



Planning Act Application Review Policy Manual

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Document Revisions

QC 54/06, June 22, 2006 - Approval of Planning Act Policies & Procedures Manual.

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1.0 INTRODUCTION

This manual represents the policies by which Quinte Conservation (QC) staff review all applications submitted under the Ontario [Planning Act](#). Applications may require review by the Planning and Regulations Department and/or the Source Water Protection and/or the Water Resources Departments. These policies are intended to reflect QC's responsibility for natural hazards and public safety and identifies the requirements that will need to be met to satisfy Quinte Conservation's review of a *Planning Act* application. This manual will not only be of assistance to QC staff, but will benefit landowners, developers, builders as well as municipal staff.

1.1 Legislative Mandate

The Ministry of Natural Resources (MNR) retains the provincial responsibility for the development of flood, erosion, and hazard land management policies, programs and standards in Ontario. Conservation Authorities have been delegated responsibility for the 'Natural Hazards' section of the [Provincial Planning Statement](#) (PPS) (Section 5.2, last updated 2024) by means of a 2001 Memorandum of Understanding between the Ministry of Municipal Affairs and Housing, the MNR and Conservation Ontario, and as such represents Provincial interest for the policies which surround 'Natural Hazards' and *Planning Act* applications. These delegated responsibilities require Conservation Authorities to review and provide comments on municipal planning documents and applications (consents, minor variances, zoning by-law amendments, subdivisions, site plans, etc.). Comments are also provided on comprehensive Zoning By-law and Official Plan updates undertaken by a municipality.

The provision of planning advisory services to QC's member municipalities within its area of jurisdiction is a mandatory program and service under Section 21.1(1) of Ontario's [Conservation Authorities Act](#) (CA Act). It is also a requirement that, as 'public bodies' Conservation Authorities are notified of municipal policy documents and planning and development applications as prescribed under the *Planning Act*. Accordingly, QC provides comments, recommendations and clearances to our member municipalities as they relate to applications for Consent (severance), Minor Variances, Official Plans and Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, Plans of Subdivision, Condominium and Site Plans. Applications are reviewed with respect to the most current technical guidelines, studies and professional opinions in order to ensure consistency with the 'Natural Hazard' policies of the PPS, [Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits](#); the [Quinte Region Source Protection Plan](#) (as per the [Clean Water Act](#), 2006), and any other

supportive environmental legislation, acts or policies which exist at the time of application. A fee is applied for the review of *Planning Act* applications at the expense of the applicant in accordance with QC's plan review fee schedule. The latest version of the fee schedule is posted on the QC website (www.quinteconservation.ca).

Generally, QC staff undertake a comprehensive review of circulated *Planning Act* applications to ensure that natural hazards, as well as water resources and drinking water sources, are not adversely affected by lot creation and/or proposed development. At the same time, QC staff work to ensure that a completed development project itself will not be adversely impacted by environmental factors such as flooding, unstable bedrock or erosion hazards. A site-specific approach and a review of the potential cumulative impacts of development and site alteration proposals are considered by staff. QC staff also provide input to the municipal land use planning process to ensure that municipal policy and planning documents are consistent with the direction established in the *PPS* in regard to natural hazards. In carrying out these responsibilities, QC considers environmental protection, human health and public safety.

The provision of source protection advisory services to QC's member municipalities within its area of jurisdiction is a mandatory program and service under the *Clean Water Act, 2006*. The purpose of the *Clean Water Act* is to protect existing and future sources of municipal residential drinking water. This legislation is a major part of the Ontario government's commitment to ensuring that every Ontarian has access to safe drinking water. Protecting water at its source is the first step in the multi-barrier approach to protecting drinking water. The *Clean Water Act* relies on locally developed and watershed-based source protection plans founded on sound science to effectively meet this objective. As part of the Province's multi-barrier approach to drinking water, the *Clean Water Act* mandates that drinking water shall be protected at its source using a variety of tools, including existing resources such as municipal land use planning authorities. To assist municipalities in using these authorities, the *Clean Water Act* establishes locally driven, watershed-based source protection committees to review and assess municipal drinking water sources and create a local source protection plan. Source protection plans include policies to address areas where threats to sources of drinking water could be significant. Generally, these areas are close to municipal wellheads or intakes. A number of policies in the *Quinte Source Protection Plan* require application review and approval prior to implementation. Staff will review and comment if any proposed activity is prohibited or requires a risk management plan. Otherwise, staff review and comment that the application can proceed as proposed at the municipal end.

All Conservation Authorities, including QC have a regulation enacted under subsection 28 (1) of the *CA Act* (Ontario Regulation 41/24: *Prohibited Activities, Exemptions and Permits - Ontario Regulation 41/24*) which allows QC to require permission through a permit process for development activity

within areas which are regulated, including areas subject to flooding, erosion, dynamic beaches and unstable soil and bedrock as well as areas associated with the Great Lakes, river or stream valleys. Additionally, Conservation Authorities are responsible for regulating the interference or alteration of a watercourse or wetland. The natural hazard policies of the current *PPS* will be supported by QC plan review through assisting member and upper tier municipalities in the identification of natural hazard areas and wetlands in all municipal planning documents (Official Plans, Secondary Plans, Zoning By-laws) and other *Planning Act* applications.

Additionally, Conservation Authorities are also landowners and as such, may become involved in the planning and development process, either as an adjacent landowner or as a proponent/applicant.

