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The Regional Municipality of Durham Information Report

From: Commissioner of Planning and Economic Development
Report: #2022-INFO-29
Date: April 1, 2022

Subject:

Regional Staff Comments on ERO Posting #019-4978: Draft Subwatershed Planning Guide

Recommendation:

Receive for information

Report:

1. Purpose

1.1 On January 27, 2022, the province released Environmental Registry of Ontario (ERO) Posting [#019-4978](#) for public consultation on a draft Subwatershed Planning Guide. The purpose of this report is to provide an overview of the draft Subwatershed Planning Guide and highlight Regional staff comments.

2. Background

2.1 The Provincial Policy Statement, Greenbelt Plan, Growth Plan, Lake Simcoe Protection Plan and Oak Ridges Moraine Conservation Plan all recognize or require watershed or subwatershed planning (or equivalent) to inform land use planning decisions. Many of the watershed plans in Durham were completed between 2010 and 2013 to satisfy this requirement and cover most of Durham's land area.

- 2.2 In 2018, the province released draft Watershed Planning Guidance through ERO Posting [#013-1817](#) and Regional Council provided comments on this document. In August 2021, notice was given that this draft Watershed Planning Guidance is still under active review with no indication of when it would be finalized.
- 2.3 Regional staff participated in a webinar on the draft Subwatershed Planning Guide released through ERO Posting #019-4978 on February 16, 2022. The webinar was hosted by the province.
- 2.4 The deadline for comments on the draft Subwatershed Planning Guide was March 13, 2022, representing a 45-day commenting period. Given the short commenting period, it was not possible to deliver Council-endorsed comments to the province prior to their deadline. Therefore, Regional comments were provided to the province by way of a letter from the Commissioner of Planning and Economic Development (see Attachment #1). The authority for the Commissioner to comment on behalf of the Region is provided under Delegation of Authority By-law 29-2020. Staff comments on the draft Subwatershed Planning Guide are consistent with Regional Council's position on the previous draft Watershed Planning Guidance from 2018.

3. Previous Reports and Decisions

- 3.1 The Region's comments on the province's draft Watershed Planning Guidance Document was provided through Report [#2018-COW-68](#).

4. Draft Subwatershed Planning Guide

- 4.1 The term "watershed" is defined in the Provincial Policy Statement "an area that is drained by a river and its tributaries" and is the ecological meaningful geographic scale for integrated and long-term planning. The term "subwatershed" is not specifically defined in the PPS. A subwatershed is smaller geographic unit of a broader watershed where water flows into a larger body of water. For example, East Duffins is a subwatershed of the larger Duffins Creek watershed. There will be times when it is appropriate for municipalities to have a plan for the protection and enhancement the overall watershed, (e.g. the Carruthers Creek Watershed Plan), and there will be times when the appropriate level of study is a subwatershed. Often subwatershed planning is undertaken at the time of a Secondary Plan, to support future growth and develop a plan to allow for sustainable development, while ensuring maximum benefits to the natural environment.

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- 4.2 The Oak Ridges Moraine Conservation Plan has required watershed planning since 2002. The Growth Plan and Greenbelt Plan now require upper and single tier municipalities to ensure watershed planning is undertaken in partnership with conservation authorities, to support a comprehensive, integrated, and long-term approach to protecting, enhancing or restoring water quality and quantity within a watershed.
- 4.3 The province has developed a draft [Subwatershed Planning Guide](#), to provide advice for implementing land use planning policies for subwatershed planning in coordination with planning for water, wastewater and storm water servicing, water resources, drinking water source protection and climate change resilience.
- 4.4 The draft Guide includes the following:
- a. An overview of subwatershed planning, including the policy context, purpose, benefits, key principles and process;
 - b. A description of the relationship between watershed, subwatershed, land use, and infrastructure planning and specific conservation authority programs and services;
 - c. Guidance on the preparation of subwatershed plans, including:
 - identifying existing conditions and undertaking initial impact assessments;
 - completing impact assessments and developing preferred land use scenarios;
 - developing implementation and management strategies; and
 - d. Guidance on public engagement, including Indigenous partnerships.

5. Regional Comments on Draft Subwatershed Planning Guide

- 5.1 The following are staff's comments on the draft Subwatershed Planning Guide:
- a. Existing subwatershed planning guidance is almost 30 years old (1993). The update reflects current land use planning policies within Provincial Plans and provides a framework for subwatershed planning. However, the interchangeable use of terms, "watershed plan" and "subwatershed plan" is confusing. One reason may be that the PPS talks to "watershed planning" while the Growth Plan and Greenbelt Plan reference "subwatershed planning". While the context may be important for an appendix, the Guide should focus on best practices for subwatershed-level planning.

