



Crowe Valley

Conservation



Watershed Planning and Regulations (O. Reg. 41/24) Policy Manual

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This document was created with the best intentions of remaining consistent with the Policies and Procedures from the previous Crowe Valley Conservation Authority Manual as well as other Conservation Authorities. To that end the following were sourced for this document:

- Conservation Ontario and Ministry of Natural Resources “Draft Guidelines to Support Conservation Authority Administration of the “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation” (2008)
- Crowe Valley Conservation Authority “Generic Regulations Policy and Procedures” (2007)
- Kawartha Conservation “Watershed Planning and Regulations Policy Manual” (2012)
- Ministry of Natural Resources “Policy and Procedures for Conservation Authority Plan Review and Permitting Activities” (2010)
- Nottawasaga Valley Conservation Authority “Planning and Regulation Guidelines” (2009)
- Lower Trent Conservation” Policies and Procedures Manual” (2005)
- Otonabee Conservation “Watershed Planning and Regulations Policy Manual” (2012)
- Quinte Conservation “Policies and Procedures Manual” (2005)
- Toronto and Region Conservation Authority “The Living Cities Policy” (2013)

1.0 INTRODUCTION

1.1 Purpose and Scope

1.2 How to Read this Document

1.1 Purpose and Scope

This document is intended to provide policy guidelines for the Crowe Valley Conservation Authority (CVCA) to interpret and administer Ontario Regulation 41/24 and Sections 28 and 28.1 of the *Conservation Authorities Act*. With clear policy direction for development in regulated areas, this document aims to ensure a consistent approach by CVCA staff across the watershed. CVCA staff will review and evaluate applications for development against the policies contained in this document.

This document will provide information to landowners and the development community to consider when preparing proposals for approval.

This policy document complements overall CVCA watershed management objectives.

Municipalities and community stakeholders can also use this document to coordinate their own administration or interests, and can be confident that matters of stated Provincial interest have been accurately interpreted and applied appropriately.

This document has been developed in consideration of stated Provincial interest in natural hazard management, the Provincial “Flood Plain Planning Policy Statement; Implementation Guidelines” (MNRF, 1998), and the Provincial Technical Guides on flooding and erosion hazards of river and stream systems.

Crowe Valley Conservation Authority promotes a comprehensive floodplain management program consisting of several integrated components.

1. Administering Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits
2. Development and Maintenance of Floodplain Mapping
3. Municipal Plan Input and Review
4. Flood Forecasting, Warning and Contingency Planning
5. Information/Education Programs
6. Capital Works and Maintenance

It should be emphasized that floodplain management programs are undertaken in cooperation with municipalities. Municipalities have the responsibility to identify, with the assistance of the Conservation Authority, flood prone areas in their planning documents. In addition, municipalities should ensure that CVCA approval has been granted for proposed construction in areas covered by the Regulation prior to the issuance of a building permit. By doing so, they can help ensure safe and appropriate locations for development and land uses.

1.2 How to Read this Document

This document is intended to be read in its entirety and all relevant policies are to be applied to each situation. While specific policies may refer to other policies for ease of use, those cross-references emphasize the need for reading this document as a comprehensive and integrated suite of policies. It should be noted that this document does not address the approval requirements for other agencies.

Policies appear in boxes and blue text and often begin with the phrase: “It is the policy of CVCA that”

2.0 BACKGROUND

- 2.1 History of the Conservation Authorities
- 2.2 Role and Mandate of Conservation Authorities
- 2.3 Legislative Authority of Conservation Authorities
 - [2.3.1 The Conservation Authorities Act](#)
 - [2.3.2 The Planning Act](#)
 - [2.3.3 Other Legislation](#)

2.1 History of the Conservation Authorities

Conservation Authorities have a long and distinguished history in Ontario. The *Conservation Authorities Act* was created in 1946 in response to erosion and drought concerns, recognizing that these and other natural resource initiatives are best managed on a watershed basis. In 1956, in response to the severe economic and human losses associated with Hurricane Hazel (1954), amendments to the *Conservation Authorities Act* first empowered CAs to make Regulations to prohibit filling in floodplains. These Regulations were broadened in 1960 to prohibit or regulate the placing or dumping of fill in defined areas where, in the opinion of the CA, the control of flooding, pollution or the conservation of land may be affected. In 1968, amendments to the *Conservation Authorities Act* further extended the Regulations to prohibit or control construction and alteration to waterways, in addition to filling.

In 1998, the *Conservation Authorities Act* was amended as part of the *Red Tape Reduction Act* (Bill 25), to ensure that Regulations under the Act were consistent across the province and complementary to provincial policies. Significant revisions were made to Section 28, which led to the replacement of the “Fill, Construction and Alteration to Waterways” Regulation with the “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” Regulation (97/04). While some CAs have been regulating wetlands, shorelines and inter-connecting channels for years, the amendments required all CAs to regulate Great Lakes shorelines, inter-connecting channels, large inland lakes and wetlands in addition to the areas and features each CA historically regulated.

In 2006, the Minister of Natural Resources approved the Development, Interference and Alteration Regulations, tailored for each individual CA, and consistent with Ontario Regulation 97/04 and the *Conservation Authorities Act*. CVCA’s individual Regulation stemming from this process was Ontario Regulation 159/06, the “Crowe Valley Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses.” Along with providing consistent wording across the CAs and complementing municipal implementation of provincial policies under the Planning Act, the Regulations afforded CAs the responsibility to regulate the following:

- development in river or stream valleys, wetlands, shorelines and hazardous lands and associated allowances;

- the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or for changing or interfering in any way with a wetland; and
- other areas where, in the opinion of the Minister, development should be prohibited or regulated or should require the permission of the authority.

In 2024, the Ministry of Natural Resources and Forestry merged the previous 36 individual CA Regulations into one Regulation that applies to all Conservation Authorities across the Province of Ontario: Regulation 41/24, “Prohibited Activities, Exemptions and Permits” came into force and effect on April 1, 2024. It should be noted that the new Regulation is to be read in conjunction with the *Conservation Authorities Act*. The Regulation requires CAs to regulate the following:

- development activities in river or stream valleys;
- hazardous lands; and
- wetlands

CAs have been directed to develop Regulated Area mapping across their jurisdictional watersheds. Completeness and accuracy of this mapping varies across the Province. It is important to note that the legal basis for determining the Regulated Area remains with the written text. The text description of a regulated area prevails over any mapping inaccuracies or lack of mapping altogether. The “Guidelines for Developing Schedules of Regulated Areas” (MNRF and Conservation Ontario, 2005) identify the requirements for the preparation of Regulated Area maps and/or revisions to existing maps. Detailed studies requested at the time of an application may further refine the location of regulated features (i.e. floodplain, erosion hazard, unstable soils or bedrock, and wetlands).

The hierarchy of legislation and policies described in this section are depicted in Figure 1 below.

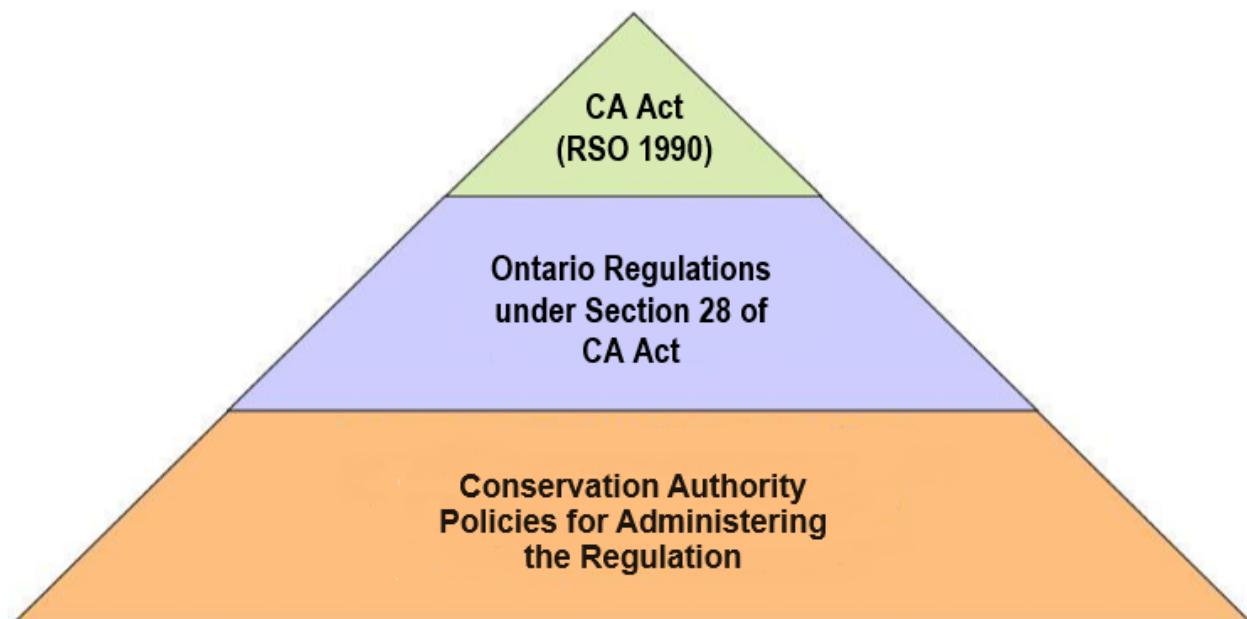


Figure 1: Hierarchy of Legislation

2.2 Role and Mandate of Conservation Authorities

Ontario's 36 Conservation Authorities perform a number of important responsibilities:

Conservation Authorities are corporate bodies created by the province at the request of two or more municipalities in partnership with the province and in accordance with the requirements of the Conservation Authorities Act (CA Act). As watershed-based resource management agencies, each Conservation Authority is governed by the *Conservation Authorities Act* and by a Board of Directors whose members are appointed by municipalities located within the CA's jurisdiction.

Conservation Authorities have delegated responsibilities from the Minister of Natural Resources and Forestry to represent provincial interests regarding natural hazards identified, as identified in the Provincial Policy Statement, 2020 (PPS, 2020). These delegated responsibilities require CAs to review and provide comments on:

- policy documents (Official Plans and Comprehensive Zoning By-laws); and,
- applications submitted under the Planning Act as part of the Provincial One-Window Plan Review Service.

Conservation Authorities, as 'public bodies' pursuant to the Planning Act, are notified of policy documents and planning and development applications as prescribed under the Act. CAs may comment as per their mandate to the municipality/planning approval authority on these documents and applications.

Conservation Authorities may perform a technical advisory role to municipalities, as determined under the terms of a service agreement with participating municipalities which may include, but is not limited to, matters related to the assessment or analysis of environmental impacts, watershed science and technical expertise associated with activities near or in the vicinity of: sensitive features such as wetlands, river and stream valleys, fish habitat or significant woodlands; hydrogeology and storm water studies; and, in some cases, septic system reviews.

Individual Conservation Authorities may enter into agreements with provincial and federal ministries and with municipalities to undertake specific regulatory / approval responsibilities (e.g. septic tank approvals under the Ontario Building Code).

Conservation Authorities are landowners, as outlined in the Conservation Ontario (CO)/Ministry of Natural Resources (MNRF)/Ministry of Municipal Affairs and Housing (MMAH) Delegated Responsibilities Memorandum of Understanding (MOU) and as such, may become involved in the planning and development process, either as an adjacent landowner or as a proponent/applicant.

2.3 Legislative Authority of Conservation Authorities

2.3.1 The Conservation Authorities Act

The *Conservation Authorities Act* assigns a broad set of responsibilities to all Conservation Authorities across Ontario, with the general purpose being to deliver programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario. It is mandatory under the Act for CAs to provide programs or services related to the risk of natural hazards (Section 20 and 21.1).

Section 20:

- (1) The objects of an authority are to provide, in the area over which it has jurisdiction,
 - a. The mandatory programs and services required under section 21.1;
 - b. Any municipal programs and services that may be provided under section 21.1.1; and
 - c. Any other programs or services that may be provided under section 21.1.2.

Section 21.1:

- (1) An authority shall provide the following programs or services within its area of jurisdiction:
 1. Programs or services that meet any of the following descriptions and that have been prescribed by the regulations:
 - i. Programs and services related to the risk of natural hazards.
 - iv. Programs and services related to the authority's duties, functions and responsibilities under an Act prescribed by the regulations.

Section 28 of the *Conservation Authorities Act*:

- (1) No person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:
 1. Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.
 2. Development activities in areas that are within the authority's area of jurisdiction and are,
 - i. hazardous lands,
 - ii. wetlands,
 - iii. river or stream valleys the limits of which shall be determined in accordance with the regulations,
 - iv. areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, such areas to be further determined or specified in accordance with the regulations, or
 - v. other areas in which development should be prohibited or regulated, as may be determined by the regulations.

Section 28.1 of the *Conservation Authorities Act*:

- (1) An authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of the authority,
 - a. the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
 - b. the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and
 - c. any other requirements that may be prescribed by the regulations are met.

The Crowe Valley Conservation Authority enforces the *Conservation Authorities Act* and administers Ontario Regulation 41/24, which requires CVCA to regulate certain development activities within areas prescribed by the Regulation.

2.3.1.1 Exceptions under the Conservation Authorities Act

Section 28 and Section 28.1 of the *Conservation Authorities Act*, and Ontario Regulation 41/24 include exceptions pertaining to:

- *Aggregate Resources Act*
 - Activities approved under the *Aggregate Resources Act* after December 18, 1998.
- *Drainage Act*
 - the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the *Drainage Act* and the *Conservation Authorities Act Protocol*, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time.
- Agricultural activities, including but not limited to:
 - The installation, maintenance or repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15 metres of a wetland or a watercourse, and where no excavated material is deposited within an area where subsection 28 (1) of the Act applies;
 - The installation of new tile drains that are not within a wetland or watercourse, within 30 metres of a wetland or within 15 metres of a watercourse, and that have an outlet of water that is not directed or connected to a watercourse, wetland or river or stream valley, or the maintenance or repair of existing tile drains;

It should be noted that the *Conservation Authorities Act* does not contain a subsection that specifically “binds the Crown.” Therefore, activities of Provincial Ministries, Federal Departments and Crown Agencies or “Crown Corporations” are not bound by the Act and these entities are not legally required to obtain permission under the *Conservation Authorities Act*. CAs can invite these parties to voluntarily submit proposals for works through the permit review process. Best practice would suggest that these parties comply to ensure a sufficient technical review of their activities and to ensure any negative impacts are minimized.

2.3.2 The Planning Act

The principle of development is established through the *Planning Act* process and CAs are involved in the review of planning applications under the *Planning Act* in three ways:

- as an agency with delegated responsibilities for the review and assessment of natural hazards and related risks;
- as a technical advisor; and
- as a commenting agency.

The Conservation Authorities' Regulation (O. Reg. 41/24) complements various sections of the Provincial Policy Statement (2020) under the *Planning Act*, including Section 3.1 Natural Hazards, Section 2.1 Natural Heritage, and Section 2.2 Water (quality and quantity) policies of the 2020 Provincial Policy Statement (PPS) under the *Planning Act*. While many CAs have additional agreements with their member municipalities to comment on Natural Heritage and Water, the CVCA provides comments only on Section 3.1 Natural Hazards of the PPS, 2020 (Delegated Responsibilities Memorandum of Understanding, 2010 - Appendix F). The CVCA also comments on applicability of the *Conservation Authorities Act* and Ontario Regulation 41/24.

Section 3.1 Natural Hazards of the PPS, 2020 includes provisions related to the following natural hazards:

- Flooding and/or Erosion
 - Hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and/or erosion hazards;
- Hazardous sites
 - Property or lands that could be unsafe for development and site alteration due to naturally occurring hazards such as unstable soils (organic soils, marine clays [leda]) or unstable bedrock (karst topography).

With this delegation of responsibility for natural hazards, CAs review and provide comments on *Planning Act*-related policy documents (Official Plans and Comprehensive Zoning Bylaws) and, as part of the Provincial One Window Planning Service, applications submitted under the *Planning Act* (e.g. minor variances, zoning bylaw amendments).

CAs may also provide technical advisory services to member municipalities for *Planning Act* applications. In this capacity, CA staff provide technical input regarding potential environmental impacts and advise on potential negative impacts. Depending on service agreements, CA comments may cover matters in addition to natural hazards, including but not limited to, natural heritage and water quality / quantity.

Regulations made under the *Planning Act* require municipalities to notify CAs of planning applications and changes to policy documents, at which time the CA may provide advisory comments relating to goals and objectives for watershed management.

One of the key distinctions between the *Planning Act* and the *Conservation Authorities Act* is that the *Planning Act* establishes the principle of development, while the *Conservation Authorities Act*, much like a building permit, identifies specific site requirements prior to activities taking place. Prior to receiving an application for development within a regulated area, CAs will often have already seen the proposal through their Plan Review process, including applications under the *Planning Act* (e.g., severances, minor variances, zoning bylaw amendments, site plan control, subdivision applications). The CVCA endeavours to ensure, through its comments on *Planning Act* applications, that the requirements under the *Conservation Authorities Act* and Regulation can be achieved when an application is submitted to the CVCA.

While the CVCA tries to determine whether applications under the *Planning Act* can be approved under the *Conservation Authorities Act* and Ontario Regulation 41/24, the information made available to the CVCA for review may be inadequate or incomplete. The CVCA serves in a technical advisory role to the Planning Approval Authority (i.e. the Municipality) and does not have the ability to control requirements for complete applications. It is best practice for the Planning Approval Authority to coordinate with the CA to ensure that all required information is available for review by the CA prior to the application being deemed complete.

In some cases, permission under the *Conservation Authorities Act* and Regulation 41/24 may not be pursued for several years after the application has been reviewed and approved under the *Planning Act*. This can be problematic if over time there have been significant changes to legislation, regulations, CVCA policies, or environmental conditions. In such cases, the CVCA will endeavor to find the most reasonable and practical solution, while ensuring that core objectives of minimizing or eliminating risks to people and property are upheld.

As a technical advisor, the CA will make recommendations to the Planning Approval Authority. The Planning Approval Authority is not obligated to heed those recommendations. This can create issues at other approval stages, including applications made under Section 28.1 of the *Conservation Authorities Act*. Approvals provided under the *Planning Act* or other regulatory process (i.e. *Building Code Act*) does not mean the development can or must be approved by the CA. Similarly, the CA may grant permission for development that may not be able to satisfy the requirements of other approval authorities. It is ultimately the responsibility of the proponent to ensure that all required approvals can be attained.

If an application under the *Planning Act* does not satisfy requirements of the Conservation Authority, CA staff should be given the opportunity to work with the municipality and the proponent to modify the application prior to the application being deemed complete. As previously noted, the principle of development is established through the *Planning Act* process. It is not acceptable to recommend approval of a planning application and then recommend refusal of a regulatory permission, unless the applicant refuses to meet the specific requirements under the Regulation. If an issue remains unresolved, the CA should not recommend approval of the *Planning Act* application.

There is recognition that historic planning approval decisions were made prior to current legislation, regulations and policy standards, and perhaps in the absence of modern technical information. In

some cases, that development would no longer be approved by today's standards. In these situations, innovative efforts may be necessary to address site constraints and accommodate that development. However, where risks to life and property are too severe and deemed unacceptable, the development should not be allowed to proceed.

2.3.3 Other Legislation

There are many other pieces of legislation that address various water-related resource management activities. Some of the key pieces of legislation include:

- *Fisheries Act* (Fisheries and Oceans Canada);
- *Lakes and Rivers Improvement Act* (MNRF);
- *Public Lands Act* (MNRF);
- *Environmental Assessment Act* (MECP);
- *Water Resources Act* (MECP); and
- *Drainage Act* (Ontario Ministry of Agriculture, Food and Rural Affairs).

It is important to note that any permission granted by the Conservation Authority does not exempt the applicant from complying with any other approvals, laws, statutes, ordinances, directives, regulations, etc. that may affect the property or the use of same. Likewise, complying with or obtaining all other approvals, laws, statutes, ordinances, directives, regulations, etc. does not exempt the applicant from obtaining permission under Section 28.1 of the *Conservation Authorities Act*.

3.0 POLICIES AND GUIDELINES FOR THE ADMINISTRATION OF ONTARIO REGULATION 41/24

3.1 Objectives of the Conservation Authorities Act and Regulation 41/24

3.2 One Zone Concept

3.3 Ingress/Egress

3.4 Areas Subject to the Regulation

3.4.1 Conflict

3.4.2 Permission to Develop

3.4.3 Application Process

3.4.4 Hearing Process

3.4.5 Violations

3.5 Activities Typically Regulated

3.6 Activities That Do Not Require a Permit

3.7 General Regulation Policies

3.1 Objectives of the Conservation Authorities Act and Regulation 41/24

The CVCA administers Ontario Regulation 41/24, made pursuant to Sections 28 and 28.1 of the *Conservation Authorities Act*. Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits) is included as Appendix B.

