



March 21, 2023

To: Planning Directors of Grand River Watershed Municipalities

Re: Communication #3 – Update on GRCA Programs and Services – Ontario Regulation 596/22

As outlined in Samantha Lawson's email to all CAO/General Managers dated January 6, 2023, a new Minister's regulation (*Ontario Regulation 596/22: Prescribed Acts* – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the *Conservation Authorities Act*) came into effect on January 1, 2023 which provides that Conservation Authorities (CAs) may not provide a Municipal (Category 2) or Other (Category 3) program or service related to reviewing and commenting on proposals, applications, or other matters under a prescribed Act. The prescribed Acts include, the:

- *Planning Act*
- *Aggregate Resources Act*
- *Condominium Act*
- *Drainage Act*
- *Endangered Species Act*
- *Environmental Assessment Act*
- *Environmental Protection Act*
- *Niagara Escarpment Planning and Development Act*
- *Ontario Heritage Act*
- *Ontario Water Resources Act*

As a result, impacted technical review services for development and land use planning applications that the Grand River Conservation Authority (GRCA) formerly provided under Memorandums of Understanding with municipalities will no longer be provided effective January 1, 2023. These impacted technical review services under the Prescribed Acts include:

- Natural heritage (eg. wildlife habitat, threatened/endangered species, fish habitat)
- Select aspects of stormwater management not related to natural hazards (eg. water quality, thermal mitigation)

The GRCA continues to provide plan review and commenting under the Mandatory Programs and Services Regulation (*O.R. 686/21*) which includes natural hazards. Recent changes to our non-mandatory review and commenting services for development applications as per the Prescribed Acts Regulation (*O. Reg. 596/22*) does not affect GRCA's provision of mandatory (Category 1) programs or services related to those prescribed Acts. The GRCA must continue to be circulated for mandatory program and service delivery and we will continue to review and provide comments related to natural hazard functions and regulatory requirements with a view to streamlining the overall development review and approval process while protecting life and property.

Table 1 provides an overview of the components of review that are considered in versus out of scope for GRCA's review moving forward.

To minimize disruptions to approvals processes for development and land use planning applications, the GRCA has worked with its partners to develop a transition plan for files received and under review (in progress) prior to January 1, 2023.

Below is an overview of GRCA's general transition plan.

A. Applications/Files deemed complete and circulated after January 1, 2023

GRCA will only provide plan review and commenting as a Category 1 program and service under the Mandatory Programs and Services Regulation (*O.R. 686/21*). We will continue to include comments on natural hazards, including wetlands and stormwater management (SWM) insofar as they constitute a component of natural hazard management (e.g., flood attenuation, quantity control, hydrological functions, SWM infrastructure in regulated areas) as well as any regulatory comments under *Ontario Regulation 150/06* or as amended.

Of note, where pre-consultation comments were provided prior to January 1st and the complete application was circulated after January 1st, our comments will be limited to mandatory programs and services.

B. Applications/Files deemed complete and circulated prior to January 1, 2023

In addition to providing plan review and commenting under the Mandatory Programs and Services Regulation (*O.R. 686/21*) related to natural hazards, we will continue to provide advisory review for non-mandatory, natural heritage matters for a transition period of 6 months where supported by our municipal partners. All submissions received up to July 1, 2023 will be reviewed, including multiple submissions, in support of an in-progress application.

Within our correspondence, we will separate our non-mandatory comments for municipal consideration.

Thank you for your continued patience as we work to implement these changes. I have included some frequently asked questions below for your information.

Should you have any questions or concerns, please feel free to contact me at 519-621-2763 ext. 2307 or bbrown@grandriver.ca.

Sincerely,



Beth Brown
Manager of Engineering and Planning Services

c.c. Samantha Lawson, Chief Administrative Officer - GRCA

Table 1: GRCA Plan Review Scope under O.Reg 686/21 and O.Reg 596/22

Review Component	Within Scope	Outside of Scope
Watercourses and Inland Lakes	✓	
Flood Hazard (ie. One Zone, Two-Zone, SPAs)	✓	
Erosion Hazard (ie. slope stability, stream erosion)	✓	
Shoreline Hazards (ie. flooding, erosion, dynamic beaches)	✓	
Unstable Soils/Bedrock	✓	
Groundwater ¹	✓	
Wetlands ¹	✓	
Valleylands	✓	
Hazardous Lands /Hazardous Sites	✓	
Buffer/Setback ¹	✓	
Water Balance ¹	✓	
Erosion and Sediment Control ¹	✓	
Stormwater ¹ (ie. water quantity, extended detention)	✓	
Stormwater (ie. water quality, thermal mitigation)		✗
Wildlife Habitat		✗
Threatened/Endangered Species		✗
Area of Natural and Scientific Interest (ANSI)		✗
Environmental Sensitive/Significant Area (ESA)		✗
Woodlands		✗
Natural Heritage Systems (NHS)		✗
Fish Habitat		✗

¹ GRCA will review and comment as it relates to natural hazards and/or regulatory requirements only

Frequently Asked Questions

1. Is the GRCA still involved in plan review?

Yes. *Ontario Regulation 596/22* does not affect GRCA's provision of mandatory or Category 1 programs or services (i.e., natural hazards and wetlands) related to reviewing and commenting on a proposal, application, or other matter made under those Acts. Municipalities are still required to circulate planning applications and technical reports to the GRCA so that we may review and comment on natural hazard and wetland matters per *Ontario Regulation 686/21: Mandatory Programs and Services*. Comments provided will reflect a watershed-based approach to the provision of mandatory programs and services.

2. Are permits pursuant to *Ontario Regulation 150/06* (or amended) still required?

Yes. *Ontario Regulation 596/22* does not affect GRCA's provision of mandatory or Category 1 programs or services, including our regulatory responsibility under *Ontario Regulation 150/06*. Permission from the GRCA is required to develop in river or stream valleys, wetlands, shorelines or hazardous lands; alter a river, creek, stream or watercourse; or interfere with a wetland. For more information on permitting, please visit our website [here](#).

3. Where the GRCA had requested conditions of approval for Draft Plans of Subdivision related to natural heritage, will the GRCA provide clearance of those conditions during the 6 month transition period and beyond?

During the 6 month transition period, the GRCA will continue to review submissions for non-mandatory, natural heritage matters. If satisfied, staff will inform the municipality previous comments were addressed, and defer clearance to the municipality. For new files received January 1st or beyond the transition period for in progress files, the GRCA will defer clearance of natural heritage-related conditions to the municipality. GRCA will continue to provide clearance of conditions related to a mandatory program or service.

4. Will the plan review Memorandums of Understanding (MOU) with the municipalities be updated?

GRCA will continue to undertake plan review as a mandatory service and program as per *Ontario Regulation 686/21: Mandatory Programs and Services*, therefore a formal plan review MOU is no longer required. However, some municipalities have expressed an interest in creating a guidance or protocol document to outline roles and responsibilities. GRCA staff will work collaboratively with interested municipalities and neighbouring Conservation Authorities (as applicable) on this initiative.