The administration of the regulation (permitting) and plan input and review are two complimentary, however distinct functions. The “principle of development” is established through the *Planning Act* approval process, whereas the *CA Act* permitting process, similar to the municipal building permit process, identifies the specific site requirements prior to development activities taking place. *Planning Act* approvals are to be secured first with permit approvals to follow. Concerns regarding the principle of development are not normally addressed through QC’s permitting process, however if QC has concerns that a Section 28 permit cannot be issued, staff will identify this concern when commenting on a *Planning Act* application.

Applicants are encouraged to meet with QC staff prior to submitting their *Planning Act* applications and proposals. Preliminary consultation is beneficial to help scope the proposed development within the context of the Natural Hazard features. A preliminary consultation meeting should also include municipalities and other agencies where appropriate. Through preliminary consultation, staff can advise applicants of technical studies and supporting information that may be required for the review process. This process allows for the early identification of potential constraints and opportunities which will assist with the scoping of information, technical study requirement, and the identification of realistic timelines.

***Planning Act* applications will be considered in light of the policies of the *PPS*; *Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits*; the *Quinte Region Source Protection Plan* (as per the *Clean Water Act*, 2006), and any other supportive environmental legislation, acts or policies which exist at the time of application.** In keeping with the provisions of the *Planning Act*, QC has the ability to initiate an appeal to the Ontario Land Tribunal (OLT) if it is deemed that an approval authority has not been consistent with the ‘Natural Hazard’ policies of the *PPS*.

2.0 QUINTE CONSERVATION JURISDICTION

QC's jurisdiction is illustrated in Figure 1 below, and extends into the Municipality of Prince Edward County, City of Belleville, Town of Greater Napanee, Town of Deseronto, Tyendinaga Township, Loyalist Township, Township of Stone Mills, Township of South Frontenac, Township of Central Frontenac, Township of North Frontenac, Township of Addington Highlands, Tudor and Cashel Township, Stirling-Rawdon Township, Township of Madoc, Municipality of Centre Hastings, Municipality of Tweed, Municipality of Marmora and Lake and City of Quinte West. The aforementioned are QC's member municipalities who circulate QC on planning related matters and *Planning Act* applications. QC also provides planning input and review services to upper-tier municipalities: Hastings County, County of Lennox and Addington and Frontenac County.

Several of QC's member municipalities are located within more than one watershed (i.e. within the jurisdiction of more than one Conservation Authority). Where multiple conservation authorities have jurisdiction over a single property, those authorities will work together to coordinate a response or delegate one conservation authority to respond on the application.

Under the *Clean Water Act*, 2006, the Quinte watershed boundaries are also known as the Quinte Source Protection Area. The boundaries and member municipalities for the Source Protection Area are the same as those of the QC watershed jurisdiction.