The objectives of the Regulation are:

1. To minimize the potential for loss of life and property damage;
2. To reduce the necessity for public and private expenditures for emergency operations, evacuation and restoration of properties subject to flooding;
3. To make information available regarding flood or erosion prone areas;
4. To minimize flood-related risks by regulating development in floodplains that could alter channel capacity (flood storage), flood flows, the extent of the floodplain, and/or other floodplain characteristics;
5. To minimize erosion-related risks by regulating development in/near apparent river or stream valley systems (i.e. hazardous slopes);
6. To minimize erosion-related risks by regulating development in/near non-apparent river or stream valley systems (i.e. meander belts); and

7. To minimize interference with or alterations to wetlands that impedes natural hydrological functions of wetlands and may reduce natural flood storage capacity.

To achieve these objectives, certain development activities are prohibited or restricted in prescribed areas. The Conservation Authority may issue permission for development activities in these areas, provided the authority is in the opinion that:

- the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; and
- the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health and safety of persons or result in the damage or destruction of property.

Subsection 28(1) of the *Conservation Authorities Act* states that no person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:

1. Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.
2. Development activity, as defined in the Regulation, in areas that are within the authority's area of jurisdiction and are,
 - i. hazardous lands,
 - ii. wetlands,
 - iii. river or stream valleys the limits of which shall be determined in accordance with the regulations,
 - iv. areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, such areas to be further determined or specified in accordance with the regulations, or
 - v. other areas in which development should be prohibited or regulated, as may be determined by the regulations.

Subsection 28.1(4) of the *Conservation Authorities Act* states that the Conservation Authority **may** issue a permit with or without conditions.

To receive permission for development, it must be demonstrated in an application to the satisfaction of the CVCA that the control of flooding, erosion, dynamic beaches or unstable soil or bedrock will not be affected. These are referred to as the “tests of the Regulation.” The control of dynamic beaches is generally applicable to the Great Lakes shorelines and large inland lakes, and therefore not applicable in the Crowe Valley watershed.

To receive permission for a development activity that would interfere with a watercourse or wetland, it must be demonstrated, to the satisfaction of the CVCA, that interference with the watercourse or wetland is acceptable in consideration of the impacts to the hydrologic functions of the watercourse or wetland. To receive permission for development within “other areas” associated with wetlands, it must be demonstrated that interference with the hydrologic functions of the

wetland is deemed acceptable by the CVCA. Permission from the CVCA may be in the form of a formal permit or a letter of permission.

To support applications for development, submission of technical studies may be necessary. These technical studies must be carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the CVCA. These established procedures should be in keeping with MNRF's Technical Guides for Natural Hazards (MNRF, 2002a; MNRF, 2002b; MNRF, 1996a; MNRF, 1996b; and MNRF 1996c), other Provincial guidelines and/or guidelines approved by the local CA Board. **The CVCA may request technical studies, which will be carried out at the expense of the applicant.** As the expertise for reviewing technical studies varies among CAs, the CVCA may request a peer review be completed by a qualified professional. **Peer reviews are also completed at the expense of the applicant.**

3.2 One Zone Concept

Under the one zone approach, development activities are prohibited or restricted within the Regulatory Floodplain. Permitted development may include reconstruction with no or limited expansion, or minor additions to existing structures. Other uses, such as open space, that are not likely to result in damages to other properties from floodwater, or cause increased threats to public safety, may be permitted within the floodplain. Examples of uses or structures that would create adverse impacts in the floodplains of our riverine systems include, but are not limited to, new buildings, swimming pools, filling activities, septic tile fields and tanks, as well as manure storage and handling facilities.

The One Zone Concept of floodplain management is applied throughout the entire Crowe Valley Conservation jurisdiction.

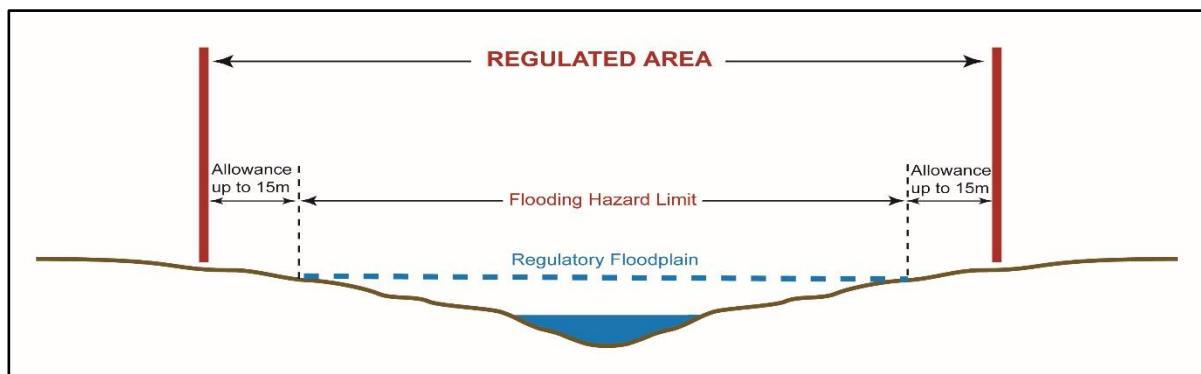


Figure 2: One Zone Floodplain Concept

3.3 Ingress/Egress

When reviewing development applications, the Authority must have regard for its objectives of preventing loss of life and minimizing property damage.

Access to and from homes, cottages, commercial establishments, or other structures is a critical consideration for development in or near floodplains. Flooding can impair access for occupants, police, fire fighters or ambulance personnel in emergency situations. It must be ensured that access to proposed development is safe and appropriate for the intended use. Provision of safe access by people, vehicles, and equipment to and from the hazard area for maintenance and/or construction of remedial works must be considered. Therefore, the Authority will review accessibility for pedestrians and vehicles with regard for expected water depths and velocities during the regulatory flood event. New lots proposed to be created by way of consent or plan of subdivision that will have access that crosses a flood susceptible area, must have road access that is safe.

In the context of new development, the risks should be controlled by prohibiting development in dangerous or inaccessible portions of the regulated feature. Where new development requires access onto an existing flooded municipal or provincial roadway, this access must have depths and velocities less than or equal to those experienced on the existing roadway. Furthermore, if these depths and velocities exceed these criteria, then 'safe,' reasonable and adequate alternate access to an alternate municipal or provincial road must be available.

For existing development, safety risks are a function of the occupancy of structures, the susceptibility of the structure and the access routes to the structure. For existing development, the following factors should be considered:

- degree of risk with the use of the existing access;
- ability to modify the existing access or construct a new safe access;
- ability to find and use the access during an emergency; and
- ability and willingness of the municipality (emergency vehicles) to use the access.

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.

Safe access is defined as conforming to the depth and velocity criteria for pedestrians and vehicles in the following table.

Table 1: Depth and Velocity Criteria

Acceptable Vehicle Depths	Acceptable Pedestrian Depths	Acceptable Velocities
0.1m	0.1m	1.7 m/s (max allowable)
0.2m	0.2m	1.7 m/s
0.3m (max. allowable)	0.3m	1.3 m/s
	0.4m	1.0 m/s
	0.5m	0.8 m/s
	0.6m	0.7 m/s
	0.7m	0.6 m/s
	0.8m (max. allowable)	0.5 m/s

Source: Provincial Flood Plain Planning Policy Statement (1988)

- depth for vehicle access may not exceed 0.3 metres
- depth for pedestrian access may not exceed 0.8 metres
- velocities may not exceed 1.7 metres per second

Note: for situations where a proponent is proposing to construct a road access down a slope or embankment to the water, the grade of the driveway cannot exceed a 10% gradient. Sediment and erosion control are key elements to be addressed when dealing with a permit application for access to the waterfront.

3.4 The Regulation Limit

The approximate extent of regulated areas associated with hazardous lands, wetlands, areas of interference with wetlands, watercourses, and river or stream valleys is identified by a Regulation limit.

The Regulation Limit, also referred to as the 'regulated area,' has been mapped by CVCA in accordance with guidelines from the Ministry of Natural Resources and Forestry (MNRF) and Conservation Ontario (CO) where information is available.

3.4.1 Areas Subject to the Regulation

Ontario Regulation 41/24 defines areas where development is prohibited as well as the extent of the regulated area around natural hazards and wetlands. All areas within the jurisdiction of the Authority that are described in this section are delineated as the "Regulation Limit" shown on a series of maps filed at the head office of the Authority and made available to the public on the authority's website. The features that are encompassed by the regulation are as follows:

River and Stream Valleys

This component of the Regulation applies to development within river and stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:

- where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side;
- where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of slope is unstable, from the predicted location of the toe of slope as a result of stream erosion over a projected 100-year period, plus 15 metres to a similar point on the opposite side;
- where the river or stream valley is not apparent, the valley extends the greater of:
 - the distance from a point outside of the edge of the maximum extent of the floodplain under the applicable flood event standard, plus 15 metres to a similar point on the opposite side, and
 - the distance from the predicted meander belt of a watercourse expanded as required to convey the flood flows under the applicable flood event standard, plus 15 metres to a similar point on the opposite side.

Wetlands

This component of the Regulation applies to development within a wetland or interference in any way with a wetland. As per Ontario Regulation 41/24, wetland means land that: is seasonally or permanently covered by shallow water or has a water table close to or at its surface; directly contributes to the hydrological function of a watershed through connection with a surface watercourse; has hydric soils, the formation of which have been caused by the presence of abundant water; and has vegetation dominated by hydrophytic or water tolerant plants, the dominance of which have been favoured by the presence of abundant water.

Areas of Interference (“Other Areas”)

This component of the Regulation applies to development on lands within 30 metres of all wetlands that could interfere with the hydrologic function of the wetland.

Hazardous Lands

This component of the Regulation applies to development within hazardous lands which is defined under Subsection 1(1) of Ontario Regulation 41/24. Hazardous land means land that could be unsafe for development due to naturally occurring processes associated with flooding, erosion, dynamic beaches, or unstable soil or bedrock. Unstable soil and bedrock include, but is not limited to sensitive marine clays, organic soils, and karst topography. Sensitive marine clays have not been identified within the CVCA watershed. Organic soils are normally formed by the decomposition of vegetative and other organic materials. Peat soils are the most common type of organic soil in Ontario. Karst topography may be present in limestone or dolomite bedrock and are extremely variable in nature.

Lakes, Rivers, Creeks, Streams and Watercourses

This component of the Regulation applies to the straightening, changing, diversion, or interference in any way with the existing channel of a watercourse, including lakes and their shorelines that are within the CVCA watershed.

As per Ontario Regulation 41/24, a watercourse means a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs.

This component of the Regulation does not apply to dug-out or isolated ponds located outside of any wetland or area of interference with a wetland, river or stream valley, hazardous land associated with unstable soil or bedrock, and/or the applicable regulated allowance. For small islands it is assumed that the entire island is regulated.

3.4.2 Mapping Inaccuracies

If there is a discrepancy between the regulated area shown on the Regulation Limit maps and the written description of the regulated area, the written description prevails.

A regulated feature (wetlands, creek, stream, etc.) that exists on the ground but is not captured in the Regulation Limit mapping is still regulated by the CVCA. For example, a stream or wetland that exists on a property that does not appear on available mapping is still regulated.

3.5 Permission to Develop

The Authority may grant permission for development in or on a regulated area if, in its opinion, the control of flooding, erosion, dynamic beaches or unstable soil or bedrock (the “tests of the Regulation”) will not be affected by the development. This permission will be given in writing with or without conditions. Failure to meet any one or a combination of the tests may result in the denial of the application.

Permits – Period of Validity and Extensions

Standard CVCA permits will be valid for a period of 24 months. Proponents may apply to the CVCA for an extension, up to a maximum of 60 months from the original date permission was granted. Extensions are granted at the discretion of the CVCA.

Permits Transferability

Permits will only be granted to the landowner and are not transferrable. In the case of development proposed on common lands, an application will not be considered until written authorization from all joint owners of the land is received.

3.5.1 Application Process

The CVCA is committed to adhering to the permit administration standards specified in the *Conservation Authorities Act* and Ontario Regulation 41/24, as well as the standard operating procedures, guidelines and best practices developed by Conservation Ontario. To this end we will work with applicants through the process to ensure understanding and a timely turnaround for all applications. We will also ensure the regulations permitting process is aligned with the approval process under the *Planning Act*. While the process to obtain a permit is standard, CVCA evaluates each application based on its own merits to ensure that it is consistent with the policies contained in this Manual and also to ensure it meets provincial legislation, regulations and policy. To ensure permit administration time is minimized, it is recommended that the applicant thoroughly review the CVCA’s Permit Application Form (available on CVCA website) and provide information that is of the highest possible quality.

Prior to undertaking any development, applicants are encouraged to contact the CVCA in person, by phone or email to determine if the property in question falls within or adjacent to a regulated area.

If a permit is required, applicants must complete and submit a Permit Application Form. Applicants should be prepared to complete the following requirements:

- the required application fee (to be determined by staff once initial review of the application is complete);

- property information (lot number, concession number, assessment roll number, Township, etc.);
- a concept plan of the proposed development showing the property boundaries;
- plan of the area showing the type and location of the proposed development activity or a plan of the area showing plan view and cross-section details of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;
- the proposed use of any buildings and structures following completion of the development activity or a statement of the purpose of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland;
- the start and completion dates of the development activity or other activity;
- a description of the methods to be used in carrying out an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;
- the elevations of existing buildings, if any, and grades and the proposed elevations of any buildings and grades after the development activity or other activity;
- grading and drainage details before and after the development activity;
- a complete description (type and volumes) of any fill proposed to be placed or dumped;
- a confirmation of authorization for the proposed development activity or other activity given by the owner of the subject property, if the applicant is not the owner;
- any other technical information, studies or plans that the authority requests including information requested during pre-submission consultations between the authority and the applicant;
- property information (lot number, concession number, assessment roll number, Township, etc.); and
- any other information requested on the application form or checklist included in the application package.

Permit application forms are available from the CVCA Office and on our website: www.crowevalley.com

Permit application fees vary depending on the nature of the application and CVCA staff can advise of the permit fee(s) that apply prior to submitting a permit application.¹ CVCA staff may need to conduct a site visit to determine the applicable fee.

Once a permit application is made to the CVCA, the CVCA will work within a 21-day timeline to identify any outstanding information or requirements, or confirm that the application is considered complete. The proponent will be notified in writing. It should be noted, however, that substantial

¹ All application fees are established by the CVCA Board of Directors and are reviewed annually. The schedule of fees is posted on the CVCA website and is available in hard copy from the CVCA office.

changes to a proposal or a site visit by CVCA staff may affect the information required as well as the ability of the CA to respond conclusively within the 21-day period.

If an application is deemed incomplete, CVCA will require additional information so that a complete analysis can be conducted. Until such time as this additional information is provided, applications may be put 'on hold' or returned to the applicant. Resubmissions may be subject to an additional 21-day review period for the CVCA to determine if the application is complete. Any files on hold for one year or longer will be deemed 'closed' and will not be processed.

Once the application has been deemed complete, the CVCA will: grant the permit with or without conditions, or indicate that staff will recommend the application be denied by the CVCA Watershed Advisory Board. If one of these outcomes is not decided upon within 90 days of the application being deemed complete, the applicant reserved the right to appeal directly to the Ontario Land Tribunal.

For certain applications, submission of technical studies may be necessary and may be requested at the discretion of the CVCA. CVCA will inform the proponent as to whether technical studies are required as early on in the process as possible. These technical studies must be carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures² and recognized methodologies to the satisfaction of CVCA. These technical studies are carried out at the expense of the applicant.

The CVCA will not request technical studies or other technical requirements once the application has been deemed complete.

Where technical expertise within CVCA is not available to review a requested study, it may be requested that the study be peer reviewed by a qualified professional at the expense of the applicant.

The timelines associated with CVCA's review of a permit application do not begin until a complete application has been submitted and fee payment received.

CVCA staff will review applications made pursuant to O. Reg. 41/24. Prior to the issuance of a permit, a designated CVCA staff member may conduct a site inspection. At this time, photos to represent the pre-development conditions may be taken and notes regarding the nature of slopes, water features and any other items will be recorded and added to the file. If a site inspection is deemed necessary by staff, but due to snow cover or other conditions it cannot be sufficiently inspected, then the applicant will be advised that the review of the application will be suspended until a proper inspection can be conducted.

² These established procedures should be in keeping with MNRF's Technical Guides for Natural Hazards (MNRF, 2002a; MNRF, 2002b; MNRF, 1996a; MNRF, 1996b; and MNRF 1996c), other Provincial guidelines and/or guidelines approved by the CVCA Board.

Once an application is deemed complete, the CVCA is required to provide the applicant with notice of a decision on the application within 90 days. If notice of a decision is not provided within 90 days, the applicant has rights to appeal under the *Conservation Authorities Act*.

Permission from CVCA will be given in the form of a formal letter of permission. This letter will be provided to the applicant, their agent (if listed) and circulated to the appropriate municipality.

All permits issued by the CVCA are subject to the Municipal Freedom of Information Protection and Privacy Act, RSO 1990, c.M.56.

Applicants should be aware that CVCA will assess any new applications against the policies that apply at the time the application is submitted. It is important to note that the applicant may be required to obtain approvals from other agencies at the federal, provincial and municipal level. Obtaining an approval from CVCA does not ensure that these other approvals will be forthcoming.

3.5.2 Permit Extensions and Amendments

Permits granted by the CVCA (either with or without conditions), are issued for a standard period of validity of 24 months. Under Ontario Regulation 41/24, the maximum period of validity, including an extension, is 60 months. If permission was granted for a period less than 60 months, applicants may apply to the CVCA or to the Minister for an extension. Extensions are not to exceed a total of 60 months. An extension must be applied for at least 60 days before the permit expires. Provisions for extensions are laid out under Section 11 of Ontario Regulation 41/24. If the development approved by the permit is not completed within the specified period of validity, the applicant must reapply for a new permit.

Once permission has been granted, the applicant must adhere to the terms of the CVCA permit approval letter. Any revisions to a proposal that deviate from the original permission require additional approval from CVCA. Applicants may request an amendment to the permit approval details. Amendments will be granted provided that the revision is minor and does not consist of any additional projects. It is at the discretion of the CVCA what constitutes a minor revision. If approved, a permit amendment letter will be issued reflecting the revised permission.

Amendments requested for major changes (i.e. new projects) will not be accepted and a new application will be required.

3.5.3 Hearing Process

CVCA staff cannot issue approval for an application that does not conform to CVCA policies. If CVCA staff are unable to recommend approval of the application for development, or if the application is approved with conditions the applicant does not agree with, the applicant may request a hearing of the CVCA Watershed Advisory Board.

Prior to requesting a hearing, a complete application must be submitted, including all technical information requested, and CVCA staff decision rendered. A decision to not grant permission at the

staff level does not constitute formal denial of the application as the applicant has the right to request a hearing with the CVCA Watershed Advisory Board.

The requirements associated with a hearing are outlined in various sections of the CA Act and the “MNRF/CO Hearings Guideline” that outlines the process to be followed (See Appendix D). After holding a hearing, the CVCA Watershed Advisory Board must:

- grant the permission without conditions;
- grant the permission with conditions; or
- refuse the permission.

The decision is conveyed to the applicant in writing. If conditions are attached to the permission or if the permission is refused, CVCA will provide reasons for the decision.

If the CVCA Watershed Advisory Board denies an application or approves an application with conditions, the applicant has further appeal opportunities outlined in the *Conservation Authorities Act*.

