

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

Section	Current Writing	Proposed Writing	Proposed Action/Reason for Change
<p>2.1.2 Hearings Under the Conservation Authorities Act</p>	<p>...An applicant has the right to a Hearing before the authority (Board) if there is an objection to the permit conditions being imposed by the CA. In holding a Hearing for an objection to an MZO-related permit, the Board can only assess and make a decision on matters related to the permit conditions, not on the merits of the permit itself since, under the amended Act, the Authority is compelled to issue the permit. If the applicant still objects to conditions following a decision of the Hearing, the applicant has the option to either request a Minister’s review (Ministry of Natural Resources and Forestry (MNRF)) or appeal to the Ontario Lands Tribunal. All MZO-related permits must have an agreement with the permittee that can include other parties (e.g., municipalities), on consent of the applicant. The agreement shall set out actions that the holder of the permission must complete or satisfy in order to compensate for ecological impacts, (where applicable), and any other impacts that may result from the development project. The agreement must be executed before work commences on the site.</p>	<p>...An applicant has the right to a Hearing before the Full Authority Board if there is an objection to the permit conditions being imposed by the CA. In holding a Hearing for an objection to an MZO-related permit, the Board can only assess and make a decision on matters related to the permit conditions, not on the merits of the permit itself since, under the amended CA Act, the Authority is compelled to issue the permit. If the applicant still objects to conditions following a decision of the Hearing, the applicant has the option to either request a Minister’s review (Ministry of Northern Development, Mines, Natural Resources and Forestry) or appeal to the Ontario Land Tribunal. All MZO-related permits must have an agreement with the permittee that can include other parties (e.g., municipalities), on consent of the applicant. The agreement shall set out actions that the holder of the permission must complete or satisfy to compensate for ecological impacts, where applicable, and any other impacts that may result from the development project. The agreement must be executed before work commences on the site.</p> <p>All conditional agreements in relation to MZO permit approvals will be reviewed and approved by the Full Authority Board prior to finalizing.</p>	<p>Minor revisions needed to reflect changes approved by the Board through IR-068-2021 regarding the permit hearing process where an MZO has been issued and what the applicable role and powers of Cataraqui Conservation are in these circumstances.</p> <p>Appendix F of the Guidelines, referenced in the amended text, will also be replaced with the updated (2021) version.</p> <p>Clarification provided that MZO-related permits are to be issued by the Board.</p>

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

		<p>MZO-related permits will be issued by the Full Authority Board.</p>	
<p>2.1.X Conservation Authorities Act</p> <p>Non- Conforming Rights</p>	<p>N/A</p>	<p>The doctrine of acquired rights, also known as legal non-conforming use, protects landowners’ rights to continue to use buildings and structures that were legally constructed prior to adoption of new and more stringent land use regulations. Non-conforming rights are codified in s. 34(9) of the <i>Planning Act</i>, which explicitly provides that a zoning by-law cannot prohibit the use of land, a building, or a structure that was lawfully commenced on the date the by-law was passed. Common law has established that owners also have a right to evolve or reasonably expand or intensify a legally nonconforming use, provided that the evolution, expansion or intensification does not cause undue adverse impacts on the surrounding neighbourhood or area. Therefore, it is possible that legally non-conforming uses, including buildings and structures, can be reconstructed and, in some cases, expanded without the need to comply with current zoning by-law provisions, such as waterbody setbacks.</p> <p>It is important to note that legal non-conforming rights are specific to <i>Planning Act</i> matters, such as the implementation of a municipal zoning by-law. The doctrine is of limited application and does not immunize properties and property owners from laws of</p>	<p>The purpose of O. Reg. 148/06 is to protect people and property from known natural hazards, it is the CA’s mandate to direct new development (including replacement of existing structures) to locations outside of risk from these hazards.</p> <p>Clarifies that non-conforming rights (i.e. grandfathering) do not extend to the CA Act. This is consistent with legal opinion provided by the authority’s lawyer.</p>

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

		<p>general application such as Section 28 regulations under the <i>Conservation Authorities Act</i>.</p> <p>While there are circumstances where reconstruction and enlargement of buildings and structures may be permitted under Ontario Regulation 148/06 in accordance with these Guidelines, this type of development is not automatically “grandfathered”.</p> <p>The purpose of Ontario Regulation 148/06 is to protect people and property from known natural hazards and it is the CA’s responsibility, consistent with the provincial approach, to direct new development (including replacement of existing buildings and structures) to locations outside of risk from these hazards wherever possible.</p>	
<p>3.3 Consideration of Ingress/Egress</p>	<p>The ability for the public and emergency operations personnel (police, firefighters, ambulance, etc.) to safely access a regulated feature during an emergency, such as a flooding event, is an important factor when considering any application for development. Proposals must be reviewed to ensure access to the proposed development is safe and appropriate for the proposed use. The provision of means by which people, vehicles and equipment can gain access to and from the regulated feature for maintenance and/or construction of remedial works must also be considered...</p>	<p>The ability for the public and emergency operations personnel (police, firefighters, ambulance, etc.) to safely access a regulated feature during an emergency, such as a flooding event or slope failure, is an important factor when considering any application for development. Proposals must be reviewed to ensure access to the proposed development is safe and appropriate for the proposed use. The provision of means by which people, vehicles and equipment can gain access to and from the regulated feature for maintenance and/or construction of remedial works must also be considered...</p>	<p>Helps clarify that safe access applies to erosion hazards in addition to flooding hazards.</p> <p>Acknowledges that changes to standards are anticipated in response to the impacts of climate change.</p>