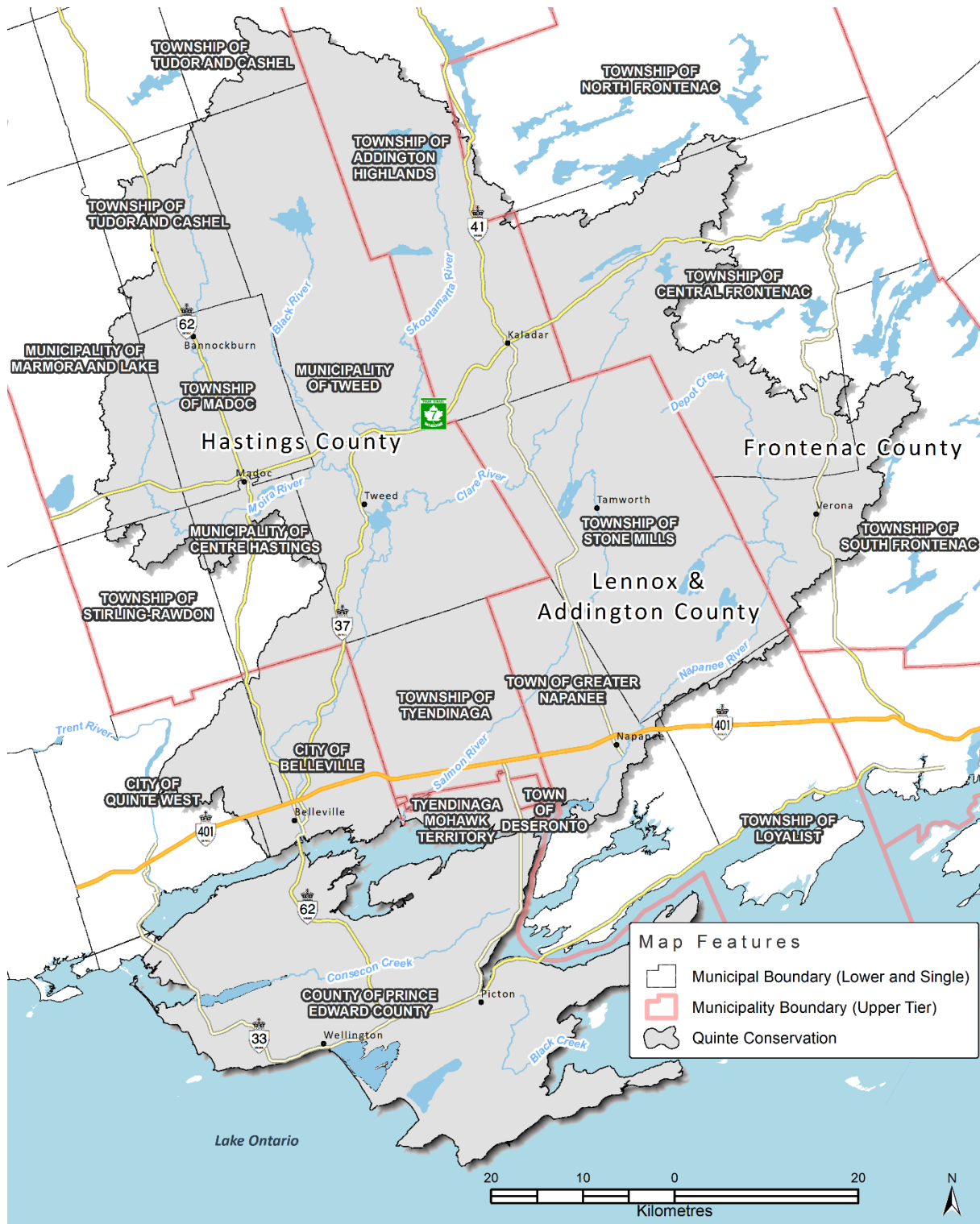


Figure 1: QC's Jurisdiction of Townships and Municipalities

3.0 PLANNING ACT APPLICATIONS

QC staff provide plan review services on development applications. In carrying out its planning related responsibilities¹, QC will consider the following in making recommendations to planning authorities within its watershed:

- Policy conformity (e.g. conformity with *PPS, Ontario Regulation 41/24*, and QC policy, etc.);
- Potential impacts to water resources, including surface water features and their hydrologic functions;
- Potential impacts to residential drinking water sources;
- Infrastructure, site servicing, and grading;
- Stormwater management (quantity);
- Erosion and sediment control (where adjacent to natural hazards); and,
- Impacts of a changing climate

It is also expected that QC staff will be responsible for assessing technical reports submitted by an applicant to determine if the reports have been prepared in accordance with QC guidelines (i.e. pertaining to karst topography, and bridges and culverts), and Provincial guidelines and standards for addressing natural hazards. A technical report peer-reviewed by QC staff will be subject to a fee, at the expense of the applicant/landowner. Plan review fees are listed on QC's website (www.quinteconservation.ca).

Wherever possible the conditions for each application will be determined on a site-specific basis and be reflective of the features of the individual property. The review of these applications follows standard review protocol (i.e., screening, circulation to technical staff, site visits, comments, etc.). QC plan review staff will determine if the planning application can be reviewed through a desktop assessment, or if a site inspection is necessary. Site visits are typically conducted to confirm on-site or nearby regulated features and application information. In some cases, a site visit may reveal the need for technical studies that were not identified during pre-consultation. Where necessary, QC plan review staff will also consult with the appropriate technical staff during application reviews. Applications and supporting documents should be reviewed within two weeks, although this timeline may be increased or decreased depending on the nature of the work proposed and the area that it may affect. Typically, complex subdivision and site plan applications will require input from multiple staff, and will result in increased review time. Weather conditions (presence of snow and ice) may also increase review time if a site inspection is required. QC staff will communicate any delay with the

¹ It is important to note that QC's comments regarding natural hazards encompassed by Section 5.2 of the PPS reflect QC's delegated responsibility to represent the "provincial interest" in ensuring conformity with the natural hazards policies of the PPS. As such, policies contained in this document relating to flooding and erosion hazards, and unstable soils or unstable bedrock are directive as opposed to recommendations.

municipal planning staff/landowner.

Should QC staff wish to formally appeal a decision made by a Municipal Council or a Committee of Adjustment to the OLT based on the requirements of the *PPS* and these guidelines, QC staff shall issue a formal OLT appeal in order to meet the appeal timeline. A formal request regarding that appeal shall then be taken to the next QC board meeting to seek formal endorsement from QC's Board of Directors.

3.1 Official Plans and Official Plan Amendments

Municipalities maintain their Official Plans (OP) to provide general direction for the development of their land base and to meet the needs of their population. On occasion the OP will require that amendments are made or that the entire plan be re-written in order to address those amendments and any major changes that have occurred over the course of the existing OP.

Under the *Clean Water Act*, 2006, upper tier, lower tier, and single tier municipalities are required, where appropriate, to update or amend Official Plans to ensure conformity with significant threat policies in source protection plans, found in List A in local source protection plans. Single and lower tier municipalities are also required, where appropriate, to amend Zoning By-laws to conform to significant threat policies. In QC's case, source protection plan land use policies are written in a way that allows municipalities to amend Official Plans and Zoning By-laws during the next scheduled update. In the case of a conflict between Official Plans and Zoning By-laws (i.e. where a conformity exercise has not been undertaken to update an Official Plan or Zoning By-law to bring them into conformity with an approved source protection plan) the approved source protection plan still prevails.

Municipalities have implemented the information regarding vulnerable area delineation and mapping addressed within the [Approved Quinte Region Assessment Report](#) into existing processes to ensure that decisions made are consistent with the *PPS* and to protect drinking water supplies and designated vulnerable areas. Including vulnerable area mapping in Official Plans generates greater awareness about source protection and vulnerable areas amongst property owners, developers, real estate agents, lawyers, and the general public.