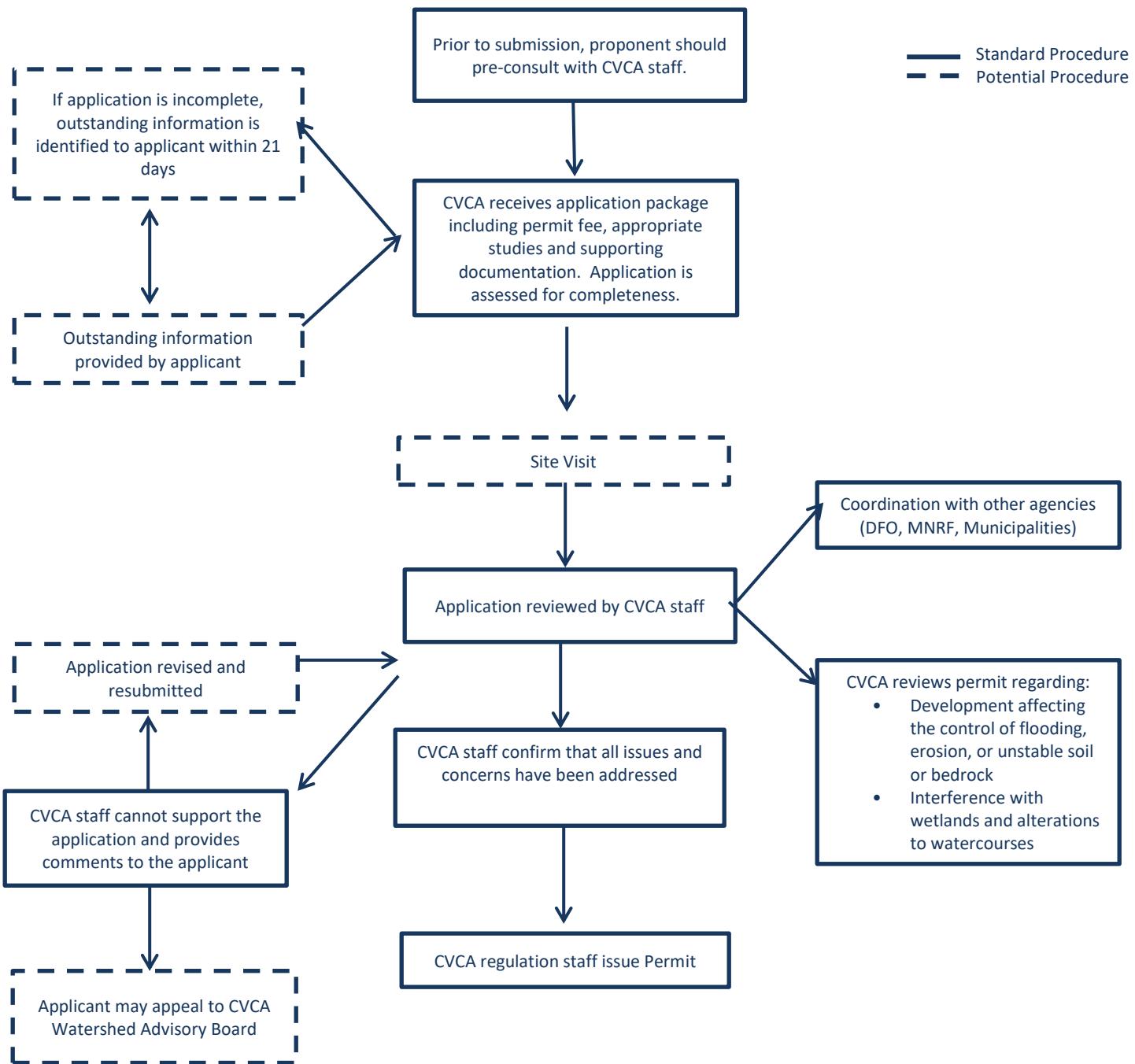
3.5.4 Violations

Any development activity in a regulated area requires permission from the CVCA. If permits are not obtained or if work is carried out that is not in keeping with the terms and/or conditions of the permit, the activity is considered a contravention of Ontario Regulation 41/24 and may be considered as an offence under the *Conservation Authorities Act*. In some cases, landowners may not be aware that permission is required from CVCA. In other cases, work is carried out by those who may be familiar with CVCA requirements and their obligations but compliance is avoided.

CVCA has the legal authority under the *Conservation Authorities Act* to investigate an activity to determine whether or not a contravention of Ontario Regulation 41/24 has taken place. A person convicted of an offence under the Act may be subject to a fine or imprisonment. Depending on the nature of the contravention, landowners may also be required to undertake restoration and/or rehabilitation actions in a manner prescribed by the Court and at their own expense.

CVCA is committed to working with landowners. Before any work is undertaken, all landowners are encouraged to contact CVCA to obtain the necessary approvals and are encouraged to adhere to any conditions identified by CVCA.

Provided below is a diagram illustrating how CVCA staff process permit applications under Ontario Regulation 41/24.



3.6 Activities Typically Regulated

The following identifies examples of development activities that CAs typically regulate. In many cases, the proposed development and proposed ancillary uses of the development could detrimentally affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock. These development activities may include, but are not limited to:

- Construction of all buildings and additions including modification or reconstruction of foundations which support existing buildings;
- Breakwalls, revetments, rubble groynes, jetties, etc.;
- Other similar marine works on or near shorelines or lakeshores;
- Permanent docks;
- Stairs, decks, gazebos;
- Boat ramps, boat storage structures;
- Dredging;
- In-ground and above-ground pools;
- Temporary or permanent placement of fill, grading, removal of fill, or site alteration;
- Retaining walls;
- Trailers and mobile homes;
- Bridges, crossings, roads and pipelines;
- New municipal drains, or alterations to existing municipal drains.

Development associated with existing uses in river/stream valleys or shorelines such as non-habitable structures is often differentiated from new development to allow landowners to maintain, and to a limited extent, improve their properties.

3.7 Activities That Do Not Require a Permit

Paragraph 2 of subsection 28 (1) of the Act does not apply to,

- (a) the construction, reconstruction, erection or placement of,
 - (i) a seasonal or floating dock that,
 - (A) is 10 square metres or less,
 - (B) does not require permanent support structures, and
 - (C) can be removed in the event of flooding,
 - (ii) a rail, chain-link or panelled fence with a minimum of 75 millimetres of width between panels, that is not within a wetland or watercourse,
 - (iii) agricultural in-field erosion control structures that are not within and that do not have any outlet of water directed or connected to a watercourse, wetland or river or stream valley,
 - (iv) a non-habitable accessory building or structure that,
 - (A) is incidental or subordinate to the principal building or structure,
 - (B) is 15 square metres or less, and
 - (C) is not within a wetland or watercourse, or
 - (v) an unenclosed detached deck or patio that is 15 square metres or less, is not placed within a watercourse or wetland and does not utilize any method of cantilevering;
- (b) the installation of new tile drains that are not within a wetland or watercourse, within 30 metres of a wetland or within 15 metres of a watercourse, and that have an outlet of water

that is not directed or connected to a watercourse, wetland or river or stream valley, or the maintenance or repair of existing tile drains;

- (c) the installation, maintenance or repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15 metres of a wetland or a watercourse, and where no excavated material is deposited within an area where subsection 28 (1) of the Act applies;
- (d) the maintenance or repair of a driveway or private lane that is outside of a wetland or the maintenance or repair of a public road, provided that the driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered;
- (e) the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the Drainage Act and the *Conservation Authorities Act Protocol*, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time; and
- (f) the reconstruction of a non-habitable garage with no basement, if the reconstruction does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a habitable space

Further, the CVCA has determined that permission from the CVCA is not required for:

- Repairs and renovations to an existing structure within the existing roofline and exterior walls and above the existing foundation (window repair, siding, etc.);
- Non-structural activities associated with existing agricultural use (cropping, pasturing, tilling, fence row clearing, stone pile removal, livestock watering, etc.);
- Landscaping that does not result in alterations to existing grade and/or does not exceed than 5m³ of fill (e.g. gardens, nurseries, timber harvesting, etc.);
- Patching or resurfacing of existing access routes (public roads, driveways, private access roads, and entrance ways) that do not result in alterations to existing grade;
- Well installation;
- Fence installation, not including stone or concrete walls.

3.8 General Regulation Policies

The CVCA has mandate to administer and enforce Ontario Regulation 41/24, prohibiting or restricting certain development activity throughout the watershed in areas described in the Regulation, and Section 3.4.1 of this document. As defined by the Regulation, development means:

- the construction, reconstruction, erection or placing of a building or structure of any kind,
- any change to a building or structure that would have the effect of altering the use or potential use of the building or structure,
- site grading, or
- the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

The Regulation also gives CVCA authority to regulate activities which would result in:

- the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, or watercourse; or

- changing or interfering in any way with a wetland.

CVCA will hold all applications to the following standards:

- Development, interference and/or alteration activities shall not be undertaken in a regulated area without written permission from CVCA.
- Where a regulated area covers more than one water related hazard (e.g., lands susceptible to flooding that are part of a wetland), all of the policies that pertain will be applied and where applicable, the more restrictive policies will apply.
- Technical studies and/or assessments, site plans and/or other plans submitted as part of an application must be completed by a qualified professional to the satisfaction of CVCA, the cost of which is borne by the applicant. Compliance with current standards is required.

Within areas defined by the regulation (i.e., regulated areas) including river or stream valleys and an allowance; wetlands or other areas where development could interfere with the hydrologic function of a wetland (areas of interference); watercourses, or hazardous lands, the following general policies will apply:

It is the policy of CVCA

3.8.1	That development, interference or alteration will not be permitted within a regulated area, except in accordance with the policies contained within this document. In the event of a conflict between the policies applicable to the development, interference or alteration, the most restrictive policy shall apply.
3.8.2	That notwithstanding Policy 3.8.1, the CVCA's Board of Directors may grant permission for development, interference and/or alteration where the application provided evidence acceptable to the Board of Directors that documents the development and/or activity will have no adverse effect on the control of flooding, erosion, and unstable soil or bedrock with respect to river or stream valleys, hazardous land, wetland and areas of interference, or result in unacceptable interference with a watercourse or wetland.
3.8.3	That development, interference or alteration within a regulated area may be permitted where it can be demonstrated to the satisfaction of CVCA, through appropriate technical reports, assessments, site plans and/ or other documents as required by CVCA, that: <ul style="list-style-type: none"> • there is no feasible alternative location for development outside the hazard; • the development does not encroach further into the hazard than existing conditions; • the risk to public safety is not increased; • susceptibility to natural hazards is not increased and no new hazards are created (e.g. there will be no impacts on adjacent properties with respect to natural hazards);

- there are no adverse hydraulic or fluvial impacts on rivers, creeks, streams, or watercourses;
- negative or adverse hydrological impacts on natural features and functions, including wetlands, are avoided and mitigated as demonstrated by a qualified professional;
- intrusions on natural features, areas and systems contributing to hydrologic functions are avoided or mitigated as demonstrated by qualified professional;
- access for emergency works and maintenance of flood or erosion control works is available;
- sedimentation and erosion during construction and post-construction is minimized using best management practices including site, landscape, infrastructure and/or facility design (whichever is applicable based on the scale and scope of the project), construction controls, and appropriate remedial measures;
- the control of flooding, erosion, and unstable soil or bedrock will not be affected during and post development, interference or alteration; and
- proposed development is constructed, repaired and/or maintained in accordance with accepted engineering principles and approved engineering standards to the satisfaction of CVCA, whichever is applicable based on the structural scale and scope, and the purpose of the project.

3.8.4	That notwithstanding Sections 3.8.1, 3.8.2 and 3.8.3, where there is an existing vacant lot of record, (including an infill lot), no new development will be permitted where the lot has no safe access, or is entirely within one or more of the following:
	<ol style="list-style-type: none"> a) the flood hazard (One Zone Policy Area), or erosion hazard of valley and stream corridors, other hazardous lands; b) a wetland; or c) any natural features, areas and systems contributing to hydrologic functions.

Prohibited Development, Interference and Alterations

3.8.5	That notwithstanding Sections 3.8.1 and 3.8.2, development will not be permitted within the flood or erosion hazard of valley and stream corridors, erosion hazard or hazardous lands associated with unstable soil or bedrock, where the use is:
	<ol style="list-style-type: none"> a) an institutional use including but not limited to those associated with a hospital, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young; b) an essential emergency service such as that provided by fire, police, and ambulance stations, and electrical substations; or c) associated with the disposal, manufacture, treatment, or storage of hazardous substances.

Emergency Works

3.8.6	Permission will be granted to municipalities and other agencies for emergency works to repair existing infrastructure within a regulated area that is at immediate risk of failure or other public safety concerns provided that CVCA is notified prior to conducting remediation works, and where appropriate or possible given the opportunity to review, provide technical guidance related to the control of flooding, erosion, and/or hazardous lands associated with unstable soil or bedrock. Municipalities shall provide a description of the emergency works or 'as built' information upon the completion of emergency works.
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Development Setbacks

3.8.7	That notwithstanding supplementary policies or stand-alone policies as specified in Sections 4.0 through to and including 7.0, development within a regulated area shall be set back the greater of the following: a) Valley and Stream Corridors: 6 metres from the long term stable top of slope, stable toe of slope, meander belt and any contiguous natural features and areas that contribute to hydrologic functions; b) Natural Hazards: 6 metres from the extent of a hazard; c) Wetlands: 30 metres from provincially significant wetlands and wetlands greater than 2 ha and 15 metres from all other wetlands; and d) Setbacks based upon the results of a comprehensive environmental study or technical report completed to the satisfaction of the CVCA.
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Activities in regulated areas that are carried out by provincial ministries or the federal government do not require a permit. Activities conducted on Provincial crown land by third-party proponents in a regulated area may require a permit, unless the proponent is acting as an agent of the Crown.

Works for which permission is required under the Regulation may also be subject to other legislation, policies and standards that are administered by other agencies and municipalities such as the *Planning Act*, *Building Code Act*, *Clean Water Act*, *Public Lands Act*, *Lakes and Rivers Improvement Act*, *Nutrient Management Act*, *Drainage Act*, *Environmental Assessment Act*, the *Federal Fisheries Act*, and/or Parks Canada's 'Policies for In-water and Shoreline Works and Related Activities.' It is the responsibility of the applicant (or agent) to ensure that all necessary approvals are obtained.

If the property is not located within or adjacent to a regulated area (mapped or described), permission from CVCA is not required.

4.0 RIVER OR STREAM VALLEYS

4.1 Defining the River or Stream Valley

4.1.1 Apparent/Confined Valleys

4.1.2 Not Apparent/Unconfined Valleys

4.1.3 Regulation Allowances

4.2 Policies for River or Stream Valleys

River and stream systems also provide physical, biological and chemical support functions for sustaining ecosystems. These functions are directly associated with the physical processes of discharge, erosion, deposition and transport which are inherent in any river and stream system. The interplay between surface and ground water and the linkages, interactions and inter-dependence of aquatic environments with terrestrial environments supply hydrologic and ecological functions critical to sustaining watershed ecosystems. Given that ecological sustainability is based on the dynamic nature of these systems, it is essential that they be allowed to function in as natural a state as possible.

River or stream valleys are shaped and re-shaped by the natural processes of erosion, slope stability and flooding. Erosion and slope stability are two natural processes that are quite different in nature yet often linked together. Erosion is essentially the continual loss of earth material (i.e. soil or sediment) over time as a result of the influence of water or wind. Slope stability, usually described in terms of the potential for slope failure, refers to a mass movement of earth material, or soil, sliding down a bank or slope face as a result of a single event in time.

The degree and frequency with which the physical change will occur in these systems depends on the interaction of a number of interrelated factors including hydraulic flow, channel configuration, sediment load in the system, storage and recharge functions, and the stability of banks, bed and adjacent slopes. The constant shaping and re-shaping of the river and stream systems by the physical processes results in hazardous conditions which pose a risk to life and cause property damages.

River and stream systems can exhibit erosion potential of the actual river and stream bank, as well as potential slope instability issues related to valley walls. Slopes steeper than 3:1 (horizontal: vertical) with a height greater than 3 metres are generally considered potentially unstable. Slopes in sandy soil areas may be unstable if the slope is steeper than 5:1 (horizontal: vertical). Erosion hazards and slope instability pose a threat to life and property through the loss of land due to human or natural processes.

The erosion hazard limit is determined using the 100-year erosion rate (the average annual rate of recession extended over a hundred-year time span), and includes allowances for toe erosion, meander belt, and slope stability. The erosion hazard component of river and stream systems is

intended to address both erosion potential of the actual river and stream bank, as well as erosion or potential slope stability issues related to valley walls.

Flooding of river or stream systems typically occurs following the spring freshet and may occur again as a result of extreme rainfall events. Rivers naturally accommodate flooding within their valleys. Historically, development occurred in floodplain areas because of the availability of water for power, transportation, energy, waste assimilation, and domestic and industrial consumption. However, floodplain development is susceptible to flooding which can result in property damage and/or loss of life.

Furthermore, river and stream systems are part of larger overall drainage watersheds, and the river and stream mechanics are linked to the watershed processes. The natural importance of river and stream systems in providing physical, biological and chemical support functions for sustaining ecosystems (including that of humans) is well established. These support functions are strongly associated with the physical processes of discharge (flow), erosion, deposition and transport that are inherent in any fluvial system. Given that ecological sustainability is based on the dynamic nature of these systems, it is essential that their physical processes (i.e., flow dynamics) be allowed to function in a natural state.

In Ontario, either storm centred events, observed events, or a flood frequency based event may be used to determine the extent of the Regulatory floodplain, as prescribed by Ontario Regulation 41/24.

River or stream systems may contain lands that are not subject to flooding or erosion. Examples of these non-hazardous lands include isolated flat plateau areas or areas of gentle slopes (see Figure 3). In these situations, the CA shall determine the applicability of the Regulation.

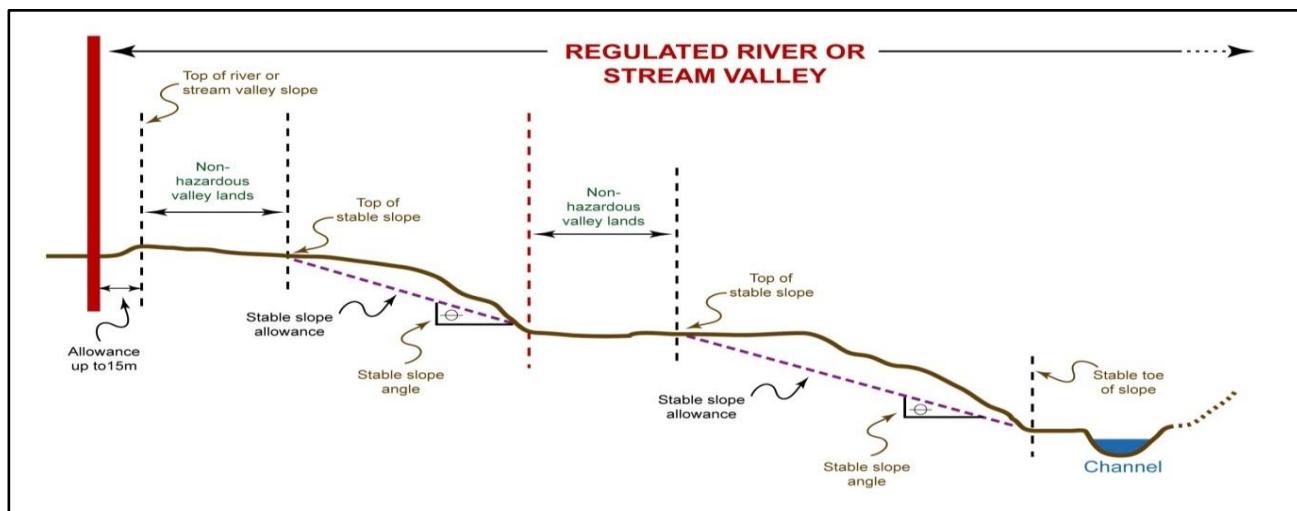


Figure 3 Regulated river or stream valley containing non-hazardous valley lands.

4.1 Defining the River or Stream Valley

To define the Regulation Limits for river and stream valleys, it is important to understand the landforms through which they flow. River or stream valleys are described in the Regulation as “depressional features associated with a river or stream, whether or not they contain a watercourse”. Within the Crowe Valley watershed all lakes and rivers are considered watercourses and will subsequently have a river or stream valley associated with it. While there are many different types of systems, the application of the Regulation Limit for rivers and stream systems is based on two simplified landforms, as explained in the Technical Guides for River and Stream Systems (MNRF, 2002a; and MNRF, 2002b):

“Apparent³ (confined) river and stream valleys: are ones in which the physical presence of a valley corridor containing a river or stream channel, which may or may not contain flowing water, is visibly discernible (i.e. valley walls are clearly definable) from the surrounding landscape by either field investigations, aerial photography and/or map interpretation. The location of the river or stream channel may be located at the base of the valley slope, in close proximity to the toe of the valley slope (i.e. within 15 metres), or removed from the toe of the valley slope (i.e. greater than 15 metres).”

Not Apparent (unconfined) river and stream valleys: are ones in which a river or stream is present but there is no discernible valley slope or bank that can be detected from the surrounding landscape. For the most part, unconfined systems are found in fairly flat or gently rolling landscapes and may be located within the headwater areas of drainage basins. The river or stream channels contain either perennial (i.e., year round) or ephemeral (i.e. seasonal or intermittent) flow and range in channel configuration from seepage and natural channels to detectable channels.

4.1.1 Apparent/Confined Valleys

Where the physical presence of a valley corridor containing a river or stream channel, which may or may not contain flowing water, is visibly discernible (i.e., valley walls are clearly definable) from the surrounding landscape, the regulated area (or Regulation limit) for apparent/confined valley systems takes into account the following three considerations:

- toe erosion;
- a stable slope limit; and
- a 15 metre allowance.

The limit of the regulated area associated within an apparent/confined valley is based on whether or not the valley slopes are stable. Valley slopes are considered stable when the valley is not subject to toe erosion, the valley walls are not more than 3 metres in height, and the existing slope angle is not steeper than 3:1 (horizontal: vertical units). Valley slopes in these circumstances

³ Regulation 41/24 describes river or stream valleys as “apparent” and “not apparent.” Provincial Technical Guides utilize the terminology “confined” and “unconfined”, respectively.

typically resist slumping and rotational slippage but may become unstable as a consequence of the increased loading forces of development, depending on the soil structure and underlying geology. The regulated area includes the river or stream and the valley walls extending landward to the stable top of bank plus an allowance of 15 metres.

Valley slopes are considered unstable when the valley slope may be impacted by toe erosion and/or slope instabilities (i.e. existing slope angle steeper than 3:1 (horizontal: vertical units) and/or greater than 3 metres in height). The regulated area includes the river or stream and the valley walls extending landward to the predicted long term stable top of slope, the predicted stable toe of slope, plus an allowance of 15 metres. The appropriate stable slope allowance and stable toe allowance depends on specific characteristics of the slope.