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

	<p>...The risk can also be controlled by limiting the size (and therefore limiting the occupancy) of additions or reconstruction projects. If the risk is determined to be too great, no modifications/alterations/reconstructions of existing structures should be considered. Minimum vehicle and pedestrian ingress and egress standards are provided in Appendix H.</p>	<p>...The risk can also be controlled by limiting the size (and therefore limiting the occupancy) of additions or reconstruction projects. If the risk is determined to be too great, no modifications/alterations/reconstructions of existing structures should be considered. Minimum vehicle and pedestrian ingress and egress standards are provided in Appendix H.</p> <p>As the impacts of climate change on natural hazards in the Cataraqui Region become better known, changes to access allowances, setbacks and floodproofing standards may be warranted and will be approved by the Full Authority Board prior to consideration.</p>	
<p>3.X Provincial Perspective on Natural Hazards</p> <p>Consideration of Climate Change</p>	<p>N/A</p>	<p>It is important to consider flooding hazards, erosion hazards, and dynamic beach hazards together and using a watershed approach, taking into account cumulative impacts, rather than on an individual basis, since these natural hazards often occur together, and they extend across geographic areas. It is also important to note that any recommended setbacks from a natural hazard are generally minimum standards, that should be exceeded wherever possible to account for variations over time. For example, with respect to flooding, setbacks are applied to the regulatory flood plain (1:100 year flood level plus wave uprush) which should not be considered the maximum possible extent for the flooding hazard as climate change and other unforeseen factors</p>	<p>Response to the impacts of climate change on natural hazards.</p> <p>The Province of Ontario is anticipated to develop further guidance for climate change factors for natural hazards management in an upcoming update to the Natural Hazards Technical Guides. As well, updated flood plain elevation data, including consideration for climate change influence, will be provided to Cataraqui Conservation for the Lake Ontario and Bay of Quinte shoreline as part of an ongoing Shoreline Management Plan led by Quinte</p>

		<p>may result in flooding beyond the regulatory elevation.</p> <p>A changing climate has brought warmer water temperatures, diminished winter ice cover, and variable, unpredictable weather conditions to the Cataraqui Region. The frequency and severity of extreme weather is anticipated to increase in the future. Extreme weather events, including record precipitation and resulting inflows into Lake Ontario and the St. Lawrence River system in 2017 and 2019 have highlighted regional vulnerabilities. The Cataraqui Region is particularly susceptible due to its extensive shoreline, low-lying waterfront properties, and islands. There are also potential impacts to inland areas such as riverine flooding of urban and rural areas along systems such as Buells and Butlers Creeks, Little Cataraqui Creek, and the Gananoque River system, among others.</p> <p>As a regulatory authority responsible for avoidance of natural hazards, it is necessary for Cataraqui Conservation to seek to better understand the local impacts of climate change and operate based on the best possible information. It is also necessary to take a precautionary and adaptive approach to natural hazard avoidance.</p> <p>As supporting information becomes available this document and the guidelines contained</p>	<p>Conservation. Once available, staff propose to update relevant guideline policies and appendices to reflect the provincial and SMP findings.</p> <p>In the meantime, staff propose these changes to provide better clarity and stronger emphasis on the importance of factors such as access allowances and setbacks. These changes are consistent with recent changes to the Environmental Planning Policy and are part of Cataraqui conservation’s overall precautionary approach in considering the impacts of climate change on natural hazards.</p>
--	--	--	---

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

		within it will be updated to reflect the impact of climate change factors on natural hazards including, for example, possible changes to access allowances, setbacks and floodproofing standards.	
4.3(a) Activities that do not require written permission	Buildings and structures that are less than 10 square metres in size, provided that it is an appropriate activity within the regulated feature (e.g., a duck blind within a wetland);	Standalone buildings and structures that are less than 10 square metres in size, or an addition to an existing structure where the total area does not exceed 10 square metres, provided that it is an appropriate activity within the regulated feature (e.g. a duck blind within a wetland). The 10 square metre limit does not include roof overhangs.	Provides clarity and consistent policy implementation among staff.
4.3(x) Activities that do not require written permission	N/A	Fence designs that would not have a negative impact on the control of flooding and erosion (i.e. chain link, iron rod, cedar post without solid panels.)	This form of development is unlikely to impact or be impacted by natural hazards and will assist with reducing staff time working through permit approvals or enforcement matters.
4.3(x) Activities that do not require written permission	N/A	The like-for-like replacement of decking material on existing stationary wooden docks.	Provides clarity and consistent policy implementation among staff.
5.2.2.5 Regulation Allowances	River or stream valley allowances or setbacks are required adjacent to erosion and flooding hazards in a manner that provides protection against unforeseen or predicted external conditions that could have an adverse effect	River or stream valley allowances or setbacks are required adjacent to erosion and flooding hazards in a manner that provides protection against unforeseen or predicted external conditions that could have an adverse effect	Helps clarify the intent of access allowances.

