

Staff Report

Presented By: Candace Hamm, Development Services Officer

Meeting Date: February 18, 2025

Subject: Comments on the Saugeen Valley Conservation Authority Policies Manual

Attachment(s): Town of Saugeen Shores Stakeholder Feedback
Draft SVCA EPR Policies Manual

Recommendation

That Council endorse the comments in this report and the attached Stakeholder Feedback form and forward them to the Saugeen Valley Conservation Authority (SVCA) for inclusion in the consultation.

Report Summary

Saugeen Valley Conservation Authority (SVCA) has proposed an update to the SVCA Environmental Planning and Regulations Policies Manual. This report outlines comments to be forwarded to the SVCA for consideration before a final manual is brought to the SVCA Board of Directors for approval.

Background/Analysis

The SVCA has proposed an updated Environment Planning and Regulations (EPR) Policies Manual and is reviewing feedback before the draft is brought to the SVCA Board of Directors for approval. The SVCA describes the Policies Manual as a cornerstone document outlining the SVCA's approach to environmental planning and regulatory responsibilities and serves as a critical guide for SVCA staff when providing comments on natural hazards under the Planning Act and reviewing permit applications.

The updated EPR Policies Manual is intended to reflect changes in legislation and to comply with the Conservation Authorities Act (CA Act), Ontario Regulation 686/21 (Mandatory Programs and Services), Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits), and the Provincial Planning Statement (PPS, 2024).

In review of the proposed draft EPR Policies Manual, topics that are of key interest to the Town have been outlined in this report and further examined as they relate to or affect the local context of Saugeen Shores, an analysis of the impact on the Town, and a recommendation.

1. Planning Act Priority and Prior Planning Approvals

Draft EPR Policies Manual

Section 1. Introduction (1.3 Legislative Authority / 1.3.5 Key Principles)

Section 3. Planning Advisory Services (3.4.8 Right to Appeal by SVCA)

The draft EPR Policies Manual indicates that the ‘principle of development’ is preferred to be established through the Planning Act, noting that Planning Act approvals are to be secured first; and SVCA permit approvals second. The draft also indicates that when there are historical planning approval decisions made in the absence of current technical information which could preclude development under the CA Act, the SVCA will work diligently with the applicant and the municipality to resolve the issue. Similar policies have been drafted in the Right to Appeal by SVCA section of the draft EPR Policies Manual, indicating that wherever possible, if an issue remains unresolved, SVCA will work with the proponent and the municipality to pursue a resolution when considering the appeal of a planning decision that relates to a natural hazard.

For planning related matters, the [Memorandum of Agreement \(MOA\) for Planning Services between Bruce County, SVCA, GSCA and MVCA](#) includes a Dispute Resolution Procedure (Appendix D) for cases when the County’s Planning staff and Conservation Authority staff disagree on a recommended action.

Analysis

The Planning Act Priority and Prior Planning Approval wording included in the draft EPR Policies Manual have been carried forward from the current policies manual.

The Memorandum of Agreement for Planning Services between Bruce County, SVCA, GSCA and MVCA Dispute Resolution Procedure is not referenced in the draft EPR Policies Manual.

Saugeen Shores Context

The continuation of the Planning Act Priority and Prior Planning Approval policies in the updated EPR Policies Manual are appropriate to ensure that development proposals in the Town are reviewed in a consistent manner that accounts for historical planning approvals. This is particularly critical for the areas of Southampton where updated Flood Hazard Mapping was produced. The new mapping is precluding development; and we look forward to the SVCA working diligently with the Town and the impacted developers to resolve the issue.

Bruce County provides planning services to the Town of Saugeen Shores, and the Town is supportive of the efforts taken by the County to negotiate and enter into a MOA with the local Conservation Authorities that outlines a procedure for dispute resolution.

Recommendation 1

The Town is supportive of the draft EPR Policies as it relates to Planning Act Priority and Prior Planning Approvals.

Recommendation 2

That the EPR Policies Manual refer to the Dispute Resolution Procedure in the Memorandum of Agreement for Planning Services between Bruce County, SVCA, GSCA and MVCA.