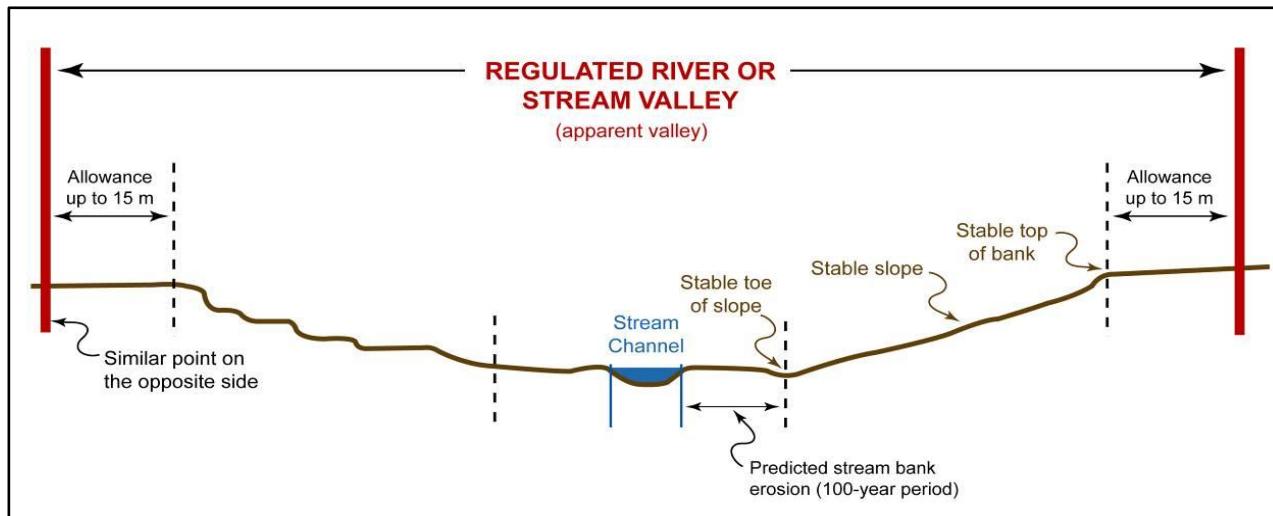


Figure 4 Apparent River or Stream Valley where the valley slopes are stable.

4.1.2 Not Apparent/Unconfined Valleys

Where a watercourse is not contained within a clearly visible valley section (that is, a river or stream is present but there is no discernible valley slope or bank that can be detected from the surrounding landscape), the flow of water is free to shift across the shallower land. Although toe erosion and slope stability are not deemed potential hazards, consideration of the meandering (erosion potential) tendencies of the system must be taken into account. In these valley systems, the regulated area consists of the maximum extent of whatever is greater: the floodplain or the predicted meander belt width (erosion hazard) of the river or stream plus an allowance of 15 metres. The meander belt allowance is 20x the bankfull width of the watercourse, or as determined by a technical study to the satisfaction of the CVCA.

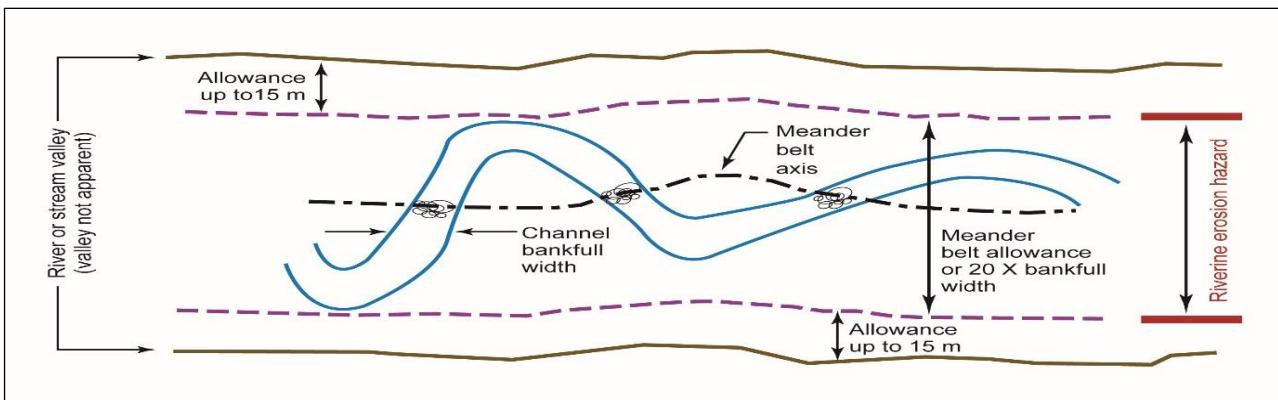


Figure 5 Not Apparent River or Stream Valley (Meander Belt)

4.1.3 Regulation Allowances

River or stream valley allowances allows the CVCA to regulate development adjacent to erosion and flooding hazards in a manner that provides protection against unforeseen or predicted external conditions that could have an adverse effect on the natural conditions or processes of the river or stream valley. Allowances give the CVCA the opportunity to protect access to and along a valley and/or floodplain. This access may be required for emergency purposes, regular maintenance to existing structures or to repair failed structures.

Development within the allowance must be regulated to ensure that existing erosion and flooding hazards are not aggravated, that new hazards are not created, and to ensure human health and safety is not jeopardized. The allowance provides the CVCA with the opportunity to maintain and enhance the natural features and ecological functions of the river or stream valley. Regulation of development in the allowance is also required to account for issues related to accuracy of the modeling and analysis tools utilized to establish the limits of the erosion and flooding hazards.

To provide access and protection against unforeseen conditions, provincial guidelines recommend that development should generally be set back a minimum of 6 metres adjacent to erosion and flooding hazards (Sections 3.0 and 3.4, Erosion Access Allowance, Technical Guide – River and Stream Systems: Erosion Hazard Limit (MNRF, 2002b)). MNRF recommends that this setback not only be applied to the erosion hazards but also adjacent to the flooding hazard because of the potential for erosion throughout the flooding hazard as a result of the flow of water during significant runoff events. For those situations where additional study is warranted to determine the development setback required to provide the required public safety and access, a study should be undertaken using accepted scientific, geotechnical, and engineering principles.

Protection of public safety and access, however, may not be sufficient to provide for all of the above noted requirements or purposes for the allowances. Additional technical studies by qualified professionals may be required to establish the appropriate extent and location of development within the allowance. CVCA may also determine that a reduced development setback is appropriate where the existing development already encroaches within the recommended 6 metre setback, and where further development will not aggravate the erosion or flooding hazard.

The CVCA will require all new development to be setback 6 metres from a flooding or erosion hazard.

The Conservation Authorities Act contains the following sections dealing with river or stream valleys: Prohibited Activities re watercourses, wetlands, etc.

28 (1) no person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:

2. Development activities in areas that are within the authority's area of jurisdiction and are,
 - iii. river or stream valleys the limits of which shall be determined in accordance with the regulations,

Ontario Regulation 41/24 contains the following sections dealing with river or stream valleys:

2. (1) For the purposes of subparagraph 2 iii of subsection 28 (1) of the Act, river or stream valleys include river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined as follows:

1. Where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of the bank, plus 15 metres, to a similar point on the opposite side.
2. Where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side.
3. Where the river or stream valley is not apparent, the valley extends,
 - (i) to the furthest of the following distances:
 - A. the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard to a similar point on the opposite side, and
 - B. the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard to a similar point on the opposite side, and
 - (ii) an additional 15-metre allowance on each side, except in areas within the jurisdiction of the Niagara Peninsula Conservation Authority.

The Conservation Authorities Act states:

28.1(1) An authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of the authority,

(a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;

(b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and

(c) any other requirements that may be prescribed by the regulations are met.

4.2 Policies for River or Stream Valleys

The policies in this section are to be applied in conjunction with the General Policies in Section 3.8. As stated in Policy 3.8.1, development will not be permitted within the regulated area associated with a river or stream valley, except in accordance with the policies contained in this section. The policies contained in this section will apply to all lakes, rivers and watercourses within the CVCA watershed.

It is important to note that if development is proposed within the hazard associated with a river or stream valley (i.e. a flooding hazard and/or erosion hazard), the policies contained within Section 5.0 - Hazardous Lands are to be applied in addition to the policies in this section. Additionally, as lakes and rivers in our watershed are considered watercourses, the policies within Section 6.0 – Watercourses shall also apply.

Identification of the Flooding and/or Erosion Hazard Limit

4.2.1 When development is proposed within or adjacent to a river or stream valley and the floodplain limits for the watercourse are not available, CVCA may require technical reports identifying the floodplain limits on the subject lands to the satisfaction of CVCA. The floodplain limit is to be based on the 100-year flood.

4.2.2 In cases where development is proposed within or adjacent to an apparent river or stream valley and the valley is unstable or adjacent to a river or stream where there is no apparent valley, CVCA may require appropriate technical reports identifying the extent of the erosion hazard limit on the subject lands to the satisfaction of CVCA.

In order to ensure that valley systems can preserve the functionality of their physical processes it is important to maintain their natural state in order to prevent property damage and/or loss of life resulting from hazards associated with erosion, slope instability and flooding. For this reason, CVCA encourages that development take place outside of the regulated area associated with any river or stream valley.

Stabilization works within the flood hazard and erosion hazard (including top and toe of slope) to allow for future/proposed development, to increase or intensify existing development, or to create an increase in a development envelope shall not be permitted.

Development Within or Adjacent to an Apparent River or Stream Valley with Stable Valley Slope

4.2.3	<p>Where the valley slope is stable, development will be permitted within 15 metres of the existing stable top of slope provided that:</p> <ul style="list-style-type: none">• it can be demonstrated through appropriate technical documents (i.e. detailed site plan or topographic survey) that all buildings or structures will be located beyond the existing stable top of slope;• safe access (ingress/egress) is present;• inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material;• stability or exacerbate erosion of the slope face;• development does not change drainage or vegetation patterns that would compromise slope;• the potential for erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans;• if within 15 metres of the floodplain: the finished floor/lowest opening of proposed habitable structures is to be located at least 0.3 metres above the regulatory flood elevation; and, all electrical circuits, outlets and permanently installed electrical equipment are to be located at least 0.3 metres above the regulatory flood elevation; and• a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures, where applicable must be submitted.
4.2.4	<p>Where the valley slope is stable, development will be permitted within the valley slope provided that:</p> <ul style="list-style-type: none">• there is no feasible location beyond the existing stable top of slope;• all development and development activities (includes excavation, placement of fill and/or grading) is setback 15 metres from the ordinary high water mark or 1:100-year floodplain;• safe access (ingress/egress) is present;• inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material;• development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face;• the potential for erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans; and• if within 15 metres of the floodplain: the finished floor/lowest opening of a proposed habitable structure is to be located at least 0.3 metres above the regulatory flood elevation; and• all electrical circuits, outlets and permanently installed electrical equipment are to be located at least 0.3 metres above the regulatory flood elevation.

Development Within or Adjacent to an Apparent River or Stream Valley with Unstable Valley Slope

4.2.5	<p>Where the valley slope is unstable, development will be permitted within 15 metres of the projected stable top of slope provided that:</p> <ul style="list-style-type: none">• it can be demonstrated through appropriate technical reports (e.g. topographic survey, stream bank erosion analysis, geotechnical investigation) that all development will be located a minimum of 6 metres beyond the projected stable top of slope (taking into account toe erosion allowance, where applicable);• safe access (ingress/egress) is present;• inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material and conduct other studies and/or monitoring as may be required;• development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face;• control and site stabilization/restoration plans;• the potential for erosion has been addressed through proper drainage, erosion and sediment measures;• if within 15 metres of the floodplain: the finished floor/lowest opening of proposed habitable structures is to be located at least 0.3 metres above the regulatory flood elevation; and, all electrical circuits, outlets and permanently installed electrical equipment are to be located at least 0.3 metres above the regulatory flood elevation; and• A site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures, where applicable must be submitted.
4.2.6	<p>Where the valley slope is unstable, development located within 6 metres of the projected stable top of slope would be considered susceptible to erosion hazards and therefore subject to Section 5.5 – Erosion Hazards and Policies 5.6 through 5.8 inclusive.</p>

Development Within or Adjacent to a Not Apparent River or Stream Valley

4.2.7	<p>Development will be permitted within 15 metres of the greater of the floodplain or predicted meander belt width (erosion hazard) of the river or stream provided that:</p> <ul style="list-style-type: none">• it can be demonstrated through appropriate technical reports (e.g., topographic survey, geomorphologic assessment, floodplain mapping) that all development will be located a minimum of 6 metres beyond the greater of the floodplain OR the predicted meander belt width (erosion hazard);• safe access (ingress/egress) is present;• inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material and conduct other studies and/or monitoring as may be required.
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- development does not change drainage or vegetation patterns that would exacerbate flooding hazards and/or erosion hazards;
- the potential for erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans;
- the finished floor/lowest opening of proposed habitable structures is to be located at least 0.3 metres above the regulatory flood elevation;
- all electrical circuits, outlets and permanently installed electrical equipment are to be located at least 0.3 metres above the regulatory flood elevation; and
- a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures, where applicable must be submitted.

4.2.8	Development within 6 metres of (whatever is greater) the floodplain OR the predicted meander belt width (erosion hazard) would be considered susceptible to erosion hazards and therefore subject to Section 5.5 – Erosion Hazards and Policies 5.6 through 5.8 inclusive
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Fill Placement, Excavation and/or Grade Modifications within or Adjacent to an Apparent River or Stream Valley

4.2.9	<p>Where the valley slope is stable, fill placement, excavation and/or grade modifications may be permitted within 15 metres of the existing stable top of slope where the works are: associated with existing access roads and driveways; required for the construction of a new access route to serve an existing residential, agricultural, commercial, industrial or institutional use; required for the purpose of flood and/or erosion protection; to facilitate the installation of geothermal, water and/or sewage treatment systems; to facilitate the installation of a new dug-out or isolated pond*; and/or, associated with retrofitting of an existing dug-out or isolated pond* that would result in an enlargement of the pond in area or volume beyond what was previously constructed, provided that:</p> <ul style="list-style-type: none"> • the fill placement, excavation and/or grade modifications does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face; • for dug-out or isolated ponds*, the pond does not extend beyond the existing stable top of slope; • the potential for erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans; and, • inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material <p>*Ponds for the specific purpose of watering livestock are not subject to Policy 4.2.9 as they are not subject to Ontario Regulation 41/24 in accordance with Section 28(10)(a) of the Conservation Authorities Act.</p>
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4.2.10	<p>Where the valley slope is unstable, fill placement, excavation and/or grade modifications may be permitted within 15 metres of the projected stable top of slope where the works are: associated with existing access roads and driveways; required for the construction of a new access route to serve an existing residential, agricultural, commercial, industrial or institutional use; required for the purpose of flood and/or erosion protection; to facilitate the installation of geothermal, water and/or sewage treatment systems; to facilitate the installation of a new dug-out or isolated pond*; and/or, associated with retrofitting of an existing dug-out or isolated pond* that would result in an enlargement of the pond in area or volume beyond what was previously constructed, provided that:</p> <ul style="list-style-type: none"> • it can be demonstrated through appropriate technical reports (e.g., topographic survey, stream bank erosion analysis, geotechnical investigation) that the limit of all fill placement, excavation and/or grade modifications will be located a minimum of 6 metres beyond the projected stable top of slope (taking into account toe erosion allowance, where applicable); • the fill placement, excavation and/or grade modifications will not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face; • the potential for erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans; and, • inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material and conduct other studies and/or monitoring as may be required to ensure the control of pollution and the conservation of land is not impacted. <p>*Ponds for the specific purpose of watering livestock are not subject to Policy 4.2.9 as they are not subject to Ontario Regulation 41/24 in accordance with Section 28(9)(a) of the Conservation Authorities Act.</p>
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4.2.11	<p>Notwithstanding Policy 4.2.10, where the valley slope is unstable, fill placement, excavation and/or grade modifications located within 6 metres of the projected stable top of slope would be considered susceptible to erosion hazards and, therefore, may be permitted subject to the policies contained in Section 5.5 – Erosion Hazards and Policies 5.6 through 5.8 inclusive.</p> <p>N.B.: Permitted fill placement, excavation and/or grade modifications may be seasonally restricted and subject to a specified time frame to enable stabilization/re-vegetation of the disturbed area.</p>
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Fill Placement, Excavation and/or Grade Modifications within or Adjacent to a Not Apparent River or Stream Valley

4.2.12	<p>Fill placement, excavation and/or grade modifications may be permitted within 15 metres of the greater of the floodplain or predicted meander belt width (erosion hazard) of the river or stream where the works are: associated with existing access roads and</p>
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	<p>driveways; required for the construction of a new access route to serve an existing residential, agricultural, commercial, industrial or institutional use; required for the purpose of flood and/or erosion protection; to facilitate the installation of geothermal, water and/or sewage treatment systems; to facilitate the installation of a new dug-out or isolated pond*; and/or, associated with retrofitting of an existing dug-out or isolated pond* that would result in an enlargement of the pond in area or volume beyond what was previously constructed, provided that:</p> <ul style="list-style-type: none"> • it can be demonstrated through appropriate technical reports (i.e., topographic survey, geomorphologic assessment, floodplain mapping) that the limit of all fill placement, excavation and/or grade modifications will be located a minimum of 6 metres beyond the greater of the floodplain OR the predicted meander belt width (erosion hazard); • the fill placement, excavation and/or grade modifications will not change drainage or vegetation patterns that would exacerbate flooding hazards and/or erosion hazards • the potential for erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans; and • inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material and conduct other studies and/or monitoring as may be required to ensure the control of pollution and the conservation of land is not impacted. <p>*Ponds for the specific purpose of watering livestock are not subject to Policy 4.2.12 as they are not subject to Ontario Regulation 41/24 in accordance with Section 28(10)(a) of the Conservation Authorities Act.</p>
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4.2.13	<p>Notwithstanding Policy 4.2.11, fill placement, excavation and/or grade modifications located within 6 metres of the greater of the floodplain OR the predicted meander belt width (erosion hazard) would be considered susceptible to erosion hazards and, therefore, may be permitted subject to the policies contained in Section 5.5 – Erosion Hazards and Policies 5.6 through 5.8 inclusive.</p> <p>N.B.: Permitted fill placement, excavation and/or grade modifications may be seasonally restricted and subject to a specified time frame to enable stabilization/re-vegetation of the disturbed area.</p>
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5.0 HAZARDOUS LANDS

- 5.1 Defining the Flooding Hazard and Associated Regulated Area
- 5.2 General Flood Hazard Policies
- 5.3 Specific Policies for Flooding Hazards
 - 5.3.1 Residential Development
 - 5.3.2 Agricultural Development
 - 5.3.3 Commercial, Industrial and Institutional Development
 - 5.3.4 Accessory Buildings and Structures
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 - 5.3.7 Infrastructure
 - 5.3.8 Stormwater Management Facilities
 - 5.3.9 Ponds
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- 5.4 Development Within the Allowance of the Flood Hazard
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- 5.8 Development Within the Allowance of the Erosion Hazard
- 5.9 Defining the Regulated Area Associated with Unstable Soils or Bedrock
 - 5.9.1 Unstable Soil
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 - 5.11.3 Accessory Buildings or Structures
 - 5.11.4 Infrastructure
 - 5.11.5 Fill Placement, Excavation and/or Grade Modifications
- 5.12 Development Within the Allowance of Unstable Soils/Bedrock

5.1 Defining the Flooding Hazard and Associated Regulated Area

Hazardous Lands are defined in the Conservation Authorities act as land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches and/or unstable soil or bedrock.

In Ontario, either storm-centred events, flood frequency based events, or an observed event may be used to determine the extent of the Regulatory floodplain⁴. These events are:

- a. A **storm-centred event**, the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
- b. **100-year flood event** is a frequency based flood event that is determined through analysis of precipitation, snow melt, or a combination thereof, having a return period (or a probability of occurrence) of once every 100 years on average (or having a 1% chance of occurring or being exceeded in any given year). The 100-year flood event is the minimum acceptable standard for defining the Regulatory floodplain; and
- c. An **observed event**, which is a flood that is greater than the storm-centred events or greater than the 100 year flood and which was actually experienced in a particular watershed, or portion thereof, for example as a result of ice jams⁵, and which has been approved as the standard for that specific area by the Minister of Natural Resources.

The Province has adopted standards for addressing floodplain management. Unless otherwise approved by the Minister of Natural Resources and Forestry, the regulatory flood standard is the Hurricane Hazel (1954) standard for the south and central part of the province, the Timmins Storm (1961) for the central and northern part of the province and the 100-year flood for the eastern part of the province. An observed event may take place in any part of the province, exceeding either the storm-centred events or the 100-year frequency based flood. These standards may be increased by the Minister of Natural Resources if a known flood (maximum observed) exceeds these criteria (Natural Hazards Technical Guidelines, 2002 (MNRF) – Section 7.0, River and Stream Systems of Understanding Natural Hazards and River and Stream Systems Flooding Hazard Limit Technical Guide).