Under the *Planning Act*, municipal councils must provide agencies that are considered to have an interest in the OP adequate information and opportunity to submit comments to all proposed changes. In reviewing such proposals, QC staff should ensure that watershed and source protection plan policies are reflected in reviews of proposed land use plans and that in all responses to the municipality QC's position and concerns are clearly stated. Wherever appropriate, recommendations

should be made that municipal documents reference identified natural hazards in accordance with the *PPS*.

3.2 Zoning By-laws/Amendments

Zoning By-laws put OPs into effect through the control of land uses in the municipality. This occurs by detailing exactly how land may be used, where buildings and other structures can be located, the types of buildings that may be erected and their permitted uses, lot sizes and dimensions, parking requirements, building heights, and setbacks.

The review of Zoning By-laws and Zoning Bylaw Amendment applications provides QC staff with the opportunity to monitor and comment on development activities in or adjacent to hazardous lands and/or vulnerable areas and ensure that QC policies are respected. Conditions of approval relating to permit requirements as outlined by the Regulation may be requested by QC staff.

Zoning By-law amendment applications located in Source Water Protection Vulnerable Areas are also reviewed for consideration of *Quinte Source Protection Plan* policies. See [Section 5 Clean Water Act & Source Water Protection](#) for more information.

3.3 Minor Variances

In instances where only minor changes are required to the zoning provisions that exist on a property (i.e. a reduction in a yard setback for a structure) a landowner may apply for relief on a site-specific basis. Applications of this nature are called minor variances (MV).

The review of MV applications provides QC staff with the opportunity to monitor and comment on development activities in or adjacent to hazardous lands and vulnerable areas and ensure that QC policies are respected. Conditions of approval relating to permit requirements as outlined by the Regulation may be requested by QC staff.

Minor Variance applications located in Source Water Protection Vulnerable Areas are also reviewed for consideration of *Quinte Source Protection Plan* policies. See [Section 5 Clean Water Act & Source Water Protection](#) for more information.

3.4 Consents (Severances)

A consent or severance is the authorized separation of a piece of land to form two new adjoining properties. If several severances are intended for the same property, the consent granting authority may decide that a plan of subdivision is necessary.

The review of consent applications provides QC staff with the opportunity to monitor and comment on development activities in or adjacent to hazardous lands and vulnerable areas and ensure that QC policies are respected. Conditions of approval relating to permit requirements as outlined by the Regulation may be requested by QC staff.

Consent/Severance applications located in Source Water Protection Vulnerable Areas are also reviewed for consideration of *Quinte Source Protection Plan* policies. See [Section 5 Clean Water Act & Source Water Protection](#) for more information.

3.5 Subdivision and Condominium Plans

When a piece of land is divided into two or more parcels, a Plan of Subdivision may be required under the *Planning Act*. Plans of Subdivision typically have conditions of approval attached to them by the various approval agencies (i.e. Conservation Authorities, Commissions, and/or Municipalities, etc.). A condominium is a form of subdivision in which the title to a unit is held by an individual with a share in the rest of the property that is common to all of the owners.

QC's concerns are to be addressed on a site-specific basis and should be reflective of the natural features of the property. Concerns regarding the management of natural hazard lands will be reviewed by staff.

If QC staff have concerns regarding the proposal they may:

- Propose revisions to the existing plan;
- Suggest that the Plan is premature as further studies are required
- Clearly indicate that QC is unable to support the Plan due to its lack of conformity with Provincial Natural Hazard policies

Subdivision and Condominium Plans located in Source Water Protection Vulnerable Areas are also reviewed for consideration of *Quinte Source Protection Plan* policies. See [Section 5 Clean Water Act & Source Water Protection](#) for more information.

In addition to consulting with municipal staff, it is important to discuss a subdivision or condominium

proposal with QC prior to submitting a formal application. For complex applications, this preliminary consultation is often done in coordination with the municipality. Preliminary consultation should be done as early in the planning process as possible to find out how the proposal is affected by QC's policies and/or regulatory requirements. Preliminary consultation serves to identify potential issues, constraints, study requirements, and QC permitting requirements. QC staff can advise of what lies ahead in the conservation authority's review process, indicate whether the proposal is supported in principle and discuss anticipated processing timelines. Re-submission requirements can be minimized through pre-consultation and through compliance with QC Planning Act Application Review Policy guidelines.

3.6 Site Plan Controls

Site plans detail the specifics of the development proposed for a parcel of land, illustrating the details required by Zoning By-laws. Generally speaking, site plan controls are used to ensure that: developments are built and maintained in a manner that has been agreed on by the approval granting body, proposed developments meet certain standards of quality and appearance, there is safe and easy access for pedestrians/vehicles, there is adequate parking, landscaping and drainage, and that nearby properties are protected from incompatible development. The review of site plan applications provides QC staff with the opportunity to monitor and comment on development activities in or adjacent to hazardous lands and ensure that QC policies are respected. Conditions of approval relating to permit requirements as outlined by the Regulation may be requested by QC staff.

Site Plan Controls located in Source Water Protection Vulnerable Areas are also reviewed for consideration of *Quinte Source Protection Plan* policies. See [Section 5 Clean Water Act & Source Water Protection](#) for more information.