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

	on the natural conditions or processes of the river or stream valley.	on the natural conditions or processes of the river or stream valley. These allowances or setbacks provide a factor of safety.	
5.3.1.2(6), 5.3.3.2(6), 5.3.5.2(11), 6.3.1.2(6), 6.3.3.2(12), 6.3.5.2 (4), 9.4.1(7), 9.4.2.1(5) 9.4.2.2(4) Development in public parks	Notwithstanding Section 5.3.1.2 1), development associated with public parks (e.g., passive or low intensity outdoor recreation and education, trail systems) may be permitted within the erosion hazard of an apparent river or stream valley if it has been demonstrated to the satisfaction of Cataraqui Conservation that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be adversely affected.	Notwithstanding Section 5.3.1.2 1), development associated with public parks (e.g., passive or low intensity outdoor recreation and education, trail systems), excluding buildings and structures , may be permitted within the erosion hazard of an apparent river or stream valley if it has been demonstrated to the satisfaction of Cataraqui Conservation that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be adversely affected.	Intent is to prohibit buildings and structures that may be used by the public within a known hazard area or may interfere with a wetland.
5.3.1.2(10), 5.3.3.2(10) & 6.3.1.2(10) Safe access through the erosion hazard	Notwithstanding Section 5.3.1.2 1), development associated with the construction of an access road through the erosion hazard of an apparent river or stream valley in order to provide access to lands outside of the apparent river or stream valley for purposes other than future residential development, or to provide access to water may be permitted within the erosion hazard of an apparent river or stream valley if it has been demonstrated to the satisfaction of Cataraqui Conservation that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be adversely affected. The submitted plans must demonstrate that:...	Notwithstanding Section 5.3.1.2 1), development associated with the construction of an access road through the erosion hazard of an apparent river or stream valley in order to provide access to lands outside of the apparent river or stream valley for purposes other than future residential development, or to provide access to water may be permitted within the erosion hazard of an apparent river or stream valley if it has been demonstrated to the satisfaction of Cataraqui Conservation that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be adversely affected. A technical study may be required to demonstrate that	Helps clarify safe access requirements and standards for development in and through the erosion hazard, including the erosion allowance, slope stability allowance and meander belt allowance.

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

		safe access can be provided. The submitted plans must demonstrate that:...	
5.3.5.2(9), 6.3.3.2(9), Development within the flood plain where a flood plain storage compensation study is required	Notwithstanding Section 5.3.5.2 1), a flood plain storage compensation (cut and fill) study using accepted scientific and engineering principles may be completed by a qualified professional to adjust the regulatory flood plain boundary for development proposals. These studies are to be done at the applicant’s expense and must be completed to the satisfaction of Cataraqui Conservation staff. As a condition of approval, the applicant may be required to demonstrate that:	Notwithstanding Section 5.3.5.2 1), a flood plain storage compensation (cut and fill) study using accepted scientific and engineering principles may be completed by a qualified professional to adjust the regulatory flood plain boundary for development proposals. These studies are to be done at the applicant’s expense and must be completed to the satisfaction of Cataraqui Conservation staff. As a condition of approval, the applicant may be required to demonstrate that: i. flood plain storage compensation plans and design details are in accordance with Appendix X	Intent is to add necessary direction and guidance for applicants and consultants when undertaking effective flood plain storage compensation.
5.3.5.2(17), (20) 6.3.1.2(20) 6.3.3.2(18), (21), (24) Development within the flood plain where general flood plain storage compensation is required	Notwithstanding Section 5.3.5.2 1), development associated with the construction of a driveway or access way through the regulatory flood plain in order to provide access to lands outside of the regulatory flood plain may be permitted subject to the provision of safe access as identified in Section 3.3 and if it has been demonstrated to the satisfaction of Cataraqui Conservation that there is no viable alternative outside of the regulatory flood plain and that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be adversely affected. Generally, flood plain	Notwithstanding Section 5.3.5.2 1), development associated with the construction of a driveway or access way through the regulatory flood plain in order to provide access to lands outside of the regulatory flood plain may be permitted subject to the provision of safe access as identified in Section 3.3 and if it has been demonstrated to the satisfaction of Cataraqui Conservation that there is no viable alternative outside of the regulatory flood plain and that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be adversely affected. Generally, flood plain storage compensation will be a requirement	Intent is to add necessary direction and guidance for applicants and consultants when undertaking effective flood plain storage compensation.