⁴ High points of land not subject to flooding but surrounded by floodplain or “flooded land” are considered to be within the flood hazard and part of the regulated floodplain.

⁵ However, localized chronic conditions (e.g. ice or debris jams) related to flood prone areas may be used to extend the regulated area beyond the Regulatory Flood limit without the approval of the Minister. It will be necessary to inform the property owner(s) as well as ensuring that the revised limits are reflected in the appropriate municipal documents at the first opportunity.

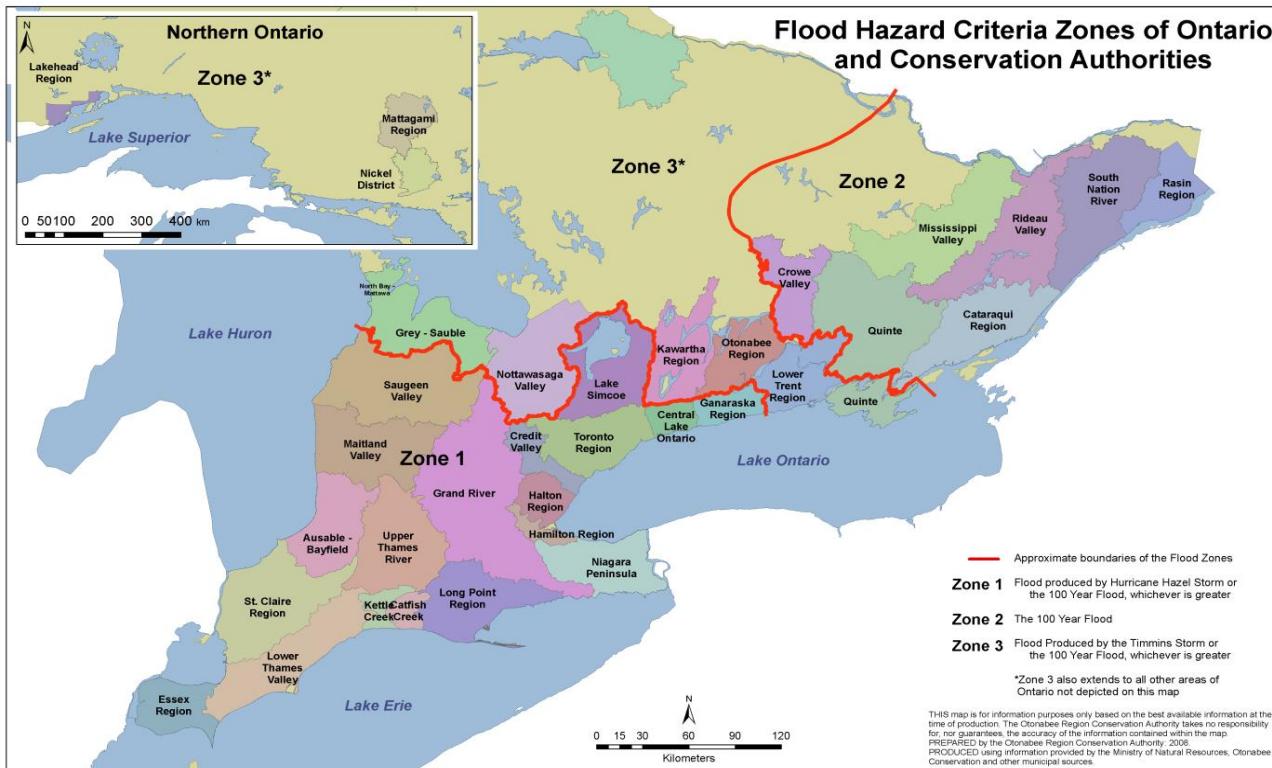


Figure 6 Flood Hazard Criteria Zones of Ontario

Thus, the Regulatory floodplain for river or stream valley systems is defined as the area adjacent to the watercourse which would be inundated by a flood event resulting from either Hurricane Hazel, the Timmins Storm, the 100-year frequency based event or an observed event. The regulated area includes the floodplain and for not apparent valley systems, an allowance. The allowance is not to exceed 15 metres from the hazard (Figure 7).

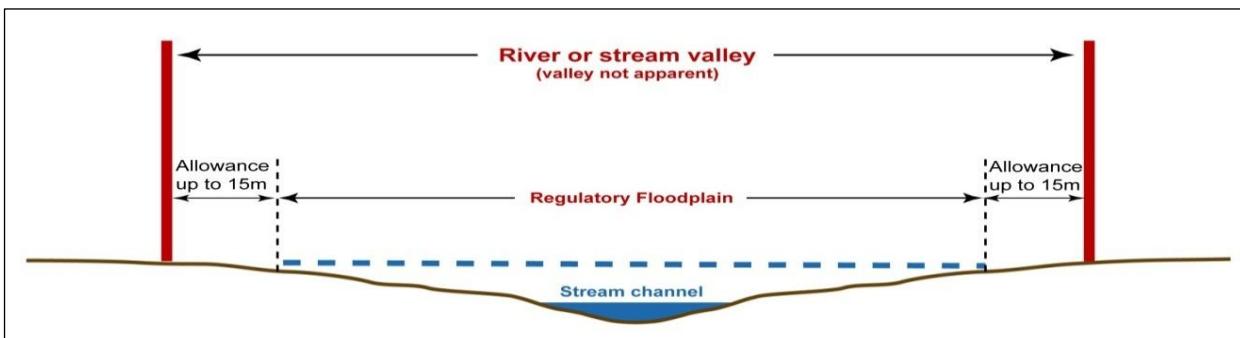


Figure 7 Regulated area of floodplain

In the Crowe Valley watershed, the 1:100-flood event is used to delineate the regulated area as it pertains to the flood hazard. With the exception of the lakes in Table 2 that have a known 1:100-year flood elevation, the CVCA uses 15 metres as the flood hazard and an allowance of 15 metres. The regulated area is 30 metres from the ordinary high water mark.

Table 2: Flood Elevations for Lakes in CVCA Watershed

Lake	1:100 Elevation	Vertical Datum
Belmont Lake	188.44	2013
Chandos Lake	314.17	2013
Cordova Lake	217.46	2013
Crowe Lake	183.50	2013
Crowe River	Please contact the CVCA	
Beaver Creek	Please contact the CVCA	
Kasshabog Lake	262.58	2013
Paudash Lake	342.37	2013
Round Lake	200.50	2013
North River	Please contact the CVCA	
Tangamong Lake	Please contact the CVCA	
Whetstone Lake	Please contact the CVCA	
St. Ola/Limerick Lake	313.93	1928:78
Wollaston	311.55	1928:78

According to MNRF and CO Guidelines for Developing Scheduled Area (2005), the flooding hazard applied to all watercourses and lake systems in the CVCA watershed.

Any development within a flooding hazard requires permission from CVCA.

The Conservation Authorities Act contains the following sections dealing with hazardous lands:

Prohibited activities re watercourses, wetlands, etc.

28 (1) no person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:

- 2. Development activities in areas that are within the authority's area of jurisdiction and are,
 - i. hazardous lands

Ontario Regulation 41/24 contains the following sections dealing with hazardous lands:

(2) For the purposes of subparagraph 2 iv of subsection 28 (1) of the Act, areas adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beach hazards include,

- (a) the area starting from the furthest offshore extent of the authority's boundary to the furthest of the following distances:
 - (i) the 100-year flood level, plus the appropriate allowance for wave uprush, and, if necessary, for other water-related hazards, including ship-generated waves, ice piling and ice jamming, except in respect of Wanapitei Lake in the Nickel District Conservation Authority, the applicable flood event standard for that lake being the one set out in item 1 of Table 16 of Schedule 1,
 - (ii) the predicted long-term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that

location may have shifted as a result of shoreline erosion over a 100-year period, and

(b) the area that is an additional 15 metres allowance inland from the area described in clause (a).

The Conservation Authorities Act states:

28.1(1) An authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of the authority,

- (a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- (b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and
- (c) any other requirements that may be prescribed by the regulations are met.

5.2 General Flood Hazard Policies

The policies in this section are to be applied in conjunction with the General Policies in Section 3.8. As per Policy 3.8.1, development will not be permitted within the regulated area associated with a flooding hazard, except in accordance with the policies contained in this section.

The CVCA will require all new development to be setback 6 metres from a flooding or erosion hazard.

It is the policy of CVCA that:

5.2.1	Development within the Regulatory floodplain shall not be permitted.
5.2.2	Placement of fill to create a building envelope for future/proposed development within the Regulatory floodplain shall not be permitted.
5.2.3	Flood hazard protection and bank stabilization works to allow for future/proposed development or an increase in development envelope or area within the Regulatory floodplain shall not be permitted.
5.2.4	Development associated with new and/or the expansion of existing trailer parks/campgrounds in the Regulatory floodplain shall not be permitted.
5.2.5	Stormwater management facilities within the 100 year floodplain shall not be permitted.

5.2.6	Redevelopment of derelict and/or abandoned buildings within the 100 year floodplain shall not be permitted.
5.2.7	Development within the Regulatory floodplain on vacant lots of record shall not be permitted.
5.2.8	Cut and fill operations will not be permitted on properties that are entirely within the 100 year floodplain.
5.2.9	Basements within the Regulatory floodplain shall not be permitted.
5.2.10	Underground parking within the Regulatory floodplain shall not be permitted.
5.2.11	Notwithstanding Section 3.8.1 and 5.2.1, public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within the Regulatory floodplain subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, or unstable soil or bedrock will not be affected.
5.2.12	Notwithstanding Section 3.8.1 and 5.2.1, development associated with public parks (e.g. passive or low intensity outdoor recreation and education, trail systems) may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, or unstable soil or bedrock will not be affected.
5.2.13	Notwithstanding Section 3.8.1 and 5.2.1, stream, bank, slope, and valley stabilization to protect existing development and conservation or restoration projects may be permitted within the Regulatory floodplain subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, or unstable soil or bedrock will not be affected.
5.2.14	Development associated with uses that by their nature are located within the flood hazard such as the construction or reconstruction of an erosion control works (including stream, bank, slope and valley stabilization to protect existing development), boathouses, conservation or restoration projects, stairs, and shore wells may be permitted within the flood hazard of an apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, or unstable soil or bedrock will not be affected. In order to be considered, the submitted

	<p>plans must demonstrate that:</p> <ul style="list-style-type: none"> • development will not prevent access in order to undertake preventative actions/maintenance or during an emergency; • the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/ restoration plans.
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5.3 Specific Policies for Flooding Hazards

The policies in this section are to be applied in conjunction with the General Policies in Section 3.8. As per Policy 3.8.1, development will not be permitted within the regulated area associated with a flooding hazard, except in accordance with the policies contained in Section 4.2 and this section.

5.3.1 Residential Development

New Residential Development

5.3.1.1	New residential development (single and/or multiple) will not be permitted within a flooding hazard, regardless of previous approvals provided under other regulatory process (e.g. Planning Act, Building Code Act, etc.).
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Minor Residential Additions

These policies apply to any addition to a dwelling that is located entirely or partially in the flood hazard regardless of whether or not the addition, or part thereof, is located in the flood hazard.

5.3.1.2	<p>Additions to existing residential dwellings located, even partially, within a flooding hazard will be permitted provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • the addition is 50% or less of the original habitable floor space to a maximum of 46.5 square metres (500 square feet). In the case of multiple additions, all additions combined are equal to or less than 50% of the original habitable floor space to a maximum of 46.5 square metres (500 square feet). • the number of dwelling units is the same or fewer; • safe access (ingress/egress) is present; • the addition will be floodproofed to an elevation of 0.3 metres above the regulatory flood elevation as per floodproofing standards outlined in Appendix C – Floodproofing Guidelines; • the structure is properly anchored to prevent flotation, is not subject to damage by flooding or other hazards and flood flows and flood water storage are not impeded; • no basement is proposed and any crawl space is designed to facilitate service only;
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- the proposed development will not prevent access for emergency works, maintenance, and evacuation;
- the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- erosion hazards have been adequately addressed;
- a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted; and,
- the plan has been prepared by a qualified professional ([Appendix G](#)).

5.3.1.3	Additions to existing residential dwellings greater than the size provision identified in 5.3.1.2 above are considered New Residential Development subject to Policy 5.3.1.1, and therefore not permitted.
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5.3.1.4	Subsequent requests to increase the size of the original building or structure which result in a cumulative exceedance of 50% of the original habitable floor space, up to a maximum of 46.5 square metres (500 square feet) in the flood hazard will not be permitted.
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Residential Replacement

These policies apply to an existing dwelling that is located entirely or partially within a flooding hazard.

5.3.1.5	Like-for-like replacement of residential dwellings located within a flooding hazard will be permitted provided it can be demonstrated that: <ul style="list-style-type: none"> • the new dwelling is the same size or smaller than the previous dwelling; • there is no increase in the number of dwelling units; • the use of the new dwelling is the same as the previous dwelling; • there is no risk of structural failure due to potential hydrostatic/dynamic pressures; • the proposed development will not prevent access for emergency works, maintenance, and evacuation; • the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; • natural features and erosion hazards have been adequately addressed; • the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the CVCA.
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	<ul style="list-style-type: none"> • a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted. • safe access (ingress/egress) is present; • where safe access is not present and there is no location to move the dwelling outside of the flood hazard, safe access can be established; • a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted; and • the dwelling will be floodproofed to an elevation of 0.3 metres above the regulatory flood elevation, as per floodproofing standards identified in Appendix C – Floodproofing Guidelines.
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5.3.1.6	Reconstruction (size increase) of residential dwellings located within a flooding hazard will be permitted provided it can be demonstrated that: <ul style="list-style-type: none"> • there is no feasible location outside of the flooding hazard; • there is no increase in the number of dwelling units; • the use of the new dwelling is the same as the previous dwelling; • the increase to the dwelling does not exceed 50% of the existing dwelling, to a maximum increase of 46.5 square metres (500 square feet) whichever is less; • safe access (ingress/egress) is present; • a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted and • the dwelling will be floodproofed to an elevation of 0.3 metres above the regulatory flood elevation, as per floodproofing standards identified in Appendix C – Floodproofing Guidelines.
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5.3.1.7	Reconstruction (with size increase) of existing residential dwellings located within a flood hazard that exceed greater than the size provision identified in 5.3.1.6 above is considered New Residential Development subject to Policy 5.3.1.1, and therefore not permitted.
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5.3.1.8	Subsequent requests to increase the size of the original building or structure which result in a cumulative exceedance of 50% of the original habitable floor space, up to a maximum of 46.5 square metres (500 square feet) in the flood hazard will not be permitted.
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Internal Residential Renovation

5.3.1.9	Internal renovations to existing residential buildings or structures located within a flooding hazard which change the use or potential use of the building or structure but
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	<p>provide for no additional dwelling units will be permitted provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • the internal renovation does not result in a new use prohibited by the General Policies – Prohibited Uses 3.8.5 and, • floodproofing is undertaken to the extent practical, in accordance with floodproofing standards identified in the Appendix C - Floodproofing Guidelines.
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Residential Relocation

5.3.1.10	<p>Relocation of existing residential dwellings located within a flooding hazard will be permitted provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • the dwelling is relocated outside of the flooding hazard, or where this is not feasible, the dwelling is relocated to an area within the existing lot where the risk of flooding and property damage is reduced to the greatest extent possible; • that the dwelling is floodproofed to an elevation of 0.3 metres above the regulatory floodplain, as per floodproofing standards identified in Appendix C – Floodproofing Guidelines; • the proposed development will not prevent access for emergency works, maintenance, and evacuation; • the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; • hydrologic functions associated with flooding and erosion hazards have been considered and adequately addressed; and, • the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedure and recognized methodologies to the satisfaction of the CVCA.
5.3.1.11	<p>Relocation of existing residential dwellings that include an expansion to the dwelling are considered reconstruction, and subject to Policies 5.3.1.6, 5.3.1.7 and 5.3.1.8.</p>

Residential Accessory Structures - New

5.3.1.12	<p>Detached accessory buildings or structures associated with an existing residential dwelling such as garages, sheds, gazebos and other similar structures (for on-shore boathouses see Policy 5.3.1.13) will be permitted within a flooding hazard provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • there is no feasible alternative site outside of the flooding hazard; • there is no habitable space associated with the building or structure and no opportunity for conversion into habitable space in the future; • the site is not subject to frequent flooding; • the building or structure does not exceed a ground floor footprint of 46.5 square metres;
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- the risk of property damage is minimized through site and facility design to ensure that the development will not result in a pollution hazard (e.g., release of a biohazard substance, nutrients, pesticides or other chemicals during a flood event);
- the building or structure is securely anchored to either a concrete pad or footings;
- there is no basement or crawl space;
- where dry floodproofing cannot be achieved, wet floodproofing is undertaken in accordance with floodproofing standards identified in [Appendix C – Floodproofing Guidelines](#);
- the proposed development will not prevent access for emergency works, maintenance, and evacuation;
- the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- natural features and erosion hazards have been adequately addressed; and,
- the plan has been prepared by a qualified professional.

5.3.1.13	Subsequent requests for accessory structures, including on-shore boathouses, which will result in a cumulative exceedance of 46.5 square metres (500 square feet) in the flood hazard will not be permitted.
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Residential Accessory Buildings or Structures - Additions

5.3.1.14	Additions to existing accessory buildings or structures located within a flooding hazard will be permitted provided it can be demonstrated that: <ul style="list-style-type: none"> • the total size of the building or structure that would result from the addition does not exceed the maximum size identified in Policy 5.3.1.12; • there is no habitable floor space associated with the addition and no opportunity for conversion into habitable floor space in the future; • there is no basement or crawl space; • the risk of property damage is minimized through site and facility design to ensure that the development will not result in a pollution hazard (e.g. release of a biohazard substance, nutrients, pesticides or other chemicals during a flood event); • where dry floodproofing cannot be achieved, wet floodproofing is undertaken in accordance with floodproofing standards identified in Appendix C – Floodproofing Guidelines; • the proposed development will not prevent access for emergency works, maintenance, and evacuation; • the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
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- erosion hazards have been adequately addressed; and,
- the plan has been carried out by a qualified professional.

5.3.1.15	Requests to increase the size of the original accessory building or structure which result in a cumulative exceedance of a maximum of 46.5 square metres (500 square feet) in the flood hazard will not be permitted.
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Replacement or Reconstruction of Residential Accessory Buildings or Structures

5.3.1.16	Replacement or reconstruction of existing accessory buildings or structures within a flooding hazard that have been damaged or destroyed by causes other than flooding will be permitted provided it can be demonstrated that: <ul style="list-style-type: none"> • there is no feasible alternative site outside the flooding hazard; • the building or structure to be replaced is relocated to an area within the existing lot where the risk of flooding and property damage is reduced to the greatest extent, wherever possible; • the new building or structure is the same size or smaller than the previous building or structure (Note: replacements to accessory buildings or structures located within a flooding hazard that would result in an increase in building or structure size are subject to the provisions of Policy 5.3.1.14); • there is no habitable floor space associated with the building or structure and no opportunity for conversion to habitable floor space in the future; • there is no basement or crawl space; • where dry floodproofing cannot be achieved, wet floodproofing is undertaken in accordance with floodproofing standards identified in <u>Appendix C – Floodproofing Guidelines</u>; • the proposed development will not prevent access for emergency works, maintenance, and evacuation; • the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; • erosion hazards have been adequately addressed; and, • the plan has been carried out by a qualified professional.
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Relocation of Residential Accessory Buildings or Structures

5.3.1.17	Relocation of an existing accessory building or structure located within a flooding hazard will be permitted provided it can be demonstrated that: <ul style="list-style-type: none"> • the building or structure is relocated outside of the flooding hazard, or where this is not feasible, the building or structure is relocated to an area where the risk of flooding and property damage is reduced to the greatest extent possible;
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- where dry floodproofing cannot be achieved, wet floodproofing is undertaken in accordance with floodproofing standards identified in [Appendix C – Floodproofing Guidelines](#);
- the proposed development will not prevent access for emergency works, maintenance, and evacuation;
- the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- erosion hazards have been adequately addressed; and,
- the plan has been carried out by a qualified professional.

New Attached Decks (Uncovered)

5.3.1.18	New attached decks associated with an existing residential use will be permitted within a flooding hazard provided it can be demonstrated that: <ul style="list-style-type: none"> • there is no feasible location outside of the flooding hazard or, in the event that there is no feasible alternative site, that the proposed development is located in an area of least and acceptable risk; • the site is not subject to frequent flooding; • the total amount of attached deck(s), including existing, within the flooding hazard does not exceed a footprint of 30 square metres (320 square feet); • the building or structure is securely anchored; • the proposed development will not prevent access for emergency works, maintenance, and evacuation; and • erosion hazards have been adequately addressed.
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Repairs and/or Reconstruction of Attached Decks (Uncovered)

5.3.1.19	Repair or reconstruction of an existing attached deck that does not satisfy Policy 5.3.1.18 may be permitted provided that the resulting structure: <ul style="list-style-type: none"> • is like-for-like: <ul style="list-style-type: none"> ○ does not result in a change in size; and ○ does not result in a change in use.
5.3.1.20	Requests to increase the size of any attached decks which result in a cumulative exceedance of a maximum of 30 square metres (320 square feet) in the flood hazard will not be permitted.