In addition to consulting with municipal staff, it is important to discuss a site plan proposal with QC prior to submitting a formal application. For complex applications, this preliminary consultation is often done in coordination with the municipality. Preliminary consultation should be done as early in the planning process as possible to find out how the proposal is affected by QC's policies and/or regulatory requirements. Preliminary consultation serves to identify potential issues, constraints, study requirements, and QC permitting requirements. QC staff can advise of what lies ahead in the conservation authority's review process, indicate whether the proposal is supported in principle and discuss anticipated processing timelines. Re-submission requirements can be minimized through pre-consultation and through compliance with QC Plan Review Policy guidelines.

4.0 PLAN INPUT AND REVIEW: GENERAL POLICIES

In general, development proposals shall not adversely affect, individually or cumulatively, the flood elevations or velocities upstream or downstream of the proposal; shall not result in any new or increased erosion or sedimentation problems; shall retain existing base flow, thermal regimes, and hydrologic function within a waterbody, watercourse or wetland; and, development activity shall be directed to areas outside of the identified extent of unstable (karst) bedrock.

For the purpose of this policy, hazardous lands are areas subject to flooding during the 1:100 year event (flood plain), potential wave uprush areas (on the Bay of Quinte and Lake Ontario shorelines), erosion prone areas (slopes greater than 2:1 [h:v]), dynamic beaches, karst topography or any other area identified as hazardous land. Additionally, wetlands, watercourses, shorelines and other features that fall under the QC Regulation will be considered during plan review. Setbacks required for development, as outlined in QC's [*Policy Manual to Implement the Conservation Authorities Act and Ontario Regulation 41/24*](#), will be required to ensure consistency between the plan review and permitting process.

The following policy items will assist in addressing these potential concerns:

- 1) QC shall object to any application where any proposed parcel will not have a building envelope (the area of a lot which is intended to contain a structure and any associated infrastructure i.e. well and septic system) which is suitable for development outside of the hazardous lands, the appropriate setbacks, plus any other setback applied by the municipality or QC under its Regulation (O.Reg. 41/24) and subsequent policies.
- 2) A building envelope site plan (prepared by an Ontario Land Surveyor or qualified engineering firm, at the expense of the proponent), which indicates hazardous land and/or QC-regulated areas, and the appropriate setbacks applied to the development (both by QC and municipal setbacks) may be required prior to approval of the planning application. For a building envelope sized 0.5 acres (0.2 hectares) or less, the sketch must illustrate a proposed dwelling footprint, suitably sized sewage system, in addition to a well within the available building envelope.
- 3) QC staff will conduct a site inspection in cases where related studies, mapping or aerial photography indicate the presence of natural features or natural hazards that could possibly be impacted by the planning proposal.
- 4) The creation of new lots, and lot-line adjustments for existing lots, that would necessitate a

new crossing of the natural system, such as a watercourse or wetland, to access a suitable building envelope will be discouraged. Lot creation that necessitates crossing(s) may be supported if it has been demonstrated to the satisfaction of QC, that there will be no negative impacts on the features to be protected or their hydrologic functions, and that safe access can be achieved in accordance with the applicable requirements of MNR's 2002 Technical Guide – River & Stream Systems: Flooding Hazard Limit (Appendix 6: Floodproofing) and, that the crossing is minor in nature. [Quinte Conservation's Bridge and Culvert Design Guidelines](#), dated May 2010 provides direction on design requirements.

- 5) The creation of new lots and proposals for lot-line adjustments that extend into, or fragment ownership of wetlands, or lands subject to natural hazards will be discouraged in consideration of the long-term management concerns related to risks to life and property, and impact on wetland.
- 6) Draft plans of subdivision shall illustrate the limits of hazardous lands and regulated features and the appropriate setback to the satisfaction of QC prior to draft plan approval. These areas may be delineated in the field in consultation with QC staff (at the expense of the proponent) and must be incorporated in the lot layout shown on the draft plan of subdivision. For complex applications or for larger properties, the limits of hazardous lands, regulated features and the appropriate development setbacks must be delineated by a qualified professional (at the expense of the proponent). The lot lines of any proposed lot within the development should be outside of the appropriate setback area.
- 7) Generally, for any development applications where the subject property is greater than 1 hectare in size, a stormwater management report (prepared by a qualified professional engineer at the expense of the proponent) is required. Any new development on the subject land must demonstrate that post-development flows do not exceed pre-development levels for design storms from the 5-year to 100-year events.
- 8) Applications for Site Plan approval should illustrate the extent of hazardous lands and regulated features, any appropriate setback requirements (applied by QC and the municipality), stormwater control facilities and sedimentation and erosion control measures on the submitted drawings.
- 9) In support of any application, a site-specific geotechnical or slope stability analysis, and subsequent establishment of the erosion hazard limit, may be required in order to assess the 100-year stability and erosion factors of any unstable hazardous lands (e.g. bluffs, escarpments, karst topography, organic soils, dynamic beaches) which may present a potential

hazard to development. All technical studies are subject to QC's peer-review fee in accordance with the board-approved fee schedule on QC's website.