- b. As previously mentioned, in 2018 Regional Council provided comments on draft Watershed Planning Guidance, which has yet to be finalized. In staff's view, there is a need for both a broader watershed planning guidance document and the subwatershed planning guidance. Through staff's recent comments to the province, it was requested that the "parent" watershed planning guidance document also be finalized, in addition to the subwatershed planning guidance, with an explanation of how the watershed planning and subwatershed planning processes are intended to work together.
- c. More clarity is needed around the roles and responsibilities of CAs and their possible involvement in subwatershed studies. The Guide states that for conservation authorities to be involved in subwatershed planning, an MOU or agreement with the municipality is required and that "municipalities may decide to enter into agreements with conservation authorities, as appropriate, to undertake a role in the watershed or subwatershed planning." The Guide should acknowledge the importance of promoting partnerships between municipalities and conservation authorities, and that MOUs or service agreements under the implementation of the Conservation Authorities Act can be the vehicle to do so.
- d. The draft Subwatershed Planning Guide would benefit from examples of "best practice" subwatershed plans that have been completed across the province.
- e. In 2020, Regional Council declared a [climate emergency](#) and included demonstrating leadership in sustainability and addressing climate change as a priority within our [Strategic Plan](#). The Region appreciates the inclusion of examples of how climate change can be considered in watershed and subwatershed planning. The province should recognize the additional financial requirements associated with these new considerations, and provide funding to assist municipalities in this regard.
- f. The Region recognizes the importance of meaningful engagement with Indigenous communities and has and will continue to work to build these relationships. Although the Region supports best practices on Indigenous engagement, embedding practices within a Subwatershed Planning Guide, in the absence of overall provincial guidance on Indigenous Partnerships and Engagement may be problematic. It is recommended that the expertise of the Ministry of Indigenous Affairs be leveraged and a comprehensive set of overarching Indigenous Partnerships and Engagement guidelines that apply more broadly across the province be developed. Considering capacity

pressures, the province should also make funding available to assist Indigenous communities in participating in watershed and subwatershed planning processes. It is also recommended that the need for Indigenous engagement be emphasized in the Guide, and the process of engagement be placed in an Appendix.

- g. Section 2.1 of the draft Subwatershed Planning Guide states that a fundamental purpose of undertaking subwatershed planning can include, “developing a framework to inform land use planning and regulatory decisions and maximizes cost efficiencies to municipalities, agencies, development sector, taxpayers and landowners.” The principles of watershed and subwatershed planning, as outlined within watershed and subwatershed planning guidance should continue to be “environment first”. Introducing competing principles could detract from the true intent of watershed and subwatershed planning and its ultimate effectiveness as a planning tool.
- h. Section 3.0 of the draft Subwatershed Planning Guide notes that priority and timing for subwatershed plans should be determined well before development pressures are acute. Given that development pressures are already acute throughout the urban area and whitebelt, further clarity is suggested.
- i. Section 3.3.3 of the draft Subwatershed Planning Guide indicates that Phase 3 of the subwatershed plan should, “identify staging and sequencing of development of the subwatershed...”. It is recommended that this approach be revisited as development staging is a matter for official plans and secondary plans. Including these principles within subwatershed plans would confuse their role with land use planning documents.

6. Relationship to Strategic Plan

- 6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
 - a. Priorities 1.3 and 1.4 under the goal of environmental sustainability; protect, preserve and restore the natural environment, including greenspaces, waterways, parks, trails and farmlands and demonstrate leadership in sustainability and climate change.

7. Conclusion

- 7.1 Regional staff's comments on the draft Subwatershed Planning Guide, consistent with Regional Council's comments on a previous consultation related to watershed and subwatershed planning, were forwarded to the province to meet the commenting deadline of March 13, 2022. The province will be advised of any changes to the comments as a result of this report.
- 7.2 Staff will continue to monitor this matter and report back to Council as necessary following the release of the final Subwatershed Planning Guide and/or final Watershed Planning Guidance document.
- 7.3 A copy of this report will be forwarded to the conservation authorities and area municipalities for their information.

8. Attachments

Attachment #1: Regional staff comments on ERO Posting #019-4978 – Draft Subwatershed Planning Guide.

Respectfully submitted,

Original signed by

Brian Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development



Sent Via Email

March 11, 2022

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Brian Bridgeman, MCIP, RPP
 Commissioner of Planning and
 Economic Development

Dear Ms. Isaac:

**RE: Regional Staff Comments on ERO Posting #019-4978:
 Draft Subwatershed Planning Guide**

On January 27, 2022, the Ministry of Environment, Conservation and Parks (MECP) released ERO Posting #019-4978, seeking feedback on a draft Subwatershed Planning Guide. The draft Guide seeks to address:

- guidance for integrating subwatershed planning into land use planning;
- implementing provincial land use policy; and
- barriers to housing development.