On-Shore Boathouses - New

5.3.1.21	New on-shore boathouses may be permitted within a flooding hazard provided that the resulting structure: <ul style="list-style-type: none"> • meets definition of a boathouse;
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- is single storey;
- does not exceed 46.5 square metres (500 square feet) including any decking to facilitate access;
- is located within existing impacted or open areas and/or constructed in a manner to minimize impacts to flood storage capacity, existing grade of the shoreline and riparian vegetation;
- does not restrict safe access and will not prevent access for emergency works, maintenance, and evacuation;
- is wet floodproofed by a qualified engineer ([Appendix C - Floodproofing Guidelines](#))
- the foundation will be required to be designed and/or approved by a qualified engineer to demonstrate that the structure is anchored appropriately in consideration of specific site conditions, for example: depth of flooding, flood flows (velocity), and potential ice movement; and
- the plan has been prepared by a qualified professional.

5.3.1.22	Subsequent requests for an on-shore boathouse, which will result in a cumulative exceedance of 46.5 square metres (500 square feet) of accessory structures in the flood hazard will not be permitted.
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On-shore Boathouses - Repair or Reconstruction of Existing Boathouses

5.3.1.23	Reconstruction of existing on-shore boathouses may be permitted provided that the resulting structure: <ul style="list-style-type: none"> • meets definition of a boathouse; • is single storey; • does not exceed 46.5 square metres (500 square feet) including any decking to facilitate access; • is located within existing impacted or open areas and constructed in a manner to minimize impacts to flood storage capacity, existing grade of the shoreline and riparian vegetation; • does not restrict safe access and will not prevent access for emergency works, maintenance, and evacuation; • is wet floodproofed by a qualified engineer (Appendix C - Floodproofing Guidelines) • the foundation will be required to be designed and/or approved by a qualified engineer to demonstrate that the structure is anchored appropriately in consideration of specific site conditions, for example: depth of flooding, flood flows (velocity), and potential ice movement; • the plan has been prepared by a qualified professional.
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On-shore Boathouses - Like-for-Like Repair or Reconstruction of Existing Boathouses

5.3.1.24	Repair or reconstruction of existing on-shore boathouses that does not satisfy Policy 5.3.1.23 may be permitted provided that the resulting structure:
	<ul style="list-style-type: none">• is like-for-like:<ul style="list-style-type: none">○ does not result in a change in size; and○ does not result in a change in use.• Is wet floodproofed by a qualified engineer (Appendix C - Floodproofing Guidelines);• the foundation will be required to be designed and/or approved by a qualified engineer to demonstrate that the structure is anchored appropriately in consideration of specific site conditions, for example: depth of flooding, flood flows (velocity), and potential ice movement; and• the plan has been prepared by a qualified professional.

In-water Boathouses - New

5.3.1.25	New in-water boathouses shall not be permitted.
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In-Water boathouses - Repair or Reconstruction of Existing Boathouses

5.3.1.26	Repair or reconstruction of existing in-water boathouses may be permitted provided that the resulting structure:
	<ul style="list-style-type: none">• meets the definition of a boathouse;• is considered like-for-like:<ul style="list-style-type: none">○ does not result in a change in size○ does not result in a change in use;• remains on the existing footprint;• does not impede the flow of water beyond existing conditions;• does not alter the existing contour of the shoreline;• does not provide an opportunity for conversion into habitable space in the future (to ensure no habitable component, the boathouse shall contain no services other than electricity);• is wet floodproofed by a qualified engineer (Appendix C - Floodproofing Guidelines);• the foundation will be required to be designed and/or approved by a qualified engineer to demonstrate that the structure is anchored appropriately in consideration of specific site conditions, for example: depth of flooding, flood flows (velocity), and potential ice movement;• the plan has been prepared by a qualified professional.

Docks - New Permanent Docks

5.3.1.27	New permanent docks may be permitted provided that the structure:
	<ul style="list-style-type: none">• meets the definition of a dock;• occupies no more than 2 metres of shoreline (parallel to shore);• is constructed on piles or piers in manner to minimize the footprint on the bed of the waterbody (e.g. helical piles); and• is the only permanent dock on the property per 100 metres of shoreline.

Docks - Repairs or Reconstruction of Permanent Docks

5.3.1.28	Repair or reconstruction of existing permanent docks may be permitted provided the resulting structure:
	<ul style="list-style-type: none">• is like-for-like; or• meets Policy 5.3.1.27

Docks – Removable Docks

5.3.1.29	New removable docks (i.e. floating, pole, cantilever) greater than 10 square metres will be permitted provided that:
	<ul style="list-style-type: none">• the dock is anchored securely to the shoreline;• the dock occupies no more than 2 metres of shoreline (parallel to shore); and• can be removed seasonally or easily in the event of a flood.

Swimming Pools

5.3.1.30	Swimming pools will be permitted within a flooding hazard provided it can be demonstrated that:
	<ul style="list-style-type: none">• there is no feasible alternative site outside of the flooding hazard;• floodproofing is undertaken to the extent practical, in accordance with floodproofing standards identified in Appendix C – Floodproofing Guidelines;• and,• all excavated fill is removed from the flooding hazard.

5.3.2 Agricultural Development

New Agricultural Development

5.3.2.1	New structural agricultural development associated with existing agricultural uses (not including residential dwellings) will be permitted within a flooding hazard provided it can be demonstrated that:
	<ul style="list-style-type: none">• there is no feasible alternative site outside of the flooding hazard;

- the site is not subject to frequent flooding OR where a subwatershed study or other comprehensive plan demonstrates that flooding has been artificially created as a result of undersized infrastructure such as culverts and bridges;
- a balanced cut and fill operation can be implemented on the lot in accordance with Policy 5.3.10.2 to provide a suitable building envelope outside of the flooding hazard to the extent possible;
- the risk of property damage and pollution is minimized through site and facility design to ensure that the development will not result in a pollution hazard (e.g., release of a biohazard substance, nutrients, pesticides or other chemicals during a flood event);
- where dry floodproofing cannot be achieved, wet floodproofing is undertaken in accordance with floodproofing standards identified in the [Appendix C – Floodproofing Guidelines](#);
- the building or structure is securely anchored to either a concrete pad or footings;
- no basement is proposed and any crawl space is designed to facilitate service only; and
- a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted.

Minor Agricultural Additions

5.3.2.2	<p>Minor additions to existing agricultural buildings or structures located within a flooding hazard will be permitted provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • the addition will not facilitate a use prohibited by the General Policies – Prohibited Uses (Policy 3.8.5); • the addition is 50% or less of the original ground floor area of the building or structure to a maximum footprint of 100 square metres, or in the case of multiple additions, all additions combined are equal to or less than 50% of the original ground floor area of the building or structure to a maximum footprint of 100 square metres; • there is no basement or crawl space; • where dry floodproofing cannot be achieved, wet floodproofing of the addition is undertaken in accordance with floodproofing standards identified in <u>Appendix C – Floodproofing Guidelines</u>; • where feasible, an improvement in the existing building or structure will occur with respect to floodproofing of the building or structure; • the risk of property damage and pollution is minimized through site and facility design to ensure that the development will not result in a pollution hazard (e.g. release of a biohazard substance, nutrients, pesticides or other chemicals during a flood event.); and
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- A site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted.

5.3.2.3	Additions to existing agricultural buildings or structures greater than the size provided in Policy 5.3.2.2 would be considered New Agricultural Development and therefore subject to the policies of 5.3.2.1.
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Agricultural Replacement/Reconstruction

5.3.2.4	Replacement of agricultural buildings or structures located within a flooding hazard that have been damaged or destroyed by causes other than flooding will be permitted provided it can be demonstrated that: <ul style="list-style-type: none"> • there is no feasible alternative site outside of the flooding hazard; • design modifications and lot modifications (e.g., balanced cut and fill operation in accordance with Policy 5.3.10.2 will reduce the risk of flooding and property damage to the greatest extent, wherever possible; • the new building or structure is the same size or smaller than the previous building or structure; • the new building or structure is securely anchored to either a concrete pad or footings; • the risk of property damage and pollution is minimized through site and facility design to ensure that the development will not result in a pollution hazard (e.g., release of a biohazard substance, nutrients, pesticides or other chemicals during a flood event); • no basement is proposed and any crawl space is designed to facilitate service only; • where dry floodproofing cannot be achieved, wet floodproofing is undertaken in accordance with floodproofing standards identified in Appendix C – Floodproofing Guidelines; and • a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted.
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5.3.2.5	Replacement of agricultural buildings or structures located within a flooding hazard that would result in an increase in building or structure size will be permitted provided it can be demonstrated that the conditions for Minor Agricultural Additions (Policies 5.3.2.2 and 5.3.2.3) can be satisfied.
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Agricultural Relocation

5.3.2.6	Relocation of existing agricultural buildings and structures located within a flooding hazard will be permitted provided it can be demonstrated that: <ul style="list-style-type: none">• the building or structure is relocated outside of the flooding hazard;• or where this is not feasible, the building or structure is relocated to an area where the risk of flooding and property damage is reduced to the greatest extent possible;• where dry floodproofing cannot be achieved, wet floodproofing is undertaken in accordance with floodproofing standards identified in <u>Appendix C – Floodproofing Guidelines</u>; and• a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted
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5.3.3 Commercial, Industrial and Institutional Development

New Commercial, Industrial or Institutional Development

5.3.3.1	New institutional development will not be permitted within a flooding hazard regardless of previous approvals provided under the Planning Act or other regulatory process (e.g., Building Code Act).
5.3.3.2	New commercial or industrial development may be permitted within a flooding hazard provided it can be demonstrated that: <ul style="list-style-type: none">• the addition will not facilitate a use prohibited by the General Policies – Prohibited Uses (3.8.5);• there is no feasible alternative site outside of the flooding hazard;• the site is not subject to frequent flooding OR a subwatershed study or other comprehensive plan has confirmed that flooding has been artificially created as a result of undersized infrastructure such as culverts and bridges;• safe access (ingress/egress) is present;• the building or structure (including any crawlspace) will be floodproofed to an elevation of 0.3 metres above the regulatory flood elevation in accordance with floodproofing standards outlined in <u>Appendix C – Floodproofing Guidelines</u>;• the building or structure is securely anchored to either a concrete pad or footings;• the risk of property damage and pollution is minimized through site and facility design to ensure that the development will not result in a pollution hazard (e.g.,

release of biohazard substance, nutrients, pesticides or other chemicals during a flood event);

- no basement is proposed;
- a balanced cut and fill operation can be implemented on the lot in accordance with Policy 5.3.10.2 to provide a suitable building envelope outside of the flooding hazard to the extent possible;
- a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted and,
- inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material.

Minor Commercial or Industrial Additions

5.3.3.3	<p>Minor additions to existing commercial/industrial buildings or structures located within a flooding hazard will be permitted provided it can be demonstrated that:</p> <ul style="list-style-type: none">• the addition will not facilitate a use prohibited by the General Policies - Prohibited Uses (Policy 3.8.5);• the addition is 50% or less of the original ground floor area of the building or structure to a maximum footprint of 100 square metres, or in the case of multiple additions, all additions combined are equal to or less than 50% of the original ground floor area of the building or structure to a maximum footprint of 100 square metres;• no basement is proposed and any crawl space is designed to facilitate service only;• the addition is floodproofed to an elevation of 0.3 metres above the regulatory flood elevation, as per floodproofing standards identified in <u>Appendix C – Floodproofing Guidelines</u>;• where feasible, an improvement in the existing building or structure will occur with respect to floodproofing of the building or structure;• the proposed development will not prevent access for emergency works, maintenance, and evacuation;• the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;• erosion hazards have been adequately addressed;• the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the CVCA; and• a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted.
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5.3.3.4	Additions to existing commercial/industrial buildings or structures greater than the size provision identified in Policy 5.3.3.3 above would be considered New Commercial/Industrial Development and therefore subject to Policy 5.3.3.1 and 5.3.3.2.
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Commercial, Industrial or Institutional Replacements/Reconstructions and Renovations

5.3.3.5	<p>Replacement of commercial, industrial, institutional buildings or structures located within a flooding hazard that have been damaged or destroyed by causes other than flooding will be permitted provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • there is no feasible alternative site outside of the flooding hazard; • design modifications and lot modifications (e.g. balanced cut and fill operation in accordance with Policy 5.3.10.2 will reduce the risk of flooding and property damage to the greatest extent, wherever possible); • the number of dwelling units is the same or less; • the new building or structure is the same size or smaller than the previous dwelling; • the building or structure is floodproofed to an elevation of 0.3 metres above the regulatory flood elevation, as per floodproofing standards identified in Appendix C – Floodproofing Guidelines; • Safe access (ingress/egress) is present; • no basement is proposed and any crawl space is designed to facilitate service only; • the proposed development will not prevent access for emergency works, maintenance, and evacuation; • the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; • erosion hazards have been adequately addressed; and, • the plan has been carried out by a qualified professional.
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5.3.3.6	Replacement of commercial and industrial buildings located within a flooding hazard that would result in an increase in building or structure size will only be permitted where it can be demonstrated that the conditions for Minor Commercial, Industrial or Institutional Additions can be satisfied and that safe access (ingress/egress) is present.
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Commercial, Industrial or Institutional Relocation

5.3.3.7	<p>Relocation of existing commercial/industrial/institutional buildings or structures located within a flooding hazard will be permitted provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • the building or structure is relocated outside of the flooding hazard, or where this is not feasible, the building or structure is relocated to an area where the risk of flooding and property damage is reduced to the greatest extent possible
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- that the building or structure is floodproofed to an elevation of 0.3 metres above the regulatory flood, as per floodproofing standards identified in [Appendix C – Floodproofing Guidelines](#);
- the proposed development will not prevent access for emergency works, maintenance, and evacuation;
- the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- erosion hazards have been adequately addressed; and,
- the plan has been carried out by a qualified professional.

5.3.4 Infrastructure

Infrastructure

5.3.4.1	<p>Public infrastructure (e.g., roads, sewers, flood and/or erosion control works, water supply, municipal stormwater management facilities required to alleviate a flood problem associated with existing development) and private infrastructure (e.g., roads, gas and electrical transmission pipelines/corridors, etc.) will be permitted to be constructed, realigned and/or upgraded within a flooding hazard when the location is supported through an approved Environmental Assessment and/or in the case of private infrastructure, it has been demonstrated through a comprehensive plan that there is no feasible alternative site outside the flooding hazard, provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • risk of flood damage to upstream or downstream properties is not increased or is minimized through site design; • the risk of pollution is minimized through site design to ensure that the development will not result in a pollution hazard (e.g., release of a biohazard substance, nutrients, pesticides or other chemicals during a flood event); • where applicable, floodproofing measures are incorporated into the design in accordance with floodproofing standards identified in Appendix C – Floodproofing Guidelines; • where applicable, safe access (ingress/egress) is present; site, facility, and/or landscape design and appropriate best management practices will be employed to: <ul style="list-style-type: none"> ○ maintain stage-storage relationships to the floodplain; ○ control sediment and erosion; and, ○ minimize impervious surfaces and loss of natural vegetation. • A site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades must be submitted.
5.3.4.2	<p>Parking lots and access routes (e.g., driveways, private access roads and entrance ways)</p>

	<p>associated with existing residential, agricultural, commercial, industrial or institutional uses will be permitted within a flooding hazard provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • the risk of flooding and property damage is minimized through site design; • drainage of parking lots will take place within 1 hour following the cessation of the rainfall event, and does not result in depth of flooding that would exceed 30 centimetres; • safe access (ingress/egress) is present; and • a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades must be submitted.
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5.3.5 Stormwater Management Facilities

New Stormwater Management Facilities

5.3.5.1	<p>New stormwater management facilities will not be permitted within a flooding hazard with the exception of municipal stormwater management facilities required to alleviate a non-regulatory flood problem associated with existing development:</p> <ul style="list-style-type: none"> • there is no feasible alternative outside of the hazard; • natural erosion and sedimentation processes within the receiving watercourse are not impacted; • where unavoidable, intrusions on hydrologic functions are minimized; • best management practices including site and facility design and appropriate remedial measures will mitigate disturbance to hydrologic functions; • facilities are excavated with minimal berming, and all excavated material is removed from the flooding hazard and/or erosion hazard; • design and maintenance performance requirements as determined by CVCA for the receiving watercourse are met and the effect of the floodplain flow regime on the intended function of the facility is incorporated into the siting and design; and • a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades must be submitted.
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Retrofitting Stormwater Management Facilities

5.3.5.2	<p>Retrofitting of stormwater management facilities will be permitted within a flooding hazard where there is no feasible alternative site to locate the facility outside the flooding hazard provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • natural erosion and sedimentation processes within the receiving watercourse are not impacted; • where unavoidable, intrusions on hydrologic functions are minimized; • best management practices including site and facility design and appropriate remedial measures will mitigate disturbance to hydrologic functions;
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- facilities are excavated with minimal berthing, and all excavated material is removed from the flooding hazard and/or erosion hazard;
- design and maintenance performance requirements as determined by CVCA for the receiving watercourse are met and the effect of the floodplain flow regime on the intended function of the facility is incorporated into the siting and design; and
- a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades must be submitted.

5.3.6 Ponds

Dug-out/Isolated Ponds

5.3.6.1	<p>New dug-out or isolated ponds will be permitted in a flooding hazard where there is no feasible alternative site to locate the pond outside the flooding hazard provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • all dredged material is removed from the flooding hazard; • finished side slopes are stable; • where unavoidable, intrusions on hydrologic functions are minimized; • any grading around the pond will not change the elevation of the land and will not compromise the stability of the existing shoreline; • safe ingress and egress are maintained on the property; • best management practices including site and pond design and appropriate remedial measures will mitigate disturbance to hydrologic functions; and, • the risk of sedimentation during construction is minimized.
5.3.6.2	<p>Enlargement of an existing dug-out or isolated pond located within a flooding hazard will be permitted provided it can be demonstrated that the enlargement can satisfy Policy 5.3.6.1 and will not further encroach on the flooding hazard.</p>

5.3.7 Low Intensity Recreational Uses

Low Intensity Recreational Uses

5.3.7.1	<p>Low intensity recreational uses, such as parks, trail systems and watercourse access points will be permitted within a flooding hazard provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • there is no feasible alternative site outside the flooding hazard; • where unavoidable, intrusions on hydrologic functions are minimized;
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- best management practices including site, facility, and/or landscape design and appropriate remedial measures will mitigate disturbance to hydrologic functions; and,
- the risk of property damage is minimized through site, facility, and/or landscape design and flood emergency plans.

5.3.8 Marinas

Marinas

5.3.8.1	<p>Marina facilities will be permitted within a flooding hazard provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • all associated permanent, closed structures (e.g., clubhouses, washrooms with septic systems and maintenance buildings) are located outside of the flooding hazard; • all boat storage facilities will be constructed on shore and all proposed permanent docks can satisfy policies outlined in Policy 6.4.1 – Structures; • facilities will be located within existing impacted or open areas, wherever possible; • facilities will be constructed in a manner to minimize impacts to the natural grade of the shoreline; • where unavoidable, intrusions on hydrologic functions are minimized; • best management practices including site, facility, and/or landscape design and appropriate remedial measures will mitigate disturbance to hydrologic functions; • where dry floodproofing cannot be achieved, wet floodproofing will be undertaken in accordance with floodproofing standards identified in Appendix C – Floodproofing Guidelines; • the risk of property damage is minimized through site, facility and/or landscape design; and • a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted.
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5.3.9 Golf Courses

Golf Courses

5.3.9.1	<p>Golf courses or golf course expansions will be permitted within a flooding hazard provided it can be demonstrated that:</p>
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- all associated permanent, closed structures (e.g., clubhouses, washrooms with septic systems and maintenance buildings) will be located outside of the flooding hazard;
- watercourse crossings are minimized and designed in accordance with the policies that pertain to structures; and,
- where unavoidable, intrusions on hydrologic functions are minimized.