- (a) A slope stability study, based on the MNR Technical Guidelines, must be prepared by a qualified geotechnical engineer (at the expense of the proponent), and may include the determination of the 100-year erosion rate. The geotechnical or slope stability analysis should include:
 - i. The potential for slope failure in two forms; deep rotational failure and wedge failure. The rotational failure is experienced by cohesive soils (clays) whereas the wedge failure is commonly experienced in cohesionless soils (sands).
 - ii. An analysis of whether the slope is presently stable ($F.S. > 1.5$).
 - iii. An analysis of evidence of past or present slope movement, particularly for tensile cracking on the top of slopes for cohesive soils.
 - iv. An analysis of the factor of safety against rotational failure.
 - v. An analysis of the factor of safety for wedge failure.
 - vi. An analysis of whether the stability of the slope is influenced by porewater (with the determination of the porewater pressure being made on worst case conditions). Earthquake loadings should also be applied, which can be determined from the Ontario Building Code.
 - vii. An analysis of the factor of safety of the slope during construction activities ($F.S. > 1.3$) and a determination of the final condition of the factor of safety of the slope (must be greater than 1.5).
 - viii. And, guidance should be provided on how to mitigate erosion of the slope during and after construction.
- (b) The determination and limits of hazardous land associated with unstable bedrock (karst) will be determined through site specific field investigations and technical reports where required, to the satisfaction of QC and the affected planning authority, as appropriate. Karst bedrock assessments prepared by a qualified geotechnical engineer (at the expense of the proponent) must adhere to QC's [Karst \(Unstable Bedrock\) Investigation Guidelines](#) document, dated June 2024.

- 10) QC may require a wetland delineation, hydrogeological study, or similar study (prepared by a qualified professional with expertise in biology, ecology, landscape ecology or any other relevant fields of study and at the expense of the proponent) prior to approval of any Planning Act application within 30 metres of any wetland feature regardless of size or significance. A required study should:

- (a) For areas on and adjacent to the site, include descriptions and clearly legible scaled maps of the existing land uses, and the proposed development and site alteration, including all proposed buildings, structures, driveways and parking areas, and sources of human intrusion;
 - (b) Discuss the relevant geological, topographical, hydraulic and hydrogeologic features of the site.
 - (c) Provide a clear wetland boundary delineation supported by an inventory of flora, and soil samples. Studies should follow the Ontario Wetland Evaluation System (OWES) process for delineating a wetland and additional soil sampling guidance provided by the Ecological Land Classification (ELC) Protocol and Manual. A clear statement of whether or not the feature meets the definition of a wetland under O.Reg. 41/24 must be included in the assessment.
 - (d) Delineate a 30-metre setback around the identified wetland;
 - (e) Comment on discrepancies, if any, between the field verification and mapped boundaries of the wetland;
 - (f) Review the hydrological functions of the wetland identified above for the area within a 30-metre radius of the wetland;
 - (g) Review development options that would place all development beyond the 30-metre setback of the wetland. If this is not possible due to site constraints or other restrictions, explain clearly why development must be located within the setback;
 - i. Please note that submission of a requested study does not guarantee permission or approval from QC of any proposed development.
- 11) Resubmission of subdivision, condominium or site plan applications must include a comment matrix table, and/or red-line drawings which address updates/revisions/changes to streamline staffs' review time. The applicant must describe where deficiencies have been addressed to help expedite the subsequent review process. Meeting with QC staff to review substantial changes to an application is a positive step and can also decrease review times. If a resubmission also modifies other areas of a report or plans that affect an area of interest to QC, an applicant or consultant should identify these new changes as well.
- 12) At the discretion of QC, other conditions shall be recommended to the Municipality prior to the endorsement of the application. In addition, advice may be sought from any other agency regarding their area of expertise and regulation.

5.0 DRINKING WATER SOURCE PROTECTION

Another Act that staff may need to consider as part of their municipal plan review is the *Clean Water Act* (2006). This Act helps protect drinking water at the source, to safeguard human health and the environment.

The *Clean Water Act*, 2006 identifies 22 activities that could pose a threat to drinking water sources under certain circumstances. As part of the province's approach to protecting drinking water, the *Clean Water Act* mandates that drinking water shall be protected at its source using a variety of tools, including existing resources such as municipal land use planning authorities. To assist municipalities in using these authorities, the *Clean Water Act* established locally driven, watershed-based, source protection committees to review and assess municipal drinking water sources. These committees have developed local source protection plans, which have all been approved by the Ministry of the Environment, Conservation and Parks (MECP), and are in effect. These plans contain policies to protect municipal sources of drinking water.

The *Quinte Source Protection Plan* is the crucial link between science in the Assessment Reports and the policy(ies) to address threats. Planning decisions will be required to "conform with" significant threat policies, as well as to "have regard for" any moderate and low threat policies in Provincially - approved source protection plans. Once a source protection plan is approved, it will prevail. In the case of a conflict over Official Plans and Zoning By-laws (i.e. where a conformity exercise has not been undertaken to update an Official Plan or Zoning By-law to bring them into conformity with an approved source protection plan) the approved source protection plan still prevails. Where there is a conflict between a source protection plan and the *PPS* or other provincial plans, the provision that offers the greatest protection to the source of drinking water will prevail. The *Clean Water Act* also ensures that where there is a conflict between a provision of the *Clean Water Act* and any other Act, the provision providing the highest level of protection to the water quality and quantity will prevail.

Development applications, and planning or building permits may be subject to policies under the local source protection plan. An application or permit could be subject to land use planning policies, such as low-impact development for stormwater management, or flagged per restricted land use policies. A flagged application or permit must be reviewed by the local risk management official before it can be submitted to the municipality. In some cases, the proposed activities may require a risk management plan or be prohibited.