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

	storage compensation will be a requirement of approval for such applications.	of approval for such applications. Flood plain storage compensation plans and design details should be in accordance with Appendix X.	
5.3.1.2(9)(i) 5.3.3.2(9)(i) 5.3.5.2(9)(iii) 5.3.6(1)(vii) 6.3.1.2 (9)(i) 6.3.3.2(9)(iii) 6.3.4(1)(vii) 9.4.2.2 (5)(iii) 9.4.2.2(7)(i) Removal and/or placement of (large quantities of) fill	<p>Notwithstanding Section 5.3.5.2 1), a flood plain storage compensation (cut and fill) study using accepted scientific and engineering principles may be completed by a qualified professional to adjust the regulatory flood plain boundary for development proposals. These studies are to be done at the applicant’s expense and must be completed to the satisfaction of Cataraqui Conservation staff. As a condition of approval, the applicant may be required to demonstrate that:</p> <p>iii. the fill will conform with the standards found in Table 2 of the Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act (Ministry of the Environment, April 15, 2011), and that monitoring reports completed by a qualified professional be provided to Cataraqui Conservation at regularly prescribed intervals, and that the site is restored to its previous ecological condition; and...</p>	<p>Notwithstanding Section 5.3.5.2 1), a flood plain storage compensation (cut and fill) study using accepted scientific and engineering principles may be completed by a qualified professional to adjust the regulatory flood plain boundary for development proposals. These studies are to be done at the applicant’s expense and must be completed to the satisfaction of Cataraqui Conservation staff. As a condition of approval, the applicant may be required to demonstrate that:</p> <p>iii. The fill will conform with the applicable site condition standards per O. Reg. 153/04 or O. Reg. 406/19, as determined by a Qualified Professional or the Ministry of Environment, Conservation and Parks; and...</p>	<p>The tables currently referenced (2 & 8, per O. Reg. 153/04) in the Guidelines speak to standards for soil in potable ground water conditions for rural areas. However, there are several factors that determine which table should be referenced, including the presence of potable water wells, soil pH, soil thickness and proximity to a waterbody. Reference to O. Reg. 406/19 has also been added, which was implemented by the MECP in 2019, for excess soils and for non-Brownfield sites.</p> <p>The table (per O. Reg. 153/04 and O. Reg. 406/19) is typically determined by a qualified professional or the MECP during an Environmental Site Assessment, therefore the Guidelines should not specify a table number.</p> <p>This change was also recommended by Ministry of the Environment, Conservation and Parks through previous discussions with staff.</p>
5.3.1.2(X), 5.3.3.2(X),	N/A	Notwithstanding Section 5.3.1.2 1)	Staff have come across a number of situations where businesses (e.g.

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

<p>5.3.5.2(X), 6.3.1.2(X), 6.3.3.2(X), 6.3.5.2(X), 9.4.2.1(X) Development within the flood or erosion hazard and 30 metres adjacent to wetland habitat</p>		<p>placement/storage of temporary fill associated with commercial operations, may be permitted within the erosion hazard of a non-apparent river or stream valley if it has been demonstrated to the satisfaction of Cataraqui Conservation that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be adversely affected. In order to be considered, the submitted plans must demonstrate:</p> <ul style="list-style-type: none"> i. <i>the temporary stockpiling is structurally stable to ensure integrity when exposed to inclement weather (rain, wind or snow events)</i> ii. <i>Properly enclosed with a sufficient barrier (i.e. filter cloth, straw bales, jersey barriers, etc.) to ensure that fill material and any deleterious substances remain contained when exposed to inclement weather or flooding events</i> 	<p>marine contractors, landscapers) require material to be temporarily stored adjacent to waterbodies in preparation of transfer from business to project location.</p> <p>Our current guidelines require permit approval for both permanent and temporary placement of fill, which requires adherence to existing policies for development (e.g. setbacks and other standards).</p> <p>The intent of this policy is to allow more flexibility for responsible temporary placement of fill in support of commercial operations where alternative temporary storage locations may not be feasible/convenient to support commercial operation.</p>
<p>6.2.2 Figure 10: Lake Erosion</p>	<p>Figure 10 currently depicts the 100-year toe erosion allowance measured from the 100-year flood level</p>	<p>Figure 10 has been revised to show the 100-year toe erosion allowance measured from the average highwater mark</p>	<p>Figure 10 currently shows that the erosion allowance for Lake Ontario and the St. Lawrence River should be measured from the 100-year flood level.</p> <p>The Waterfront Development Guidance Study report includes a specific recommendation that the</p>

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

			allowance should be measured from the ‘typical’ water level. The rationale provided is that most storms tend to occur in the fall when water levels have dropped from their late-spring peaks.
6.2.5 Regulation Allowances	Similar to the more detailed discussion provided in Section 5.2.2.5, the allowances adjacent to shoreline flood, erosion and dynamic beach hazards allow conservation authorities to regulate development in these areas in a manner that:	Similar to the more detailed discussion provided in Section 5.2.2.5, the allowances adjacent to shoreline flood, erosion and dynamic beach hazards allow conservation authorities to regulate development in these areas in a manner that: <ul style="list-style-type: none"> • Provides an important factor of safety in the context of a changing climate 	Recognizes the importance of allowances/setbacks as a means to protect against exacerbated natural hazards caused by the effects of climate change
8.3.1 (X) Alterations to Watercourses	N/A	Notwithstanding Section 8.3.1 1) and in accordance with Section 2.1.2, where a Minister’s Zoning Order has been issued involving an alteration to a watercourse, ecological offsetting to compensate for any loss, impairment, or degradation of the ecological and hydrologic function of the watercourse will be required in accordance with accepted best practices and standards to the satisfaction of the Authority. Details of ecological offsetting will be incorporated into a conditional agreement as noted in Section 2.1.2 and subject to Full Authority Board approval.	An ecological offsetting policy document is currently under development. A final standalone policy is not anticipated until 2023. Since MZO-related permits involving potential alteration to a watercourse may be in front of staff and the Board in advance of formal offsetting policy adoption, it is necessary to include enabling guideline text to specify Cataraqui Conservation expectations for compensation in these circumstances.