Durham Region works closely with our five conservation authority partners on the preparation of watershed and subwatershed plans. Many of the watershed plans in Durham were completed between 2010 and 2013 and cover most of Durham's land area.

Regional staff have been very involved in past consultations on draft Watershed Planning Guidance. Regional staff also attended a provincial webinar on the Subwatershed Planning Guide on February 16, 2022.

The following outlines Regional staff comments on the draft Subwatershed Planning Guide:

1. It is our understanding that the draft Subwatershed Planning Guide serves to update existing subwatershed planning guidance to reflect current land use planning policies under the Provincial Plans and provides a framework for subwatershed

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planning. The Region welcomes this update, as existing subwatershed planning guidance is almost 30 years old. **However, the interchangeable use of terms, "watershed plan" and "subwatershed plan" is confusing.** One reason may be that the PPS talks to "watershed planning" while the Growth Plan and Greenbelt Plan reference "subwatershed planning." While the context may be important for an appendix, the Guide should focus on best practices for subwatershed-level planning.

2. In 2018, Regional Council provided comments on draft Watershed Planning Guidance, in response to ERO Posting #013-1817. In August 2021, notice was given that this draft Watershed Planning Guidance was still under active review. It is requested that municipalities, conservation authorities and other partners see the finalized Watershed Planning Guidance and be provided with an explanation of how the watershed planning and subwatershed planning processes are intended to work together.
3. More clarity is needed around the roles and responsibilities of CAs and their possible involvement in subwatershed studies. The Guide states that for conservation authorities to be involved in subwatershed planning, an MOU or agreement with the municipality is required and that "municipalities may decide to enter into agreements with conservation authorities, as appropriate, to undertake a role in the watershed or subwatershed planning." The Guide should acknowledge the importance of promoting partnerships between municipalities and conservation authorities, and that MOUs or service agreements under the implementation of the Conservation Authorities Act can be the vehicle to do so.
4. The Subwatershed Planning Guide would benefit from examples of "best practice" subwatershed plans that have been completed across the province.
5. In 2020, Regional Council declared a [climate emergency](#) and included demonstrating leadership in sustainability and addressing climate change as a priority within our [Strategic Plan](#). The Region appreciates the inclusion of examples of how climate change can be considered in watershed and

subwatershed planning. The province should recognize the additional financial requirements associated with these new considerations and provide funding to assist municipalities in this regard.

6. The Region recognizes the importance of meaningful engagement with Indigenous communities and has and will continue to work to build these relationships. The Region supports best practices in Indigenous engagement for watershed and subwatershed planning. However, embedding this section in the Subwatershed Planning Guide, in the absence of overall provincial guidance on Indigenous Partnerships and Engagement may be problematic. It is recommended that the need for Indigenous engagement be emphasized in the Guide, but the process of engagement be placed in an Appendix. It is also recommended that the expertise of the Ministry of Indigenous Affairs be leveraged and a comprehensive set of overarching Indigenous Partnerships and Engagement guidelines that apply more broadly across the province be developed. Considering capacity pressures, the province should also make funding available to assist Indigenous communities in participating in watershed and subwatershed planning processes.
7. Section 2.1 outlines that a fundamental purpose of undertaking subwatershed planning can include, “developing a framework to inform land use planning and regulatory decisions and maximizes cost efficiencies to municipalities, agencies, development sector, taxpayers and landowners.” The principles of watershed and subwatershed planning, as outlined within watershed and subwatershed planning guidance should continue to be “environment first”. Introducing competing principles could detract from the true intent of watershed and subwatershed planning and its ultimate effectiveness as a planning tool.
8. Section 3.0 notes that priority and timing for subwatershed plans should be determined well before development pressures are acute. This is challenging in the context of Durham, where development pressure is acute throughout the urban area and whitebelt.

9. Section 3.3.3 outlines that Phase 3 of the subwatershed plan should, “identify staging and sequencing of development of the subwatershed...” It is recommended that this approach be revisited as development staging is a matter for official plans and secondary plans. Including these principles within subwatershed plans would result in confusion because they are not land use planning documents.

Thank you for the opportunity to provide input on the draft Subwatershed Planning Guide. Given the short commenting period, the comments contained herein are those of Regional staff. We will bring this letter to Regional Council’s attention and if there are any changes as a result, will advise accordingly. Please direct any questions to Amanda Bathe at Amanda.Bathe@durham.ca.

Regards,

Colleen Goodchild

for

Brian Bridgeman, RPP, MCIP
Commissioner of Planning and Economic Development