for the March Board of Directors meeting, prior to the release on the new regulation. Under section 2(3) of Ontario Regulation 41/24, the distance CAs now regulate around all wetlands is 30 metres. To align with the new regulation coming into effect on April 1, 2024, TRCA's 2023 regulation mapping update has incorporated this change resulting in a reduction in the 120-metre regulated area around Provincially Significant Wetlands and all wetlands on the Oak Ridges Moraine as set out in TRCA's Ontario Regulation 166/06. As noted in the background section of this report, since 2019 TRCA has implemented a permit streamlining measure and applied a 30-metre distance to all wetlands within the urban built boundary. Therefore, the impact of this change to the regulation mapping will be a reduction of the regulated area around all wetlands outside the urban built boundary.

The definition of a watercourse was updated in O. Reg. 41/24 to "a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs". TRCA will apply this definition through the normal screening process and site investigation, where applicable, at the time of a permit application.

Section 4 of O. Reg. 41/24 sets out requirements for the development of maps of regulated areas (e.g., posted on authority's website, annual reviews, etc.). These requirements are generally consistent with TRCA's current practices for maintaining and annual updating our regulation mapping since 2019.

Under Section 4(5) of O. Reg. 41/24, in the case of a conflict between the description of the areas where a permit is required in the CA Act and regulation and the depiction of those areas on the mapping, the description in the CA Act and regulation prevail over the maps, i.e., the text in the CA Act and regulation prevail over the regulation mapping. This approach is consistent with TRCA's existing regulation and mapping.

RATIONALE

Regulation Mapping: What it is and how it works

The regulation mapping is a tool that conceptually shows the area of land within TRCA's jurisdiction that is subject to the Regulation. The Regulation limit boundary is based on the best technical information available to TRCA at the time of the preparation of the map. The mapping represents spatial information for each of the regulated features and areas, which is integrated to form one conceptual boundary of the Regulation limit. TRCA's Reference Manual – Determination of Regulation Limits provides the standards and criteria used for the mapping of these features and areas. This document will be updated to reflect the requirements of O. Reg. 41/42.

Technical analysis that supports the mapping includes flood plain studies, provincial wetland mapping, ecological land classification mapping, digital elevation models, aerial photography, watercourse meander belt analysis, watercourse location mapping and Lake Ontario shoreline hazard assessment studies. Site-specific investigations and studies are required to precisely define the location of hazards and features and the legal extent of the Regulation, which typically occurs through consultation between landowners and TRCA staff during the review of a development application or proposal.

The mapping is not a "statutory map", which means that the mapping does not have the force of law. The actual regulatory requirements are found within the provisions of the CA Act and O. Reg. 41/24. The mapping is best considered as a screening tool for TRCA, municipalities and the public that indicates where the Regulation likely applies, thereby assisting with implementation of TRCA's regulatory permitting responsibilities. This contrasts with a more rigid boundary such as a schedule of a municipal zoning by-law.

The Regulated Area

Development activities and activities to straighten, change, divert or interfere in any way with the existing channel of a river and creek, stream or watercourse or to change or interfere in any way with a wetland are prohibited from commencing within a regulated area prior to obtaining a permit from TRCA. The regulated area indicates where development and interference activities need to consider potential constraints from natural hazards or features. TRCA may issue a permit if the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; and the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health and safety of persons or result in the damage or destruction of property.

In addition to facilitating TRCA's permitting responsibilities, the mapping is also used to inform:

- Solicitor/Realtor Property Inquiries to TRCA;
- TRCA's review of applications under the Planning Act and Environmental Assessment Act in accordance with the Conservation Authorities Act and associated regulations and [Ontario Regulation 686/21: Mandatory Programs and Services Regulation](#);

Item 8.3

- Official Plan Reviews and Comprehensive Zoning By-law updates, including natural hazard and natural system mapping; and
- TRCA's delivery of mandatory programs and services related to the risk of natural hazards.

Updated Regulation Mapping Protocol

TRCA has the ability to update the mapping as new information becomes available. Updates to the Regulation mapping improve its accuracy with respect to what is likely regulated by TRCA, thereby enhancing certainty for landowners considering or proposing development. This also assists both TRCA and municipal staff conducting development and infrastructure reviews. The last jurisdiction-wide update was completed in 2022.