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

			Once an ecological offsetting policy document is prepared and adopted, additional, more specific guideline text may be incorporated into the Guidelines through future amendments.
9.4.1 Development and Interference within Wetlands	Cataraqui Conservation may request a technical study to satisfy the above noted requirements.	Cataraqui Conservation may request a technical study (e.g. hydrologic analysis, environmental impact assessment) to satisfy the above noted requirements for sections 9.4.1(4)-(9).	This statement is noted at the end of Section 9.4.1. and indented under Section 9.4.1 9). The format of this sentence suggests that it is only applicable to section 9.4.1 9) which is not the case. Therefore, it will be revised to clarify that a technical study may be required for all notwithstanding items within section 9.4.1 and will be edited so that it is no longer indented specifically under section 9.4.1 9)
9.4.1(X) Development and Interference within Wetlands	N/A	Notwithstanding Section 9.4.1 1) and in accordance with Section 2.1.2, where a Minister’s Zoning Order has been issued involving development and/or interference within a wetland, ecological offsetting to compensate for any loss, impairment or degradation of the ecological and hydrologic function of the wetland will be required in accordance with accepted best practices and standards to the satisfaction of the Authority. Details of ecological offsetting will be incorporated into a conditional agreement as	An ecological offsetting policy document is currently under development. A final standalone policy is not anticipated until 2023. Since MZO-related permits involving potential development and interference within a wetland may be in front of staff and the Board in advance of formal offsetting policy adoption, it is necessary to include enabling guideline text to specify Cataraqui Conservation expectations

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

		noted in Section 2.1.2 and subject to Full Authority Board approval.	<p>for compensation in these circumstances.</p> <p>Once an ecological offsetting policy document is prepared and adopted, additional, more specific guideline text may be incorporated into the Guidelines through future amendments.</p>
9.4.1(X) Development and Interference within Wetlands	N/A	Notwithstanding Section 9.4.2.1 1), minor vegetation removal (e.g. woodlot management within a wooded swamp, invasive species removal) may be permitted within wetland habitat if it has been demonstrated to the satisfaction of Cataraqui Conservation that the control of flooding, erosion, pollution, dynamic beaches or the conservation of lands will not be adversely affected and the interference on the natural features and hydrologic and ecological functions of the wetland has been deemed to be acceptable..	<p>Removal of vegetation communities are not covered by the regulation unless they contribute to the hydrologic and ecological function of a wetland. In these instances, CRCA does not currently have clear policy direction in the Guidelines to determine what type of vegetation removal may be acceptable when considering interference with a wetland.</p> <p>The addition of this policy will allow staff to provide a more consistent approach in our review when handling these types of proposals</p>
9.4.2.1 Development within Other Areas (Adjacent Lands to a Wetland)	Cataraqui Conservation may request a technical study to satisfy the above noted requirements.	Cataraqui Conservation may request a technical study (e.g. hydrologic analysis) to satisfy the above noted requirements for sections 9.4.2.1(2)-(11).	This statement is noted at the end of Section 9.4.2.1 and indented under Section 9.4.2.1 11). The format of this sentence suggests that it is only applicable to section 9.4.2.1 11) which is not the case. Therefore, it will be revised to clarify that a

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

<p>Areas within 30 metres of a wetland</p>			<p>technical study may be required for all notwithstanding items within section 9.4.2.1 and will be edited so that it is no longer indented specifically under section 9.4.2.1 11)</p>
<p>9.4.2.1 8) Development within Other Areas (Adjacent Lands to a Wetland) Areas within 30 metres of a wetland</p>	<p>Notwithstanding Section 9.4.2.1 1), development associated with the construction or reconstruction of a building or structure may be permitted within 30 meters of a wetland if there are no reasonable alternatives for locating the building or structure outside of the 30 metre setback and if the interference on the hydrologic function of the wetland has been deemed to be acceptable by Cataraqui Conservation.</p>	<p>Notwithstanding Section 9.4.2.1 1), development associated with the construction of a new building or structure may be permitted within 30 meters of a wetland if there are no reasonable alternatives for locating the building or structure outside of the 30 metre setback and if the interference on the hydrologic function of the wetland has been deemed to be acceptable by Cataraqui Conservation.</p>	<p>This guideline has been adjusted to strictly focus on new development within 30 metres of a wetland. Where new development is proposed it should be demonstrated that there is no feasible alternative outside the 30 metre setback before considering development within the setback.</p>
<p>9.4.2.1 9) Development within Other Areas (Adjacent Lands to a Wetland) Areas within 30 metres of a wetland</p>	<p>Notwithstanding Section 9.4.2.1 1), development may be permitted within 30 metres of a wetland if the proposed development does not encroach further into the setback from the wetland boundary than existing development and if the interference on the hydrologic function of the wetland has been deemed to be acceptable by Cataraqui Conservation.</p>	<p>Notwithstanding Section 9.4.2.1 1), development associated with reconstruction of a building or structure, or for an addition to an existing building or structure, may be permitted within 30 metres of a wetland if the proposed development does not encroach further into the setback from the wetland boundary than existing development and if the interference on the hydrologic function of the wetland has been deemed to be acceptable by Cataraqui Conservation.</p>	<p>This guideline has been adjusted to focus on redevelopment and additions to existing development within the 30 metres. The guidelines at present suggest that if an existing building within 30 metres of a regulated wetland is to be removed and rebuilt, then it should be relocated outside the 30 metres if possible. The change to this guideline acknowledges that existing development is already in place and it is unlikely that replacement in the same location will further impact the hydrologic function of the wetland and therefore may be permitted to</p>