2. Vision, Goals & Principles and Provincial Standards

Draft EPR Policies Manual

Section 2. Approach to Natural Hazard Management (2.4 Vision, Goals & Principles)

Section 3. Planning Advisory Services (3.7.1.2 Provincial Standards)

The draft EPR Policies Manual indicates the SVCA will focus on mandatory programs and services for natural hazard planning and deliver on legislated responsibilities, providing clear direction to watershed municipalities to distinguish between recommendations and requirements. Section 3.7.1.2 Provincial Standards states that the SVCA will make recommendations consistent with established provincial policy, standards and guidelines when determining the extent of hazardous lands and sites, and when assessing impacts of development and site alterations on the hazards.

Analysis

The Vision, Goals & Principles related to Natural Hazard Management included in the draft EPR Policies Manual have been carried forward from the current policies manual with some minor changes.

Saugeen Shores Context

The continuation of these policies in the updated EPR Policies Manual is appropriate to ensure natural hazards in the Town are managed in a consistent manner in accordance with Provincial standards, and that the Town is provided with clear direction to distinguish between recommendations and requirements. This is particularly critical as the Town continues to explore the implementation of a Two-Zone Floodplain Management Concept for the areas of Southampton impacted by the updated Flood Hazard Mapping.

Recommendation 3

The Town is supportive of the draft EPR Policies as they related to the SVCA approach to natural hazard management and provincial standards, apart from the policies related to Climate Change, which is discussed in more detail below.

3. Request for Review

Draft EPR Policies Manual

Appendix C: Administrative Review Policies

Appendix C of the draft EPR Policies Manual outlines the SVCA Administrative Review Policies when receiving, evaluating and making a decision related to a request for review under Section 8 of Ontario Regulation 41/24.

Analysis

When reviewing the SVCA's Administrative Review Policies, a number of discrepancies between the draft policies and Ontario Regulation 41/24 were noted, as summarized in the table below:

Ontario Regulation 41/24	Draft EPR Policies Manual	Town Comments
<p>Request for review</p> <p>8. (1) An applicant may request a review by the authority if,</p> <p>(a) the applicant has not received a notice from the authority within 21 days in accordance with subsection 7 (2);</p> <p>(b) the applicant disagrees with the authority's determination that the application for a permit is incomplete; or</p> <p>(c) the applicant is of the view that a request by the authority for other information, studies or plans under clause 7 (1) (i) is not reasonable.</p> <p>(2) A review requested by an applicant under subsection (1) shall be completed by the authority no later than 30 days after it is requested and the authority shall, as the case may be,</p> <p>(a) confirm that the application meets the requirements of subsection 7 (1) and is complete or provide reasons why the application is incomplete; or</p> <p>(b) provide reasons why a request for other information, studies or plans under clause 7 (1) (i) is reasonable or withdraw the request for all or some of the information, studies or plans.</p>	<p>4. Eligibility</p> <p>Administrative reviews undertaken by the Authority (<i>or its delegate</i>) shall be conducted under the following circumstances: ...</p>	<p>The SVCA is seeking to delegate, or has already delegated, administrative review powers to the General Manager / Secretary-Treasurer.</p> <p>The ability to request a review lies with the applicant. The drafted wording suggests that the SVCA initiates the process.</p>
	<p>5. Timeline for Review</p> <p>Administrative reviews are completed within 30 days of receipt of a requested review. However, there may be extenuating circumstances where it is not possible to complete the administrative review within 30 days. In these cases, the Authority (or its delegate) will provide notice to the applicant of any anticipated delays and obtain written approval of the applicant to extend the timeline, if feasible.</p>	<p>The policies have been drafted to allow the SVCA to circumvent the 30-day timeline for review specified in the Regulation.</p>
	<p>9. Evaluation Criteria</p> <p>The Authority (<i>or delegate</i>) shall evaluate the request for administrative review in accordance with the following standards:</p> <p>4. That the applicant has submitted all components of a complete application required by SVCA staff.</p>	<p>An applicant disagreeing with the authority's determination that the application for a permit is incomplete can be the basis for the request for review. Evaluating whether the applicant has submitted all components of a complete application required by SVCA staff circumvents the process.</p>