Part IV of the *Clean Water Act*, 2006 provides municipalities with enforcement tools to regulate existing and future activities that are deemed significant drinking water threats due to their potential to pollute drinking water sources. Specifically, these tools include (Section 57) prohibition, (Section

58) risk management plans, and (Section 59) restricted land uses.

Section 59 serves as a “red flag” under Part IV of the *Clean Water Act* so that building permit and *Planning Act* applications can be reviewed in areas where Prohibition or Risk Management Plans are in effect. Such a review will help to prevent inadvertently approving an application that includes a significant drinking water threat activity. Section 59 requires that the applicant must obtain a notice, called the “Section 59 notice to proceed,” from a Risk Management Official before an application for an approval under the *Planning Act* or a building permit can proceed. Part IV applies to limited areas where threats to drinking water could be significant, therefore not all applications need to be sent to the Risk Management Official.

Applications that fall within vulnerable areas where significant drinking water threats can occur require a Section 59 review. Application types include minor variance and rezoning applications, consents and/or severances, Subdivision and Condominium Plans, Site Plan controls, and Building Code Act Applications.

The Risk Management Official will need to review development applications in vulnerable areas where Part IV applies, and issue a notice to proceed, which will form part of the complete application under the *Planning Act* and part of the applicable law provisions under the Building Code. In a two-tier governance structure this may mean that the application is reviewed by the Risk Management Official and the upper tier, lower tier, and single tiers will need to work together to transfer this information between each tier. The Section 59 notice was modelled after existing application review processes, in which proponents are required to ensure that several requirements are met. For example, a planning application that fronts onto a regional road would require review by the transportation department that authorizes entrance permits. In the area where Part IV applies, planners will need to ensure that the Risk Management Official reviews an application and provides a notice to proceed (the Section 59 notice) with the application.

Municipalities can choose to hire a Risk Management Official and Inspector or delegate the responsibility. All municipalities with Part IV responsibilities in the Quinte Area have delegated this responsibility to QC due to the availability of qualified staff and the in-house expertise related to the Source Water Protection Program. As such, QC is responsible for reviewing development applications within vulnerable areas to ensure compliance with *Source Protection Plan* policies and protect municipal drinking water sources. No fee is required for this review.

6.0 STORMWATER MANAGEMENT GUIDELINES

QC supports the effective management of stormwater run-off to protect the ecological health of the watershed and contribute to the protection of human life and property during storm events. QC's review of stormwater management proposals will generally revolve around detailed technical review of water quantity controls and the assessment of impacts of development on up or downstream natural hazards. Specifically, this section provides guidance on requirements for planning, design and approvals of new urban stormwater management systems. It also provides guidance with respect to design and approvals of retrofit stormwater treatment facilities within existing built-up areas. The intent is to assist development proponents and local municipalities by helping define approval requirements.

6.1 Stormwater Management in the Municipal Context

It is widely recognized that effective stormwater management involves a hierarchy of planning and management techniques.

The need for environmental protection, including water quality protection, is generally directed by policies within the Municipal Official Plan. To assist with proper planning of drainage infrastructure as part of land development planning, watershed plans or subwatershed plans are suggested for development areas. Watershed/subwatershed plans help support the development of secondary plans.

To identify the necessary stormwater control measures or works within a designated development area, a master drainage plan is required. This provides design guidelines and defines proposed locations and estimated costs for any centralized stormwater control facilities. In general, planning of drainage systems for new development areas should strive to minimize the number of separate stormwater facilities, since the proliferation of relatively small on-site facilities can significantly increase the costs to local municipalities for monitoring and maintenance.

Once a plan is in place, municipalities typically set up a "cash-in-lieu" fund to allow the municipality to accumulate the funds needed to build the required stormwater facilities as needed. A policy of allowing a percentage of the development area to proceed in advance of facility construction can be implemented by the municipality, provided that regulatory agencies such as the MECP's provide approval of such an arrangement.

6.2 General Stormwater Drainage Guidelines - Role of the Local Municipality

- (a) Municipal Official Plans should recognize stormwater management in the hierarchy of planning and management techniques for new development and contain provisions for watershed plans, sub-watershed plans and master drainage plans as part of secondary plans.
- (b) Having identified strategies for accommodating new development via centralized stormwater facilities, municipalities should establish “cash-in-lieu” arrangements to support the construction of the required facilities when needed.

6.3 Development Design Requirements

- 1) Adhere to the guidelines provided in the most recent version of the MECP’s *“Stormwater Management Planning and Design Manual”* (current version dated March 2003).
- 2) New developments should be designed to incorporate all reasonable and practical means of minimizing direct surface runoff, including:
 - (a) Minimize the amount of impervious area.
 - (b) Maximize the amount of existing vegetated area (treed areas, grasses areas) that is retained within the development design to help maximize opportunity for infiltration (soak away) of surface water.
 - (c) Roof drainage should be diverted on vegetated areas to give the water opportunity to soak into the ground.
- 3) Drainage systems for new development should be designed using the “minor and major system” approach. The minor system typically conveys all drainage flows generated by precipitation events up to the 5-year return period, and may include ditches, culverts, catch basins, and storm sewers. The major system conveys flows in excess of the capacity of the minor system in such a way as to minimize risk to life or property. The major system may include ditches, swales and other overland flow paths (including roadways).
- 4) Development proponents are responsible for ensuring that the design of the drainage system complies with current municipal design standards of the local municipality.