The current 2023 annual update to the existing regulation mapping has been undertaken to reflect new technical information on current aerial photography. In 2019, staff committed to establishing a protocol for conducting and tracking future incremental mapping updates in a consistent and timely manner, and to report to the Board in the case of an update that involves substantial changes.

Coordination between the internal Policy Planning and Business and Data Analytics (BIDA) teams resulted in a codified workflow and protocols describing project scope, timeline, and staff roles. Staff established an internal consultation process involving an open call for update requests from development and infrastructure plan review staff, enforcement staff, and technical staff (engineers and ecologists), use of an internal online mapping platform for tracking and enabling staff review of proposed updates, and working sessions conducted with plan review and technical staff to review specific update requests. The product of this effort is updated draft Regulation mapping. There is no legal requirement for municipal council approval of the updated mapping.

Regulation Mapping Update Results

Changes to the mapping include:

- Revised limits associated with new and updated wetland mapping by Ministry of Natural Resources and Forestry and TRCA;
- Adjustments to flood hazard limits as a result of updated floodplain mapping;
- Changes to features and hazards resulting from as-built development approved by TRCA (e.g., watercourse channel realignments);
- General refinement of regulated features resulting from detailed site examination and field verification of properties through the development and infrastructure review processes (e.g., top of bank staking) and/or site visits; and
- Revised limits of the regulated area surrounding all wetlands to 30 metres.

Tracking, Notification, and Future Updates

Once endorsed, staff will send a communication and distribute the updated mapping to TRCA municipalities for their use effective April 1, 2024. TRCA will also notify the Ministry of Natural Resources and Forestry, Conservation Ontario, neighbouring conservation authorities and stakeholders including the TRCA-BILD Working Group, about the update. In addition, the publicly available "Regulated Area Search" page on

Item 8.3

TRCA's website will be updated to include the new mapping. Changes to the regulation mapping are tracked in TRCA's Geographic Information System (GIS) databases and will be recorded on each of TRCA's 132 regulated area maps that span the jurisdiction.

Regularly updated mapping of regulated areas will continue to ensure that TRCA staff, municipalities, stakeholders, and the public have the most accurate and current information to inform decision-making. It also contributes to TRCA's service delivery, for example in pre-consultation meetings and walk-in counter service, and enhances coordination between TRCA and municipal staff. TRCA staff will ensure that the process for future updates to the maps of regulated areas is consistent with the requirements of O. Reg. 41/24.

Relationship to TRCA's 2023-2034 Strategic Plan

This report supports the following Pillars and Outcomes set forth in TRCA's 2023-2034 Strategic Plan:

Pillar 1 Environmental Protection and Hazard Management:

- 1.1 Deliver provincially mandated services pertaining to flood and erosion hazards

Pillar 1 Environmental Protection and Hazard Management:

- 1.4 Balance development and growth to protect the natural environment ensuring safe sustainable development

Pillar 2 Knowledge Economy:

- 2.4 Integrate environmental considerations and science into decision making

FINANCIAL DETAILS

Funding to support policy and planning input and GIS services for the mapping products was provided by capital funding from TRCA's participating municipalities in account 120-12.

DETAILS OF WORK TO BE DONE

Following Board endorsement, TRCA staff will:

- Update the Regulated Area Search tool on TRCA's website with the final updated regulated area mapping and place notification on website to be effective April 1, 2024;
- Distribute the final updated regulated area mapping to municipal planning and building departments, along with a communication about the changes related to Ontario Regulation 41/24;
- Provide training to municipal staff on the regulation mapping or the regulation upon request;
- Continue to provide regulation mapping criteria data layers to municipalities upon request for informing comprehensive planning document reviews (e.g., official plan or zoning by-law updates);
- Inform the TRCA-BILD Working Group and provide training upon request; and
- Continue to monitor the mapping for future changes that will be compiled and

Item 8.3

processed on an annual basis in accordance with the requirements of Ontario Regulation 41/24.

Report prepared by: Mary-Ann Burns, Senior Manager, Planning Policy and Regulation; Laurie Nelson, Director, Policy Planning

Email: maryann.burns@trca.ca; laurie.nelson@trca.ca

For Information contact: Mary-Ann Burns, (437) 880-2299

Email: maryann.burns@trca.ca

Date: March 14, 2024