5.3.10 Fill Placement, Excavation and/or Grade Modifications

Fill Placement, Excavation and/or Grade Modifications

5.3.10.1	<p>Fill placement and or excavation for the purpose of changing the grade on a property within the flood hazard for the purpose of permitting development will not be permitted.</p>
5.3.10.2	<p>Fill placement, excavation, and/or grade modifications: associated with existing access roads and driveways; required for the purpose of floodproofing existing and/or proposed structures; required for erosion control; and/or, to facilitate the installation of geothermal, and water and/or sewage treatment systems will be permitted within a flooding hazard provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • stage-storage and stage-discharge characteristics of the floodplain will be maintained by means of an incrementally balanced cut and fill operation to ensure that there will be no adverse hydraulic or fluvial impacts on rivers, creeks, streams or watercourses. This cut and fill operation must be designed in 0.3 metres vertical increments. Engineered hydraulic analyses may be required, at the discretion of CVCA, to demonstrate that the latter condition has been met and the proposed placement of fill will not have a detrimental effect on upstream water levels or local stream flow velocities; • flood flows will not be impeded; and, • inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material; <p>OR where stage-storage and stage-discharge characteristics of the floodplain cannot be maintained by a balanced cut and fill operation:</p> <ul style="list-style-type: none"> • fill placement, excavation, and/or grade modifications required for floodproofing purposes will not exceed the minimum amount required to floodproof the structure in accordance with floodproofing guidelines in Appendix C – Floodproofing Guidelines and it must be demonstrated to the satisfaction of CVCA that the control of flooding, erosion, or unstable soil or bedrock will not be affected; • fill placement, excavation, and/or grade modifications required for sediment and/or erosion control or shoreline stabilization be in accordance with Shoreline Excavation, and Erosion Protection, Shoreline/Bank Stabilization and Sediment Control policies (Policy 6.4.4.4 and Policy 6.4.4.5) and it must be

demonstrated to the satisfaction of CVCA that the control of flooding, erosion, or unstable soil or bedrock will not be affected;

- fill placement, excavation, and/or grade modifications required for the replacement of water and/or septic treatment systems may be permitted provided the bed of the treatment system will be located outside the flooding hazard, or where this is not feasible, it is raised, and the amount of fill is limited to the required area and depths as specified by the approval agency. Drainage patterns must be maintained on the property and cannot impact neighbours. The system should be located in the area of lowest risk and it must be demonstrated to the satisfaction of CVCA that the control of flooding, erosion, or unstable soil or bedrock will not be affected.

It must also be demonstrated for any project that:

- no impacts on the hydraulic or fluvial functions of the river, creek, stream or watercourse will occur and upstream and downstream flow velocities related to increased flood risk or damage are unaffected. An engineered hydraulic analysis may be required, at the discretion of CVCA, to ensure that these matters have been addressed;
- flood flows are not impeded;
- inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material; and
- a site plan prepared by a qualified professional illustrating the elevations of existing grades and the proposed grades after development must be submitted.

N.B.: Permitted fill placement, excavation and/or grade modifications may be seasonally restricted and subject to a specified time frame to enable stabilization/re-vegetation of the disturbed area.

5.3.10.3	Notwithstanding Policy 5.3.13.1 development associated with the construction of a driveway or access way through the Regulatory floodplain in order to provide access to lands outside of the Regulatory floodplain 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 CVCA that there is no viable alternative outside of the regulated area and that the control of flooding, erosion, or unstable soil or bedrock will not be affected.
5.3.10.4	Notwithstanding Policy 5.3.13.1, parking areas may be permitted within the Regulatory floodplain provided that it has been demonstrated to the satisfaction of CVCA that: <ul style="list-style-type: none"> the control of flooding, erosion, or unstable soil or bedrock will not be affected; that safe pedestrian and vehicular access is achieved; and a site plan prepared by a qualified professional illustrating the elevations of existing grades and the proposed grades after development must be submitted.

N.B.: Permitted fill placement, excavation and/or grade modifications may be seasonally restricted and subject to a specified time frame to enable stabilization/re-vegetation of the disturbed area.

New Septic Systems

5.3.10.5	<p>Installation of new septic systems may be permitted within a flooding hazard provided it can be demonstrated that:</p> <ul style="list-style-type: none">• there is no feasible alternative site outside of the flooding hazard;• the site is not subject to frequent flooding;• the system is sized appropriately to accommodate existing development, or to accommodate future development that can be permitted by this Policy Document;• the risk of property damage and pollution is minimized through site and facility design to ensure that the development will not result in a pollution hazard (e.g., release of a biohazard substance, nutrients, pesticides or other chemicals during a flood event);• the septic system design establishes the base of the septic stone layer at or above the regulatory flood elevation;• the septic system is floodproofed using a watertight cap to prevent floodwaters from entering the main tank and equipped with appropriate valves to prevent back flow;• the septic system is designed to withstand lateral and buoyant pressures associated with floodwaters;• a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades must be submitted; and• the plan has been prepared by a qualified professional.
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Replacement of Septic Systems

5.3.10.6	<p>Replacement of existing septic systems may be permitted within a flooding hazard provided it can be demonstrated that:</p> <ul style="list-style-type: none">• there is no feasible alternative site outside of the flooding hazard;• the site is not subject to frequent flooding;• the system is sized appropriately to accommodate existing development, or to accommodate future development that can be permitted by this Policy Document;• the risk of property damage and pollution is minimized through site and facility design to ensure that the development will not result in a pollution hazard (e.g., release of a biohazard substance, nutrients, pesticides or other chemicals during a flood event);• the replacement system is in the same location and same size as the existing system;
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- the septic system design establishes the distribution pipes at or above the regulatory flood elevation;
- the septic system is floodproofed using a watertight cap to prevent floodwaters from entering the main tank and equipped with appropriate valves to prevent back flow;
- the septic system is designed to withstand lateral and buoyant pressures associated with floodwaters; and
- a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades must be submitted;

5.4 Development Within the Allowance of the Flooding Hazard

River or stream valley allowances and 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 on the natural conditions or processes of the river or stream valley. Regulation of development in the allowance also recognizes issues related to accuracy of the modeling and analysis tools utilized to establish the limits of the erosion and flooding hazards, as well as the predicted increase in frequency and intensity of extreme weather events that can produce significant floods exceeding the magnitude of the Regulatory Flood Event (100-year flood).

The CVCA Regulated Area extends 15 metres from the extent of the Regulatory Floodplain and includes a flood setback of 6 metres.

Three main principles support the inclusion of a 6 metres flood setback:

1. providing for emergency access to flood prone areas;
2. providing for construction access for regular maintenance and access to the site in the event of a flooding event or failure of a structure; and
3. providing protection against unforeseen or predicted external conditions which could have an adverse effect on the natural conditions or processes acting on or within a flood prone area.

Note: emergency access is required along the hazard as well as between the buildings to allow for heavy equipment access to the hazard area.

It is the policy of the CVCA that:

5.4.1	New development will not be permitted within the Flood Setback (Regulatory Floodplain plus 6 metres), regardless of previous approvals provided under other regulatory process (e.g. Planning Act, Building Code Act, etc.).
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New Development within the Flood Setback (0-6 metres from Regulatory Floodplain)

5.4.2	<p>New development within the Flood Setback (0-6 metres from Regulatory Floodplain) may be permitted, provided it can be demonstrated that:</p> <ul style="list-style-type: none"> the development is not on vacant lands or a vacant lot of record; the development is not considered redevelopment of a derelict and/or abandoned building or structure; there is no feasible alternative site outside the Flood Setback; it will not aggravate the flooding hazard or create a new one; it does not impede access for emergency works, maintenance and evacuation; is floodproofed to an elevation of 0.3 metres above the regulatory floodplain, as per floodproofing standards identified in Appendix C – Floodproofing Guidelines; for reconstruction of buildings or structures the new building or structure cannot encroach further into the setback from the regulatory floodplain than the original building or structure; the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/ restoration plans; erosion hazards have been adequately addressed; and a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted.
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Modification to Existing Development within the Flood Setback (0-6 metres from Regulatory Floodplain)

5.4.3	<p>Development within the Flood Setback (0-6 metres from Regulatory Floodplain) may be permitted, provided it can be demonstrated that:</p> <ul style="list-style-type: none"> there is no feasible alternative site outside of the access setback; it will not aggravate the flooding hazard or create a new one; it does not impede access for emergency works, maintenance and evacuation; is floodproofed to an elevation of 0.3 metres above the regulatory floodplain, as per floodproofing standards identified in Appendix C – Floodproofing Guidelines; for additions to existing buildings or structures located within the setback allowance the addition cannot encroach further into the setback from the Regulatory Floodplain than the original building or structure; the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/ restoration plans; erosion hazards have been adequately addressed; and a site plan prepared by a qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted.
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Development within the Flood Allowance (6-15 metres from Regulatory Floodplain)

5.4.4	<p>Development within the Flood Allowance setback (6-15 metres from Regulatory Floodplain) may be permitted, provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • it does not impede access for emergency works, maintenance and evacuation; • is floodproofed to an elevation of 0.3 metres above the regulatory floodplain, as per floodproofing standards identified in <u>Appendix C – Floodproofing Guidelines</u>; • the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/ restoration plans; • erosion hazards have been adequately addressed.
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5.5 Defining the Erosion Hazard and Associated Regulated Area

Within the Crowe Valley watershed all lakes, rivers and streams are considered watercourses and will subsequently have a river or stream valley associated with it. The erosion hazard includes lands adjacent to a watercourse where erosion is actively occurring and/or where development could create slope stability issues. The erosion hazard addresses both the erosion potential of the actual watercourse bank and the potential slope instability related to valley walls. Development adjacent to valley slopes can cause increased loading forces on the top of slope, compromise slope stability or increase erosion of the slope face, and result in the loss of stabilizing vegetation. Where there is no apparent valley the regulated area associated with an erosion hazard is comprised of the meander belt (i.e., the meander belt width). Where the valley is apparent the regulated area associated with an erosion hazard is comprised of the stream bank and slope erosion (i.e., the toe erosion allowance and the stable slope allowance).

CVCA relies on the Ministry of Natural Resources Technical Guide – River & Stream Systems: Erosion Hazard Limit (2002) to determine the erosion hazard. Due to this, CVCA considers an erosion access allowance of 6 metres adjacent to the stable top of slope and/or meander belt width when evaluating development proposals in relation to erosion hazards. An erosion access allowance is meant to provide access for emergencies, maintenance and construction activities. As such, development within the erosion access allowance is considered to be encroaching on the associated hazardous lands and would be subject to the policies contained in this section. According to the MNRF and CO Guidelines for Developing Scheduled Areas (2005), the erosion hazard applies to all watercourses and lake systems in the CVCA watershed.

Where development is proposed and the extent of the erosion hazard is unknown, CVCA may require a technical study, completed by a qualified professional, to determine the extent of the hazard. These studies are completed at the applicant's expense and must be completed to the satisfaction of the CVCA.

Any development within an erosion hazard requires permission from CVCA.

5.6 General Erosion Hazard Policies

The policies in this section are to be applied in conjunction with the General Policies in Section 3.8. As per Policy 3.8.1, development will not be permitted within the regulated area associated with an erosion hazard, except in accordance with the policies contained in this section.

It is the policy of CVCA that:

5.6.1	Development within the erosion hazard of an apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley shall not be permitted.
5.6.2	Stabilization works within the erosion hazard of an apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley to allow for future/proposed development or an increase in development envelope or area shall not be permitted.
5.6.3	Development associated with new and/or the expansion of existing trailer parks/campgrounds within the erosion hazard of an apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley shall not be permitted.
5.6.4	Stormwater management facilities within the erosion hazard of an apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley shall not be permitted.
5.6.5	Redevelopment of derelict and abandoned buildings within the erosion hazard of an apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley shall not be permitted.
5.6.6	Stormwater management facilities within the erosion hazard of an apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley shall not be permitted.
5.6.7	Development within the erosion hazard of an apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley shall not be permitted.
5.6.8	Notwithstanding Section 3.8.1, public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within the erosion hazard of an apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, or unstable soil or bedrock will not be affected.
5.6.9	Notwithstanding Section 3.8.1, 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 or the meander belt of a non-apparent (unconfined) valley if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, or unstable soil or bedrock will not be affected.
5.6.10	Development shall be prohibited within the erosion hazard of an apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley where the use is: <ol style="list-style-type: none"> an institutional use associated with hospitals, nursing homes, preschool, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick the elderly, persons with disabilities or the young during an emergency as a result of erosion and/or failure of protection works/measures; or an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations which would be impaired during an emergency as result of erosion, or any other hazard associated with erosion and/or as a result of failure of protection works/measures; or uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
5.6.11	Development associated with uses that by their nature are located within the erosion hazard such as the construction or reconstruction of an erosion control works (including stream, bank, slope and valley stabilization to protect existing development), boathouses, conservation or restoration projects, stairs, and shore wells may be permitted within the erosion hazard of an apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, or unstable soil or bedrock will not be affected. In order to be considered, the submitted plans must demonstrate that: <ul style="list-style-type: none"> development will not prevent access in order to undertake preventative actions/maintenance or during an emergency; the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/ restoration plans.

5.7 Specific Policies for Erosion Hazards

The policies in this section are to be applied in conjunction with the General Policies in Section 3.8. As per Policy 3.8.1, development will not be permitted within the regulated area associated with an erosion hazard, except in accordance with the policies contained in this section.

5.7.1 Residential, Agricultural, Commercial, Industrial or Institutional Development

New Development

5.7.1.1	New residential, agricultural, commercial, industrial or institutional development will not be permitted within an erosion hazard, regardless of any approvals previously obtained under the Planning Act or other regulatory process (e.g., Building Code Act).
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Residential Additions

5.7.1.2	Additions to existing residential, agricultural, commercial or industrial buildings or structures located within an erosion hazard may be permitted provided it can be demonstrated that:
	<ul style="list-style-type: none">• there is no feasible alternative site outside of the apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley or, in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk;• the addition is 50% or less of the original habitable area (for residential) or original indoor space (for agricultural, commercial, industrial or institutional) to a maximum of 46.5 square metres (500 square feet). In the case of multiple additions, all additions combined are equal to or less than 50% of the original habitable area or indoor space to a maximum of 46.5 square metres (500 square feet).• the number of dwelling units is the same or fewer;• safe access (ingress/egress) is present;• the addition will not prevent access into and through the valley in order to undertake erosion prevention works and/or maintenance of existing buildings or structures or during an emergency;• there is no impact on existing and future slope stability;• the development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face;• bank stabilization or erosion protection works are not required;• development will have no negative impacts on natural stream meandering/fluvial processes;• structural development would not be susceptible to stream erosion;• the development is not located on an unstable slope, except for development that by nature must be located on an unstable slope (see Policy 5.6.11);• the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;• erosion hazards have been adequately addressed; and,• the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the CVCA.

5.7.1.3	Subsequent requests for size increases to buildings or structures in the erosion hazard, which will result in a cumulative exceedance of 50% of the original floor space, up to a maximum of 46.5 square metres (500 square feet), will not be permitted.
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Replacement/Relocation

5.7.1.4	Relocation or like-for-like replacement of existing buildings or structures located entirely or partially within an erosion hazard may be permitted provided it can be demonstrated that: <ul style="list-style-type: none"> • the resulting building or structure is the same size or smaller than the existing; • there is no increase in the number of dwelling units; • safe access (ingress/egress) is maintained or improved, but not worsened; • the building or structure will not prevent access into and through the valley in order to undertake erosion prevention works and/or maintenance of existing buildings or structures or during an emergency; • there is no impact on existing and future slope stability; • the development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face; • structural development would not be susceptible to stream erosion; • the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; • erosion hazards have been adequately addressed; and • the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the CVCA.
5.7.1.5	Replacement (size increase) of an existing building or structure within an erosion hazard may be permitted provided it can be demonstrated that: <ul style="list-style-type: none"> • there is no feasible alternative site outside of the apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley or, in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk; • the resulting building or structure is 50% or less of the original floor space to a maximum of 46.5 square metres (500 square feet) whichever is less; • the number of dwelling units is the same or fewer; • safe access (ingress/egress) is maintained or improved, but not worsened; • the addition will not prevent access into and through the valley in order to undertake erosion prevention works and/or maintenance of existing buildings or structures or during an emergency; • there is no impact on existing and future slope stability;

- the development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face;
- bank stabilization or erosion protection works are not required;
- development will have no negative impacts on natural stream meandering/fluvial processes;
- structural development would not be susceptible to stream erosion;
- the development is not located on an unstable slope, except for development that by nature must be located on an unstable slope (see Policy 5.6.11);
- the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- erosion hazards have been adequately addressed; and,
- the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the CVCA.

5.7.1.6	Subsequent requests for size increases to buildings or structures in the erosion hazard, which will result in a cumulative exceedance of 50% of the original floor space, up to a maximum of 46.5 square metres (500 square feet), will not be permitted.
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5.7.2 Accessory Buildings or Structures

Accessory Buildings or Structures

5.7.2.1	<p>Detached accessory buildings or structures associated with an existing residential, agricultural, commercial, industrial or institutional building or structure (not vacant land), or additions to existing accessory buildings or structures, will be permitted within an erosion hazard where it can be demonstrated that:</p> <ul style="list-style-type: none"> • there is no feasible alternative site outside of the apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley or, in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk; • the resulting building or structure is 50% or less of the original habitable space to a maximum of 46.5 square metres (500 square feet). • safe access (ingress/egress) is maintained or improved, but not worsened; • the building or structure will not prevent access into and through the valley in order to undertake erosion prevention works and/or maintenance of existing buildings or structures or during an emergency; • there is no impact on existing and future slope stability; • the development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face; • bank stabilization or erosion protection works are not required;
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- development will have no negative impacts on natural stream meandering/fluvial processes;
- structural development would not be susceptible to stream erosion;
- the development is not located on an unstable slope, except for development that by nature must be located on an unstable slope (see Policy 5.6.11);
- the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- erosion hazards have been adequately addressed; and,
- the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the CVCA.

5.7.3 Passive Low-Intensity Recreational Uses and Conservation Activities

Passive Low-Intensity Recreational Uses and Conservation Activities

5.7.3.1	Passive low-intensity recreational uses associated with public parks, outdoor recreation and education, trail systems, watercourse access points or conservation activities may be permitted within an erosion hazard provided it can be demonstrated that: <ul style="list-style-type: none"> • there is no feasible alternative to locate the development outside of the erosion hazard and that the development will be located in an area of least (and acceptable) risk as determined through appropriate technical reports (e.g., topographic survey, geotechnical study); • there is no negative impact on existing and future slope stability; • the development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face; • the use will not prevent access into and through the valley in order to undertake preventative actions or maintenance or during an emergency; and, • the potential for erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans.
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5.7.4 Ponds

New Ponds

5.7.4.1	New dug-out or isolated ponds will not be permitted within an erosion hazard.
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	Ponds for the purpose of watering livestock are not subject to Policy 5.3.6.1 or Policy 5.7.4.1 as they are not subject to Ontario Regulation 41/24 in accordance with Section 28(10) of the Conservation Authorities Act.
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5.7.5 Infrastructure

Infrastructure

5.7.5.1	<p>Public infrastructure (e.g., roads, sewers, flood and/or erosion control works, water supply,) and various utilities (pipelines) may be permitted within an erosion hazard provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • all alternatives to avoid the erosion hazard have been considered or it has been demonstrated that the proposed works minimizes encroachment into the erosion hazard to the greatest extent possible; • the development is supported by an approved Environmental Assessment, geotechnical assessment, and/or other comprehensive plan; and • impacts to the erosion hazard will be mitigated to ensure that there is no impact on existing and future slope stability and that the infrastructure or utility will not prevent access into and through the valley in order to undertake preventative actions or maintenance or during an emergency.
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5.7.6 Fill Placement, Excavation and/or Grade Modifications

Fill Placement, Excavation, and/or Grade Modifications

5.7.6.1	<p>Fill placement, excavation, and/or grade modifications associated with existing access roads and driveways; required for the purpose of erosion protection; and/or, to facilitate the installation of geothermal, and water and/or sewage treatment systems within an erosion hazard may be permitted provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • there is no feasible alternative site outside of the apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley or, in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk; • there is no impact on existing and future slope stability; • the development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face; • bank stabilization or erosion protection works are not required; • fill placement will have no negative impacts on natural stream meandering/fluvial processes; • the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
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- flooding hazards have been adequately addressed;
- fill placement will not prevent access into and through the valley in order to undertake preventative actions/maintenance or during an emergency;
- inert fill material will be used (the proponent may be required to provide proof of the origin and quality of the fill material);
- the erosion susceptibility of existing structures or adjacent properties will not be impacted;
- the timing of fill placement, excavation and/or grade modifications is seasonally restricted to ensure stabilization/re-vegetation of the disturbed area; and
- the plan has been prepared by a qualified professional.

5.7.6.2	<p>Stream bank, slope and valley stabilization to protect existing development and conservation or restoration projects may be permitted within the erosion hazard of an apparent river or stream valley provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • the activity is approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of CVCA that the control of flooding, erosion, or unstable soil or bedrock will not be affected. This type of work is also subject to Policy 6.4.4.5 on erosion protection in watercourses.
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New Septic Systems

5.7.6.3	<p>Installation of new septic systems may be permitted within an erosion hazard provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • there is no feasible alternative to locate the development outside of the erosion hazard • in the event that there is no feasible alternative outside of the erosion hazard, the development will be located in an area of least (and acceptable) risk as determined through appropriate technical reports (e.g., topographic survey, geotechnical study); • the system is sized appropriately to accommodate existing development, or to accommodate future development that can be permitted by this Policy Document; • it is not located on an unstable slope; • there are no indications of significant erosion actively occurring that could compromise the septic system; • there is no negative impact on existing and future slope stability; • the development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face; • the use will not prevent access into and through the valley in order to undertake preventative actions or maintenance or during an emergency;
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- the potential for erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and
- the plan has been prepared by a qualified professional.