	<p>11. Notice and Communication</p> <p>The Authority (or delegate) shall provide the following correspondence in writing to the applicant:</p> <ol style="list-style-type: none"> 1. Within 1-2 business days, upon receipt of a “Request for Review” form, confirm the receipt of the request, set out the start and end dates of the administrative review period (requests for administrative review shall be completed within 30 days upon receipt of the request, unless an extension is approved by the applicant); 	<p>Same comments as above. The policies have been drafted to allow the SVCA to circumvent the 30-day timeline for review specified in the Regulation.</p>
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Saugeen Shores Context

Ensuring the EPR Policies Manual is aligned with the regulations made under the Conservation Authorities Act will better serve the Town of Saugeen Shores.

The delegation of the Ontario Regulation 41/24 Section 8 Request for Review powers to the SVCA General Manager / Secretary-Treasurer is concerning to the Town. Under this framework, the Town, and other applicants from the community, will not be afforded an opportunity to approach the SVCA Board of Directors in instances where the applicant disagree with the determination of the General Manager / Secretary-Treasurer on the completeness of the application, or the studies required in support of the application.

Recommendation 4

That the Draft EPR Policies Manual be revised to align with Section 8 Request for review of Ontario Regulation 41/24.

Recommendation 5

That Ontario Regulation 41/24 Request for Review powers remain the responsibility of the full Authority and not be delegated to the General Manager / Secretary-Treasurer.

Recommendation 6

That a Dispute Resolution Procedure for permit applications submitted to the SVCA under Section 28.1 of the Conservation Authorities Act be set out in the EPR Policies Manual; and

That the Dispute Resolution Procedure within the EPR Policies Manual specify that in the event that a dispute between an applicant and SVCA staff cannot be resolved through the dispute resolution process, the dispute may be submitted to the SVCA Board of Directors.

4. Minister's Powers

Draft EPR Policies Manual

The provisions in the Conservation Authorities Act (CAA) that include powers of the Minister of Natural Resources to review or make permit decisions is not referenced in the draft EPR Policies Manual.

Analysis

New provisions in the CAA came into effect on April 1, 2024, that included powers for the Minister to 1) issue an order to prevent a conservation authority from issuing a permit and to take over the permitting process in the place of a conservation authority ("Minister's permit"), and 2) review a conservation authority permit decision at the request of the applicant ("Minister's review").

Ontario Regulation 474/24, which came into effect on January 1, 2025, sets out the circumstances under which the Minister may use these powers. The circumstances are where the proposed development activity or other activity, in the opinion of the Minister, pertains to or supports a matter of provincial interest described in the regulation. Additionally, it includes a transparent process for individuals or businesses to request the use of these powers and sets out the information that must be submitted as part of such a request.

The provincial interests described in Ontario Regulation 474/24 are:

- Housing
- Community Services like schools, healthcare or recreation
- Infrastructure like roads, waste management or energy systems
- Jobs through businesses like factories, farms or stores
- Any other matter that, in the opinion of the minister, is a provincial interest.

Saugeen Shores Context

It is important for the Town and its residents to be aware of and understand that for matters of provincial interest, there are alternative options outside of the SVCA permitting process to facilitate the review and approval of development proposals within the SVCA Regulated Area.

Recommendation 7

That the EPR Policies Manual include a section on Minister's Powers.

5. Climate Change

Draft EPR Policies Manual

Section 2. Approach to Natural Hazard Management (2.3 Preparing for a Changing Climate)

Section 2. Approach to Natural Hazard Management (2.4 Vision, Goals & Principles)
Section 3. Planning Advisory Services (3.2 Introduction)
Section 3. Planning Advisory Services (3.4.6 Identifying and Addressing Hazards)
Section 3. Planning Advisory Services (3.7.1.7 Climate Change)

There are multiple references through the draft EPR Policies Manual that relate to climate change and preparing for the impacts of a changing climate. The Introduction of the Planning Advisory Services Section (Section 3.2) indicates that SVCA's mandate to help build climate resilient communities is carried out through their planning advisory services.