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

			be rebuilt in its existing location (provided the location of the structure also aligns with other hazard related policies)
9.4.2.1 (X) Development within Other Areas (Adjacent Lands to a Wetland) Areas within 30 metres of a wetland	N/A	Notwithstanding Section 9.4.2.1 1), minor development and site alteration (e.g. landscaping, passive walkways, patios) may be permitted within 30 metres of a wetland if the interference on the hydrologic function of the wetland has been deemed to be acceptable by Cataraqui Conservation	This new guideline has been added to address minor site alteration work that is unlikely to have impacts on the hydrologic function of the wetland
9.4.2.1 (X) Development within Other Areas (Adjacent Lands to a Wetland) Areas within 30 metres of a wetland	N/A	Notwithstanding Section 9.4.2.1 1), placement of fill may be permitted within 30 metres of a wetland if the interference on the hydrologic function of the wetland has been deemed to be acceptable by Cataraqui Conservation	This new guideline has been added to address development in the form of placement of fill since section 9.4.2.1 only currently provides direction on structural development within 30 metres of a wetland
Section 10 - Glossary	Minimum Building Envelope: An area of land that can accommodate a single unit detached dwelling having a footprint that is no greater than 92.9 square metres in size (including porches and decks), a sewage system, and	Minimum Building Envelope: an area of land that can accommodate a principal building or structure having a footprint that is no greater than 92.9 square metres in size (including porches and decks), a sewage system, and	The existing definition focuses only on single detached dwellings and not on other forms of residential development that may be applicable.

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

	sufficient area for lot grading for raised structures.	sufficient area for lot grading for raised structures.	Revising the wording to include “principal buildings or structures” provides more flexibility for development depending on the lot in question and its existing zoning.
Section 10 - Glossary	Still Water Line: the 100-year peak or flood level with a one chance in one hundred of occurring in any given year, without the influences of wave uprush, seiche, ship-generated waves, ice-piling or other water-related hazards.	1:100 Year Flood Level: the 100 year peak or flood level with a one chance in one hundred of occurring in any given year, without the influences of wave uprush, seiche, ship-generated waves, ice-piling or other water-related hazards.	The term “still water” or “static” is incorrect and should instead be “the combined 1:100-year flood level” reflect the fact this elevation includes a factor for both 1:100-year water level and wave surge (different from wave uprush). The use of these terms will also be corrected throughout the Guidelines document to reference the “1:100-year flood level”, replacing “still water” or “static”.
Section 10 – Glossary	Boathouse: a one-storey accessory building that does not contain habitable living space, or additional storage space , has an opening to the water of an appropriate size to accommodate a boat, and contains a wet slip inside of the structure.	Boathouse: a one-storey accessory building with a peaked or sloped roof , that does not contain habitable living space, or enclosed marine equipment-related storage space greater than 10 square metres in size , has an opening to the water of an appropriate size to accommodate a boat and contains a wet slip inside of the structure.	Provides clarity and consistent policy implementation among staff. Intended to address pressure for separate accessory buildings and structures near the water that are proposed for marine-storage purposes. Requirement for a peaked roof aligns with neighbouring CA to the north (RVCA) and Parks Canada (jurisdiction over the Rideau Canal).

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

			<p>Further details/requirements associated with peaked or sloped roof boathouses/boat ports is found in Appendix U.</p>
<p>Appendix U - Section 2.0 (Docks and Boatlifts)</p>	<p>G) Docks should have deck surface widths of no greater than 2.44 metres (up to a maximum of 3.66 metres where construction constraints are warranted) perpendicular to the shoreline. Consideration for width larger than 3.66m will be taken when:</p> <p>I. shoreline characteristics are appropriate (e.g. vertical bedrock shorelines) and there will be no disturbance to shoreline vegetation and soil mantle; and,</p> <p>II. the dock width (parallel to the shoreline), in combination with all in-water and shoreline structures on the property’s shoreline, does not occupy more than 25% or 15 metres, whichever is less, of the shoreline; or</p> <p>III. the dock is offset from the shoreline a minimum of 2 metres with a connecting ramp no wider than 2.44 metres.</p>	<p>G) As indicated in bullet a) (above), docks and boatlifts by their nature are generally required to be located within the regulatory flood plain considering the intent of these facilities is to allow storage or berthing of marine vessels. Whereas other non-marine structures, such as decks, are required to meet flooding and erosion setbacks for upland development. This is because decks that are used for seating and other non-marine related purposes within the known extent of natural hazards presents an unacceptable level of risk. Therefore, width of docks should be no greater than 2.44 metres (up to a maximum of 3.66 metres where construction constraints are warranted) and should also be constructed perpendicular to the shoreline. Docks that are proposed to be constructed parallel to the shoreline (also referred to as shore docks) or other dock designs that function as a deck, will not be supported unless site constraints (e.g. water depth, narrow channels, vertical cliff topography, etc.) have been clearly demonstrated. Consideration for width larger than 3.66m will be taken when:</p>	<p>Our current guidelines have restrictions on dock widths and design requirements intended to limit potential impact to riparian habitat and function including disturbance to shoreline vegetation and hinderance of species movement to and from the water.</p> <p>Further, docks and other marine facilities are permitted to be constructed within the flooding and erosion hazard considering the purpose of these facilities is to moor a boat. Whereas structures such as decks that are used for seating and other non-marine related purposes present an unacceptable level of risk to be constructed within the hazard and are, therefore, required to be located outside the flooding and erosion hazard.</p> <p>Our current guidelines allow for the construction of shore docks where deep water depths are present directly adjacent to the shoreline and a dock extending out from the shoreline into the water is not</p>