Small on-site facilities are discouraged and contribution to centralized works as identified in Watershed or Master Drainage Plans are encouraged.

6.4 Stormwater Quantity Control for New Development

Development design requirements:

- 1) Stormwater quantity control is necessary to ensure that flows released from the development property do not have any adverse downstream impacts on flooding or watercourse erosion.
- 2) New developments must be designed to adhere to the requirements of the *PPS* under Section 53 of the *Planning Act*. The *PPS* includes requirements for protecting public health and safety by restricting land development within areas affected by flood hazards, erosion hazards or dynamic beach hazards. Refer to the *PPS* for specific definitions and requirements.
- 3) Unless there is in place a Watershed Plan, Subwatershed Plan or Master Drainage Plan that stipulates otherwise, peak flows released from the development property are not to exceed the “pre-development” peak flows released from the site, for all return periods from 2 years to 100 years. The Regional Storm in QC’s jurisdiction is the 100-year storm. Water quantity control that provides attenuation greater than simply ‘pre-to-post’ development control (overcontrol) may be required if the Municipality identifies that the receiving drainage system has existing flooding and/or drainage issues. As such, a preliminary consultation meeting with the Municipality is recommended to screen this possibility.
- 4) If the development proponent believes that higher peak flows can be released from the site without any adverse upstream or downstream impacts on flood risk or watercourse erosion, then the development proponent will be responsible for conducting all necessary hydrologic and hydraulic studies to prove that this is to the satisfaction of regulatory authorities including the local municipality and QC. Prior to making any such submission, the development proponent should consult with QC to determine the specific technical analyses that will be required to support higher site release flows.

6.5 Stormwater Management Quantity Control in Existing Built-Up Areas

Water quantity control may be provided for existing built-up areas if the Municipality identified that the receiving drainage system has existing flooding and/or drainage issues.

6.6 Approval Submission and Process

- 1) Application for approval of proposed drainage systems for new land developments must be made to the local municipality as part of the overall development approval process administered by the municipality.

- 2) QC will assist the municipality by reviewing proposed development plans with respect to drainage and stormwater management requirements set out in these guidelines.
- 3) Additional approvals may be required depending on the specific design and type of drainage system being proposed. See below.
- 4) Submissions to the municipality with respect to the proposed development's drainage system must include the following information:
 - (a) Design and location of the "minor" drainage system and the "major" drainage system. Plans and drawings showing the engineering design, location and elevation or elevation profile of all system components including ditches, culverts, catch basins, pipes, manholes, and other structures, in accordance with the local municipalities design standards. The development proponent is responsible for obtaining and understanding the local municipal design standards.
 - (b) In the case of the major drainage system, provide details including: location of all overland flow routes including locations of outlet to storage facilities or outlets to local watercourses or waterbodies; information on estimated flow depth and flow velocity at peak flow in the regional Storm event, at critical locations within the major system including road intersections or other critical locations within the development area.
 - (c) A plan or plans showing an and all proposed facilities for controlling site release flows to the pre-development level, including location and size of any runoff storage facilities. Provide information on maximum water shortage volume and water levels in such facilities at each of the design return periods.
- 5) For proposed facilities for end-of-pipe stormwater treatment, the following requirements apply:
 - (a) Generally, ownership and operation end-of-pipe stormwater facilities will be assumed by the local municipality once the facility has been completed to the municipality's satisfaction and all necessary approvals for operation of the facility have been acquired. The development proponent must confirm specific requirements with the local municipality.
 - (b) The development proponent is responsible for obtaining any and all necessary approvals on behalf of the local municipality as the eventual owner/operator. These approvals will include but are not necessarily limited to MECP approval (Section 53 approval under *Ontario Water Resources Act*) (OWRA). The development proponent is responsible for determining the approval requirements through discussion with QC, the local municipality, and the MECP.

- (c) The MECP s.53 OWRA approval will result in MECP issuing a Certificate of Approval to the municipality for the proposed facility. Generally, the MECP C. of A will define specific monitoring and reporting requirements. Prior to making application to MECP for this approval, the development proponent is responsible for “pre-consultation” with the MECP Regional office to determine the likely C. of A. conditions. Prior to making the C. of A. application, the development proponent must advise the local municipality of the outcome of the MECP pre-consultation and obtain the local municipality’s authorization to proceed with the C. of A. application.
- (d) The development proponent is responsible for completing any necessary environmental assessment (EA) that may be required under the *Ontario Environmental Assessment Act* or the *Canadian Environmental Assessment Act*. The development proponent is responsible for determining what EA requirements apply to the project.
- (e) Prior to final acceptance of the facility by the municipality, the development proponent must submit to the municipality an Operations and Maintenance Manual (O&M) for the facility. This manual must clearly describe all operational and maintenance requirements, including all procedures needed to maintain compliance with the MECP C. of A. The manual should include details of any required sampling or testing of facility effluent or facility performance as may be required by the C. of A. and provide standard forms for recording and reporting necessary information. As well, the O&M Manual must include any and all relevant user manuals for any equipment necessary for operation and maintenance of the stormwater management facility.