Analysis

The draft EPR Policies Manual indicates that there is not a specific reference in the CA Act or Ontario Regulation 41/24 to addressing climate change and its impacts, and Section 1.3 Legislative Authority of the draft EPR Policies Manual also does not reference climate change.

Section 2.9 Energy Conservation, Air Quality and Climate Change and Section 5.2 Natural Hazards of the PPS indicates that planning authorities should prepare for the impacts of a changing climate. While it has been noted that planning authorities should identify hazardous lands and hazardous sites in collaboration with conservation authorities, preparing for the impacts of a changing climate appears to be solely the responsibility of the planning authority.

As indicated on the Conservation Ontario website, the core mandate of Conservation Authorities is to undertake watershed-based programs to protect people and property from flooding and other natural hazards, and to conserve natural resources for economic, social and environmental benefits. The inclusion of climate resilient communities in the SVCA's mandate does not seem to align with provincial direction. It is acknowledged that conservation authorities play a supporting role in climate change through local adaptation strategies such as green infrastructure and tree planting, flood management programs, and data collection, monitoring, modelling and research.

Saugeen Shores Context

Ensuring the EPR Policies Manual is focused on the delegated roles and responsibilities of the SVCA, and that the EPR Policies Manual does not permit the SVCA to be involved with issues that are beyond the scope of the Provincial mandate will better serve Town of Saugeen Shores.

Recommendation 8

That the Draft EPR Policies Manual be revised to align with the SVCA's mandated roles and responsibilities related to climate change.

6. Other

Additional comments in review of the entirety of the proposed updated EPR Policies Manual will be provided to the SVCA for consideration. These comments are included in the attached Stakeholder Feedback Table, and are listed below:

- a) Updating the reference to the Ministry of the Environment, Conservation and Parks (MOECP).

- b) Ensuring consistent wording in different sections of the manual.
- c) The inclusion of virtual meetings as an option during the pre-consultation process.
- d) Clarification that the SVCA does not play a role in deeming Planning Act Applications complete.
- e) Ensuring that the 1996 Southampton Dynamic Beach Study is included in the appropriate sections of the manual and accurately reflected.
- f) A review of the Important Definitions and Areas section of the manual, as well as Appendix A: A Glossary of Terms with suggestions for updating or the removal of terms.
- g) General editorial comments.
- h) Request for clarification on the delegation of Ontario Regulation 41/24 Section 8 Request for Review powers to the General Manager / Secretary-Treasurer.
- i) Request for clarification on the CA's Service Delivery Standards for the Administration of Ontario Regulation 41/24.
- j) A review of Appendix D: Section 28.1 Hearing Guidelines with a recommendation that the Ontario Land Tribunal (OLT) E-file Portal and on-line appeal option be included in the manual.

7. Conclusion

The Town agrees that the SVCA EPR Policies Manual should be updated to reflect changes in legislation and to comply with the Conservation Authorities Act (CA Act), Ontario Regulation 686/21 (Mandatory Programs and Services), Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits), and the Provincial Planning Statement (PPS, 2024). However, multiple revisions, additions and improvements to the manual will be required to gain the support of the Town.

Recommendation 9

That a revised draft of the Saugeen Valley Conservation Authority Environmental Planning and Regulations Policies Manual be circulated to stakeholders for further review prior to advancing to the SVCA Board of Directors for approval.

Linkages

- Strategic Plan Alignment: Pillar 1: Meeting the Needs of a Growing Community
- Business Plan Alignment: Development Services Business as Usual

Financial Impacts/Source of Funding

No costs or revenue is associated with this report.

Prepared By: Candace Hamm, Development Services Officer

Reviewed By: Mark Paoli, Director, Development Services

Approved By: Kara Van Myall, Chief Administrative Officer