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

		<p>I. shoreline characteristics are appropriate (e.g. shorelines with deep water drop-offs where it is not be feasible to install dock supports away from the shorelines).</p> <p>II. the dock width (parallel to the shoreline), in combination with all in-water and shoreline structures on the property’s shoreline, does not occupy more than 25% or 15 metres, whichever is less, of the shoreline; or</p> <p>III. the dock is offset from the shoreline a minimum of 2 metres with a connecting ramp no wider than 2.44 metres.</p>	<p>possible due to depth constraints. In these circumstances, shore docks are permitted because it is not feasible to install dock supports away from the shoreline. However, on an annual basis the authority receives a number of applications proposing to construct large, wide docks at shorelines that do not have these characteristics and alternative dock designs can be constructed.</p> <p>The intent is to provide additional clarity on dock width requirements and to distinguish docks from decks, which are not supported under the guidelines.</p>
<p>Appendix U - Section 2.0 (Docks and Boatlifts)</p>	<p>N/A</p>	<p>New bullet: Where feasible, new docks should not extend beyond the projected lot lines of a property.</p>	<p>Provides clearer requirements for dock locations in circumstances where docks are proposed to extend into another property’s projected lot lines where there are alternative locations for the dock that would not result in projected lot line encroachment.</p> <p>Note: lot line encroachment is not a natural hazards-related matter but is included in Appendix U as a best practice intended to avoid conflict between neighbouring landowners.</p>

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

<p>Appendix U - Section 2.0 (Docks and Boatlifts)</p>	<p>N/A</p>	<p>New bullet: The length of dock staving and the manner that it is installed shall not impede the movement and flow of water within the water body.</p>	<p>Since staving is installed along the sides of docks there is potential for staving to extend into the waterbody. Our current guidelines do not have limitations or requirements regarding dock staving designs.</p> <p>The intent is to provide clearer dock design requirements that will not allow staving to extend into the waterbody which can limit the movement of and conveyance of water.</p>
<p>Appendix U - Section 3.0 (Boathouses and Boat Ports)</p>	<p>e) Boathouse roofs will generally be restricted to 4.5 metres in height to the peak (measured from the first floor). Flat roofed boathouses are supported.</p>	<p>e) Boathouse or boat port roofs will generally be restricted to 4.5 metres in height to the peak (measured from the first floor).</p> <p>f) New flat-roofed boathouses and boat ports will not be supported. New boathouse and boat port roofs must be peaked or sloped.</p> <ul style="list-style-type: none"> • Repairs and replacement of existing flat-roofed boathouses and boat ports may be permitted, provided the footprint is not altered or the area is not expanded • Repairs and replacement of existing access features and railings will be supported • Peaked or sloped roofs must have a minimum pitch of 2:12. • New permanent roof access features (e.g. staircases, ramps) and railing 	<p>In recent years, staff have experienced high demand for flat roofed boathouses intended to be used as deck space with stair access and railing systems.</p> <p>Decks greater larger than 10 sq. m. are a form of development that is not permitted within the flooding and erosion hazards and must meet applicable hazard setbacks for upland development. Boathouses are required to be located within the hazard since an open wet slip is necessary, so the utilization of the roof as a deck is contrary to the intent of Cataraqui Conservation guidelines. This proposed change would prohibit new roof top decks</p>

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

		systems will not be permitted on existing flat-roofed boathouses and boat ports	<p>on boathouses by requiring future boathouses to have peaked or sloped roofs.</p> <p>This is consistent with Rideau Valley Conservation Authority’s (neighbouring Conservation Authority to the north) and Parks Canada’s (jurisdiction over the Rideau Canal) policies.</p>
Appendix U – Section 4.0 (Erosion Control)	(g)(IV) A 3:1 slope is preferred. A slope may not be steeper than 3:1 unless supported by an engineered design.	(g)(IV) A 3:1 slope is preferred. Engineered designs may be required for slopes steeper than 3:1.	<p>Cataraqui Conservation’s current guidelines state that slopes steeper than 3:1 require engineering designs, but this is often not carried out, particularly when there is minimal risk for failure (e.g., where there are no buildings or structures near the flooding and erosion hazard, the shoreline is in a relatively protected area, etc.).</p> <p>Providing more criteria and discussion on when engineered designs are required will keep staff decisions consistent and clear when engineered designs are proposed.</p>
Appendix U – Section 4.0 (Erosion Control)	d) New sheet metal piling and concrete along the shoreline is discouraged.	d) New sheet metal piling and cast-in-place concrete along the shoreline will only be permitted if shoreline conditions cannot accommodate other shoreline protection measures. For example, where existing development is close/or directly adjacent to	The current guidelines state that sheet piling is “discouraged.” We also generally do not allow placement of concrete within the waterbody (due to the risk of chemicals leaching out of concrete).

