

## 2. BACKGROUND

### 2.1 Historical Perspective

The Hurricane Hazel disaster served as the major impetus for flood plain management in Ontario. To respond to this and other flood hazards, emphasis was placed on capital works programs in the 1950s and 1960s to construct major flood control dams and channels. Programs to acquire flood susceptible lands were also initiated. During the 1970s, efforts were made to have flood susceptibility recognized prior to new development occurring. Flood plains, and policies governing their use, were included in the official plans of municipalities. As well, many Conservation Authorities enacted regulations designed to regulate development in flood plains from the technical aspects of flood susceptibility. Today, efforts continue to be made to have flood plains recognized in all components of the municipal land use planning process.

Changing attitudes over the years has resulted in various reviews of Ontario's policy positions and approaches to flood plain management. A major review was undertaken in 1975/76. This resulted in the Government of Ontario adopting Objectives, Policy Principles and Flood Plain Management Policies in November, 1979. These policies were ultimately issued as a statement of policy entitled; **"Flood Plain Criteria - A Policy Statement of the Government of Ontario on Planning for Flood Plain Lands"**.

In 1983/84, a second major review was undertaken. An independent committee was established to examine flood plain policies and practices and obtain the views and opinions of the general public. The committee prepared a report and made recommendations to the Minister of Natural Resources. Opportunity was provided for the public review of the committee's report. In response to the committee's recommendations and comments received, the Minister

announced several future directions for flood plain management in October, 1984. These future directions have subsequently been incorporated into a provincial policy statement pursuant to section 3 of the Planning Act, 1983. In support of the policy statement, two guideline documents have been prepared. The first is this document which is intended to further explain the policies and assist in their implementation. The second, under separate cover, provides technical guidelines for the preparation of mapping and the calculation and delineation of flood lines in Ontario.

## 2.2 Public Agencies with Major Involvement in Flood Plain Management

### 2.2.1 Federal Government

The Federal Government has entered into agreement with a number of provinces for the carrying out of a Flood Damage Reduction Program. The program in Ontario was initiated in 1978. It is primarily geared to preventing the creation of new problems through the preparation of flood plain maps and the carrying out of flood studies.

The Federal Government has established flood plain policies and criteria. However, where provincial standards are higher, the provincial standards will prevail.

Over the years, the Federal Government has, on occasion, contributed financially to the construction of remedial works in Ontario. Also, the possibility exists for the Federal Government to become involved in disaster relief assistance, subject to certain conditions.

### 2.2.2 Provincial Government

The two key ministries involved in flood plain management are the Ministry of Natural Resources and the Ministry of Municipal Affairs.

The Ministry of Natural Resources has the provincial mandate for many of the aspects of flood plain management. It is responsible for overall policy direction, flood warning and forecasting, and the administration of the Conservation Authorities Act, R.S.O. 1980. It also undertakes flood plain responsibilities at the field level, where Conservation Authorities do not exist.

The Ministry of Municipal Affairs' mandate includes the administration of the Planning Act. It is responsible for the review and/or approval of various municipal land use planning documents and ensuring that these documents have satisfactory regard for the Flood Plain Planning Policy Statement. The administration of disaster relief programs, as may be approved by Cabinet from time to time, also falls within this Ministry's mandate.

At the provincial level, the Ministry of Natural Resources and the Ministry of Municipal Affairs are jointly responsible for the administration of the Flood Plain Planning Policy Statement.

At the Regional and District levels, the Ministry of Natural Resources and Conservation Authorities are responsible for ensuring that municipal land use planning documents have satisfactory regard for the Flood Plain Planning Policy Statement.

### 2.2.3 Conservation Authorities

One of the key mandates of Conservation Authorities is the implementation of various aspects of flood plain management at the field level. This includes carrying out protective and preventative programs, such as: remedial works, acquisition, and flood warning. Section 28 of the Conservation Authorities Act, R.S.O. 1980, also provides for what are commonly referred to as Fill, Construction and Alteration to Waterways Regulations.

Where such Regulations are in place, Conservation Authorities regulate the placing or dumping of fill in defined areas, the construction of buildings or structures in ponds, swamps or any area subject to flooding during a regional storm or the modification or alteration of the existing channels of watercourses. Conservation Authorities administer these Regulations from the perspective of water management and related hazards. The intent is to minimize the creation of new problems or the aggravation of existing problems both on site and off site (i.e. upstream or downstream).

Fill, Construction and Alteration to Waterways Regulations of Conservation Authorities do not regulate land use. This is the responsibility of the municipalities of Ontario. However, Conservation Authorities are also commenting agencies pursuant to applications submitted for approval under the Planning Act. In this regard, they are responsible for ensuring that the municipal documents have regard for the Flood Plain Planning Policy Statement notwithstanding the existence of a Regulation.

#### 2.2.4 Municipalities

Under the Planning Act, municipalities and planning boards where they exist are responsible for preparing official plans and other planning documents to guide and control land use activities within their areas of jurisdiction. They determine the types of land uses acceptable for specific areas in light of relevant social, economic and environmental matters.

Increasingly, municipalities, planning boards and Conservation Authorities or the Ministry of Natural Resources where Conservation Authorities do not exist, are co-operating to have flood plains recognized in land use documents and the land use planning process. The intent is to minimize the creation of new problems and to have such information available as early as possible in the planning process.

Municipalities are also responsible for preparing flood contingency plans. These plans outline the emergency actions to be taken by the municipalities in the event of, or potential for, a flood.

Section 3(5) of the Planning Act includes the provision that "in exercising any authority that affects any planning matter, the council of every municipality . . . shall have regard to policy statements issued under subsection (1)". "Ownership" of policy statements remain with the initiating provincial Ministry in cooperation with the Ministry of Municipal Affairs. While ownership of the Provincial Policy - Flood Plain Planning will remain with the Ministry of Natural Resources, implementation is the dual responsibility of municipalities where they exist or planning boards in unorganized territories and Conservation Authorities where they exist or the Ministry of Natural Resources District Office in areas where Conservation Authorities have not been established. In this regard it is incumbent on municipalities or planning boards to inform proponents of applications under the Planning Act of their location, in relation to the flood plain and any applicable restrictions under the Provincial Policy - Flood Plain Planning. Deferring land use planning decisions in flood prone areas to Conservation Authorities or the Ministry of Natural Resources District Office is not appropriate. These agencies will however, provide technical/consultative services to a municipality or planning board as well as administering associated legislation (i.e. Conservation Authorities Act, Lakes and Rivers Improvement Act).