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

		the shoreline, or existing conditions do not allow for re-grading or rip-rap placement.	The proposed change will provide additional clarity that these types of structures are not supported. Staff have opted not to use the word “prohibited” as there are limited situations where concrete and sheet piling can be permitted (e.g., concrete to fill severely undercut slopes).
Appendix U – Section 4.0 (Erosion Control)	N/A	New bullet: Shoreline protection measures shall be engineered when existing buildings and structures (e.g., dwellings) are located within the erosion hazard or have a history of flooding.	Requiring engineered designs for shoreline protection on properties where development is at a potentially high risk of damage from natural hazards will ensure property is better protected from natural hazards and could reduce liability to Cataraqui Conservation if designs are not engineered and property is damaged by erosion or a flooding event.
Appendix U – Section 4.0 (Erosion Control)	N/A	New sub-bullet: g)(VII) Rip rap installed for erosion control should be of an appropriate size to dissipate wind, wave and ice forces that the shoreline may be subject to.	Ensures rip rap of an appropriate size is considered depending on the waterbody and forces that the shoreline will be subject to, thus reducing the failure rate of erosion control projects.
Appendix U – Section 4.0 (Erosion Control)	N/A	New bullet: Existing shoreline grades should be maintained. Raising the grades of shorelines will only be considered if protection of existing development (i.e. buildings and structures) from high water levels, wave or ice	Staff receive multiple applications in which property owners want to raise the grade of their property. In some cases, it may be required to protect existing development that is subject

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

		<p>action is required. Such designs must be engineered. Raising grades to prevent nuisance flooding on properties is not permitted.</p>	<p>to wave and/or ice action. However, in many cases, property owners are looking to expand and raise the grade of the property to prevent nuisance flooding that is occurring on their property (e.g., on their lawn) that does not present any real risk to the property or existing development. Expanding on when this can be supported will provide clarity and limit additional unnecessary alteration to the floodplain.</p>
<p>Appendix U – Section 6.0 (Boat Ramps)</p>	<p>a) Concrete and wood may be used above the high-water mark. The in-water portion should be an aggregate mixture or a steel grid/grate.</p>	<p>a) Concrete and wood may be used above the high-water mark. The in-water portion should be an aggregate mixture, steel grid/grate, or composite grid/grate.</p>	<p>The proposed change will update the guidelines to include composite products that are relatively new and available for boat launches.</p>
<p>Appendix U – New Section 7.0 (Dredging)</p>	<p>N/A</p>	<p>Dredging is the removal of material (such as rock or sediment) from a waterbody. Because of the highly intrusive and disruptive nature of this work, dredging is strongly discouraged. However, dredging can be permitted in some cases including when the work is being undertaken to increase depths to accommodate boat moorage. Dredging requirements include the following:</p> <p>A) Silt or turbidity curtain must be properly installed and maintained around the entire work area prior to the start of the work and not removed</p>	<p>The proposed addition will update the guidelines to include dredging requirements.</p>

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

		<p>until the work area has sufficiently stabilized;</p> <p>B) Vertical edges of the perimeter of the dredged area should be avoided. Edges must allow for the natural slope and stabilization of the bottom material and adjacent land;</p> <p>C) The dredge area including depth should be kept to a minimal area that can accommodate boat moorage;</p> <p>D) Dredging in waterbodies with naturally vegetated bottoms is discouraged, and;</p> <p>E) Dredged materials must be removed from the waterbody and disposed of in accordance with applicable setbacks (e.g. outside of the floodplain, wetlands, etc.).</p>	
<p>Appendix H – Minimum Floodproofing Standards for Development</p>	<p>Structures (see note 3)</p> <ol style="list-style-type: none"> 1. Finished first (main) floor (includes parking structures) 2. Opening into structures 3. Basement/crawl space floor 4. Decks, gazebos, etc. <p>(All regulatory flood + 0.3m)</p>	<p>Structures (see note 3)</p> <ol style="list-style-type: none"> 1. Finished first (main) floor (includes parking structures) 2. Opening into structures 3. Basement/crawl space floor 4. Decks, gazebos, etc. 5. Boathouses with attached, enclosed living spaces – 100-year flood + 0.3m* 6. Boathouses with attached, enclosed storage spaces** - 100-year flood elevation <p>*The portion of the boathouse used for marine storage purposes (i.e. the wet slip area) does not need to be floodproofed, but</p>	<p>Across Cataraqui Conservation’s watershed, boathouse development varies. Many existing boathouses on the landscape include some form of living or storage space either as second-storey accommodations or main level development with incorporated wet slip(s).</p> <p>Where foundational/dock repair or replacement is required for these types of structures, staff have implemented various flood-proofing requirements to protect the living</p>

Guidelines for Implementing Ontario Regulation 148/06 Five Year Review – Comprehensive Substantive Revisions (2022)

		<p>the living quarters must be elevated to the 100-year flood elevation +0.3m.</p> <p>**The storage space must not have the potential to be converted into living accommodations. The portion of the boathouse used for marine storage purposes (i.e. the wet slip area) does not need to be floodproofed.</p>	<p>space within an existing boathouse structure.</p> <p>New or reconstructed boathouse development must continue to comply with the definition (as defined in the Guidelines) of a boathouse in order to be permitted within the hazard.</p>
--	--	--	--