Replacement of Septic Systems

5.7.6.4	<p>Replacement of new septic systems may be permitted within an erosion hazard provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • there is no feasible alternative site outside of the apparent river or stream valley or the meander belt of a non-apparent (unconfined) valley or, in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk; • the system is sized appropriately to accommodate existing development, or to accommodate future development that can be permitted by this Policy Document; • the replacement system is in the same location and same size as the existing system; • the need for replacement has not been caused by erosion; • it is not located on an unstable slope; • the development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face; • there are no indications of significant erosion actively occurring that could compromise the septic system; • there is no negative impact on existing and future slope stability; • the use will not prevent access into and through the valley in order to undertake preventative actions or maintenance or during an emergency; • the potential for erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and • the plan has been prepared by a qualified professional.
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5.8 Development Within the Allowance of the Erosion Hazard

River or stream valley allowances and 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 on the natural conditions or processes of the river or stream valley.

Regulation of development in the allowance also recognizes issues related to accuracy of the modeling and analysis tools utilized to establish the limits of the erosion and flooding hazards, as

well as the predicted increase in frequency and intensity of extreme weather events that can cause a higher degree and rate of erosion.

The CVCA Regulated Area extends 15 metres from the extent of the Erosion Hazard and includes an erosion access allowance of 6 metres (Erosion Setback).

Three main principles support the inclusion of a 6 metre Erosion Setback:

1. providing for emergency access to erosion prone areas;
2. providing for construction access for regular maintenance and access to the site during an erosion event or failure of a structure; and
3. providing protection against unforeseen or predicted external conditions which could have an adverse effect on the natural conditions or processes acting on or within an erosion prone area.

Note: emergency access is required along the hazard as well as between the buildings to allow for heavy equipment access to the hazard area.

It is the policy of the CVCA that:

5.8.1	New development will not be permitted within the Erosion Setback (Erosion Hazard plus 6 metres), regardless of previous approvals provided under other regulatory process (e.g. Planning Act, Building Code Act, etc.).
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New Development within the Erosion Setback (0-6 metres from Erosion Hazard)

5.8.2	New development within the Erosion Setback (0-6 metres from Erosion Hazard) may be permitted, provided it can be demonstrated that: <ul style="list-style-type: none">• the development is not on vacant lands or a vacant lot of record;• the development is not considered redevelopment of a derelict and/or abandoned building or structure;• there is no feasible alternative to locate the development outside of the erosion hazard setback and that the development will be located in an area of least (and acceptable) risk as determined through appropriate technical reports (e.g., topographic survey, geotechnical study);• there is no negative impact on existing and future slope stability;• it will not aggravate the Erosion Hazard or create a new one;• the development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face;• it does not impede access for emergency works, maintenance and evacuation;• development will not prevent access to and along the erosion hazard in order to undertake preventative actions/maintenance or during an emergency;
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- for reconstruction of buildings or structures the new building or structure cannot encroach further into the setback from the Erosion Hazard than the original building or structure;
- the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/ restoration plans;
- erosion hazards have been adequately addressed; and
- the plan has been prepared by a qualified professional.

Modification to Existing Development within the Erosion Setback (0-6 metres from Erosion Hazard)

5.8.3	<p>Development within the Erosion Setback (0-6 metres from Erosion Hazard) may be permitted, provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • there is no feasible alternative to locate the development outside of the erosion hazard setback and that the development will be located in an area of least (and acceptable) risk as determined through appropriate technical reports (e.g., topographic survey, geotechnical study); • there is no negative impact on existing and future slope stability; • it will not aggravate the Erosion Hazard or create a new one; • the development does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face; • it does not impede access for emergency works, maintenance and evacuation; • development will not prevent access to and along the erosion hazard in order to undertake preventative actions/maintenance or during an emergency; • for reconstruction of buildings or structures the new building or structure cannot encroach further into the setback from the Erosion Hazard than the original building or structure; • the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/ restoration plans; • erosion hazards have been adequately addressed; and • the plan has been prepared by a qualified professional.
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Development within the Erosion Allowance (6-15 metres from Erosion Hazard)

5.8.4	<p>Development within the Erosion Allowance setback (6-15 metres from Erosion Hazard) may be permitted, provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • it does not impede access for emergency works, maintenance and evacuation; • there is no negative impact on existing and future slope stability; • the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/ restoration plans; • erosion hazards have been adequately addressed.
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Development at the Base of a Steep Slope or Embankment

5.8.5	<p>Development subject to an Erosion Hazard at the base of a steep slope or embankment may be permitted by the CVCA provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • the development is located 15 metres beyond the stable toe of slope or an appropriate setback determined by a qualified professional.
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5.9 Defining the Regulated Area Associated with Unstable Soils or Bedrock

Due to the specific nature of areas of unstable soil or unstable bedrock, it is difficult to identify these hazards. The potential for catastrophic failures in some areas of unstable soil and unstable bedrock warrant site specific studies to determine the extent of these hazardous lands, and therefore the appropriate limits of the hazard and Regulation Limits. The regulated area is based on the conclusions and recommendations of such studies.

Development within areas deemed as hazardous is considered through the “development” provision of the Regulation. Activities proposed within unstable soil and unstable bedrock hazardous lands must therefore meet the definition of “development” in the Conservation Authorities Act to be regulated.

5.9.1 Unstable Soil

Unstable soil includes but is not necessarily limited to areas identified as containing sensitive marine clays (e.g. Ieda clays) or organic soils (MNRF & Conservation Ontario, 2005).

5.9.1.1 Sensitive Marine Clays (Leda Clay)

Sensitive marine clays, also known as Ieda clays, are clays that were deposited as sediment during the last glacial period in the Champlain Sea. Undisturbed, the clays can appear as solid and stable. But when disturbed by excessive vibration, shock or when they become saturated with water, the clays can turn to liquid (MNRF, 2001). The resulting failures or earthflows can be sudden and catastrophic.

Sensitive marine clays are restricted to specific locations in the province, however, are not restricted to just along rivers and streams. In addition to the mapping that individual CAs may have developed or obtained, information is also available from Geological Survey of Canada and the MNRF.

To determine Regulation Limits, it is recommended that site specific studies be undertaken to determine the full extent of the sensitive marine clays and their full potential for retrogressive failures. While useful standards for defining the limits of the hazardous lands are provided within the “Understanding Natural Hazards” (MNRF, 2001) document and Hazardous Sites Technical Guide (MNRF, 1996a), it is crucial to recognize that these standards only address a first occurrence of slope

failure. As such, the Guidelines for Developing Schedules of Regulated Areas recommend the use of a site/area specific study in defining the appropriate hazard (and therefore the Regulation Limit) to account for the potential of subsequent failures.

Sensitive Marine Clays (Leda Clay) have not been identified in the CVCA watershed.

5.9.1.2 Organic Soils

Organic soils are normally formed by the decomposition of vegetative and organic materials into humus, a process known as humification. A soil is organic when the percentage weight loss of the soil, when heated, is five to eighty per cent (MNRF, 2001).

As a result, organic soils can cover a wide variety of soil types. Peat soils, however, are the most common type of organic soil in Ontario. Therefore, a CA's wetland inventory may provide guidance in the location of organic soils. In addition, maps by the Geological Survey of Canada, MNRF, Ministry of Northern Development & Mines, and the Ministry of Agriculture, Food and Rural Affairs may provide additional information on the location of organic soils.

Due to the high variability of organic soils the potential risks and hazards associated with development in this type of hazardous land are also highly variable. As such, assessment of development potential in areas of organic soils is site specific. Section 4.0 of the Hazardous Sites Technical Guide (MNRF, 1996a) provides important guidance in this regard.

The policies in this section are to be applied in conjunction with the General Policies in Section 3.8. As per Policy 3.8.1, development will not be permitted within the regulated area associated with a flooding hazard, except in accordance with the policies contained in this section.

5.9.2 Unstable Bedrock

Unstable bedrock includes but is not necessarily limited to areas identified as karst formations. Karst formations may be present in limestone or dolomite bedrock, and are extremely variable in nature. Local, site-specific studies are required for identifying karst formations. Air photo interpretation of surface features such as sink holes may provide an indication of karst formations (MNRF and CO, 2005).

As with unstable soils, the potential for development to be undertaken safely in an area of unstable bedrock is site specific. Section 5.0 of the Hazardous Sites Technical Guide (MNRF, 1996a) provides important guidance in this regard.

The regulated area associated with unstable soil or bedrock includes the maximum extent of the unstable soil or bedrock.

Any development on unstable soil or unstable bedrock requires permission from CVCA.

5.10 General Policies for Unstable Soils/Bedrock

It is the policy of CVCA that:

5.10.1	Development shall not be permitted within hazardous lands associated with unstable soils or unstable bedrock;
5.10.2	Redevelopment of derelict and/or abandoned buildings within hazardous lands Associated with unstable soils or unstable bedrock shall not be permitted;
5.10.3	Further to Policy 5.10.1 development shall be prohibited in hazardous lands associated with unstable soils or unstable bedrock where the use is: a) An institutional use associated with hospitals, nursing homes, preschool, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of erosion or any other hazard associated with unstable soils and unstable bedrock and/or as a result of failure of protection works/measures; or b) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of erosion or any other hazard associated with unstable soils and unstable bedrock and/or as a result of failure of protection works/measures; or c) Associated with the disposal, manufacture, treatment or storage of hazardous substances;

5.11 Specific Policies for Unstable Soils/Bedrock

The policies in this section are to be applied in conjunction with the General Policies in Section 3.8. As per Policy 3.8.1, development will not be permitted within the regulated area associated with unstable soil or bedrock, except in accordance with the policies contained in this section.

Identification of the Hazard Limit – Unstable Soil or Bedrock

In cases where development is proposed within or adjacent to hazardous lands associated with unstable soil or unstable bedrock, CVCA will require that the applicant (or agent) provide appropriate technical reports identifying a precise boundary associated with the limit of the unstable soil or bedrock to the satisfaction of CVCA.

5.11.1 New Development

New Development

5.11.1.1	New residential, commercial, industrial, institutional or agricultural development will not be permitted within hazardous lands associated with unstable soil or unstable bedrock, regardless of previous approvals provided under the Planning Act or other regulatory process (e.g., Building Code Act).
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5.11.2 Replacement and Relocation

Replacement and Relocation

5.11.2.1	Development may be permitted for the reconstruction or relocation of a building within hazardous lands associated with unstable soils or bedrock provided it has been demonstrated to the satisfaction of CVCA that control of flooding, erosion, or unstable soil or bedrock will not be affected. The submitted plans should demonstrate that: <ul style="list-style-type: none"> • There is no feasible alternative site outside of the hazardous lands; • The control of flooding, erosion, or unstable soil or bedrock will not be affected; and, • All hazards/risks associated with unstable soils or unstable bedrock have been adequately addressed. • The plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the CVCA.
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5.11.3 Accessory Buildings or Structures

Accessory Buildings or Structures

5.11.3.1	Accessory buildings or structures associated with an existing residential, commercial, industrial, institutional or agricultural use such as detached garages, tool sheds, gazebos and other similar structures or additions to existing accessory buildings or structures will be permitted subject to the following: <ul style="list-style-type: none"> • there is no feasible alternative to locate the building or structure outside of the hazardous lands; and, • a technical site-specific study demonstrates that all hazards/risks associated with unstable soils or unstable bedrock have been adequately addressed.
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5.11.4 Infrastructure

Infrastructure

5.11.4.1	Public infrastructure (roads, sewers, flood and/or erosion control works, water supply,) and various utilities (pipelines) may be permitted within hazardous lands associated
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	<p>with unstable soil or bedrock subject to the following:</p> <ul style="list-style-type: none"> • an approved Environmental Assessment, or other comprehensive plan that is supported by CVCA, demonstrates that all alternatives to avoid the hazard have been considered and that the proposed alignment minimizes encroachment into the hazard to the greatest extent possible; • a more detailed site-specific study (i.e., a geotechnical study) demonstrates how the risks to public safety and impacts to the hazard will be mitigated, if not included in the above-noted plan(s); and • a technical site-specific study demonstrates that all hazards/risks associated with unstable soils or unstable bedrock have been adequately addressed.
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5.11.5 Fill Placement, Excavation and/or Grade Modifications

Fill Placement, Excavation, and/or Grade Modifications

5.11.5.1	Fill placement for new access routes will not be permitted within hazardous lands associated with unstable soil or bedrock.
5.11.5.2	<p>Fill placement, excavation, and/or grade modifications: associated with existing access roads and driveways; required for the purpose of flood and/or erosion protection; and/or, to facilitate the installation of sewage disposal systems and the like within hazardous lands associated with unstable soil or bedrock will be permitted provided it can be demonstrated through appropriate technical reports (e.g., geotechnical study) that:</p> <ul style="list-style-type: none"> • the stability of existing structures and/or adjacent properties will not be impacted; • a more detailed site-specific study (i.e., a geotechnical study) demonstrates how the risks to public safety and impacts to the hazard will be mitigated, if not included in the above-noted plan(s); and • inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material. <p>N.B.: Permitted fill placement, excavation and/or grade modifications may be seasonally restricted and subject to a specified time frame to enable stabilization/re-vegetation of the disturbed area.</p>

5.12 Development Within the Allowance of Unstable Soils/Bedrock

The guidelines for development within the 15 metre adjacent lands to unstable soils/bedrock hazards include an access setback. Note that access is required along the hazard as well as between buildings to allow for heavy equipment access to the hazard area. Three main principles support the inclusion of an erosion access setback:

- providing for emergency access to areas of unstable soil/bedrock;
- providing for construction access for regular maintenance and access to the site in the event of a geologic event or failure of a structure; and
- providing protection against unforeseen or predicted external conditions which could have an adverse effect on the natural conditions or processes acting on or within an area of unstable soils/bedrock.

The CVCA will require all new development to be setback 6 metres from any natural hazard.

5.12.1	<p>Development may be permitted within the allowance adjacent to unstable soils/bedrock if it has been demonstrated to the satisfaction of CVCA that all hazards/risks associated with unstable soils or unstable bedrock have been adequately addressed. The submitted plans should demonstrate that:</p> <ul style="list-style-type: none">• development does not create a new hazard or aggravate the existing hazard;• development is set back a sufficient distance from the hazard to avoid increases in loading forces on the top of the unstable soils/bedrock;• for additions to existing buildings or structures located within the setback allowance, the addition cannot encroach further into the setback from the hazard than the original building or structure;• for reconstruction of buildings or structures located within the setback allowance, the new building or structure is constructed in the same location as the original building or structure provided that there are no reasonable alternatives to locate the new building or structure outside of the required setback, and the new building or structure cannot encroach further into the setback from the hazard than the original building or structure;• development does not change drainage or vegetation patterns that would compromise unstable soil/bedrock stability or exacerbate the hazard;• development will not prevent access to and along the hazard in order to undertake preventative actions/maintenance or during an emergency;• the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans; and• the plan is carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the CA.• Where development is proposed and the extent of the hazard associated with unstable soils/bedrock is unknown, CVCA will require a technical study,
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completed by a qualified professional, to determine the extent of the hazard. These studies are completed at the applicant's expense and must be completed to the satisfaction of the CVCA.

6.0 WATERCOURSES

- 6.1 Discussion of Watercourses
- 6.2 Function of Watercourse
- 6.3 General Policies for Watercourses
- 6.4 Specific Policies for Watercourses
 - 6.4.1 Structures
 - 6.4.2 Conservation Activities
 - 6.4.3 Ponds
 - 6.4.5 Channel or Shoreline Alterations

6.1 Discussion of Watercourses

As identified earlier in this document, watercourse means a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs. These policies must be read in conjunction with the River or Stream Valleys section.

To provide guidance in the Regulation of watercourses, it is necessary to highlight the functions of watercourses.

6.2 Function of Watercourses

Watercourses transport both water and sediment from areas of high elevation to areas of low elevation. Watercourses also transfer energy (e.g. heating and cooling of stream waters) and organisms (e.g. movement of mammals, fish schooling and insect swarming) and provide habitat for fish and other species either in-stream or at the air-water interface. Moreover, watercourses provide a source of water supply for wildlife and livestock.

From a human perspective, watercourses provide social and economic values such as water supply, food resources, recreational opportunities (canoeing and fishing), hydro generation, land drainage, education experiences, and aesthetics.

Watercourses are dynamic, living systems with complex processes that are constantly undergoing change. The structure and function of watercourses are influenced by channel morphology, sediment characteristics (soil type, bedrock, and substrate characteristics) and the nature of the riparian vegetation both on the overbank and rooted in the bed of the watercourse. Any changes to one of these influences can have significant impacts upon other parts of the system. One of the key influences on the structure and function of a watercourse is related to the hydrology of the stream and its normal hydrograph. Changes in the volume, peaks and timing of flows can significantly impact the stream morphology, sediment transport and even riparian vegetation. Changes to channel morphology reduce the ability of the watercourse to process sediment causing erosion and changing the amount or size of bed load being moved. Loss of riparian vegetation results in more pollutants and run-off being transferred from the land to the water, impacting

water quality and flooding downstream reaches. These changes, in turn, degrade near shore and aquatic habitat and impair the watercourse for human use.

Applicants and their agents should be advised that where any in water or near water works are being proposed, there may be restrictions relating to the timing of activities (e.g. Seasonal restrictions) that may be required by MNRF and/or the Department of Fisheries and Oceans Canada.

Permits and/or authorization may also be required from the MNRF and DFO.

The Conservation Authorities Act contains the following sections dealing with river or stream valleys:

Prohibited Activities re watercourses, wetlands, etc.

28 (1) no person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:

2. Development activities in areas that are within the authority's area of jurisdiction and are,
 - iii. river or stream valleys the limits of which shall be determined in accordance with the regulations,

Ontario Regulation 41/24 contains the following sections dealing with river or stream valleys:

2. (1) For the purposes of subparagraph 2 iii of subsection 28 (1) of the Act, river or stream valleys include river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined as follows:
 1. Where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of the bank, plus 15 metres, to a similar point on the opposite side.
 2. Where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side.
 3. Where the river or stream valley is not apparent, the valley extends,
 - (i) to the furthest of the following distances:
 - A. the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard to a similar point on the opposite side, and
 - B. the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard to a similar point on the opposite side, and
 - (ii) an additional 15-metre allowance on each side, except in areas within the jurisdiction of the Niagara Peninsula Conservation Authority.

The Conservation Authorities Act states:

28.1(1) An authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of the authority,

- (a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- (b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and
- (c) any other requirements that may be prescribed by the regulations are met.

6.3 General Policies for Watercourses

Alterations to shorelines and watercourses activities include altering, straightening, changing, diverting or interfering, in any way, with the channel of any watercourse within the watershed. This may also include shoreline rehabilitation and erosion control on lakes.

The Authority supports the application of "Natural Channel Design" principles in all proposals, public or private, in recognition of the environmental, human health, economic and aesthetic benefits of the approach. Where opportunities exist to restore, enhance or re-establish natural conditions those opportunities should be utilized as maintaining healthy and functional channel processes will serve to minimize the need for future restoration and mitigation.

The Authority's review of riverfront protection / improvement applications will be conducted in cooperation with the appropriate District / Area Office of the Ontario Ministry of Natural Resources and Forestry. The proposal should be coordinated with the Ministry of Natural Resources and Forestry, the Department of Fisheries and Oceans (Canada) or other partners where proposed work may interfere with fish habitat.

CVCA may require technical studies be undertaken to demonstrate the suitability of development proposals. Technical studies should be carried out by a qualified professional, with recognized expertise in the appropriate discipline, and should be prepared using established procedures and recognized methodologies to the satisfaction of CVCA.

6.3.1 In general, interference with a watercourse shall not be permitted.

6.3.2 Proposals for channelization and/or realignment will not be considered where the purpose of the proposal is to increase the development potential of the lands.

6.4 Specific Policies for Watercourses

The policies in this section are to be applied in conjunction with the General Policies in Section 3.8 and Section 4.2.

6.4.1 Structures

Crossings

6.4.1.1	<p>Crossings include but are not limited to: bridges, culverts, and causeways, and may be permitted to be constructed, replaced or upgraded if it has been demonstrated to the satisfaction of the CVCA that the interference on the natural features and the hydrologic and ecological functions of the watercourse has been deemed acceptable and subject to the following:</p> <ul style="list-style-type: none">• in the case of public infrastructure, all feasible alternative sites and alignments have been considered through an approved Environmental Assessment, or other comprehensive plan, where applicable, or in the case of replacements and/or upgrades, the crossing design is engineered through site-specific studies;• in the case of private infrastructure, all feasible alternative sites and alignments have been considered and, crossing design engineered through site-specific studies with the possible exception of temporary crossings based on the structural scale and scope, and the purpose of the temporary crossing; <p>and, where it can be demonstrated that:</p> <ul style="list-style-type: none">• culverts have an open bottom where it is feasible, or where it is not feasible, the culverts should be appropriately embedded into the watercourse;• crossing location, width, and alignment should be compatible with stream morphology, which typically requires location of the crossing on a straight and shallow/riffle reach of the watercourse with the crossing situated at right angles to the watercourse;• crossings are located to take advantage of existing impacted or open areas on the channel bank or valley slope, wherever possible;• crossing structures avoid the erosion hazard in order to accommodate natural watercourse movement;• the risk of flood damage to upstream or downstream properties is reduced through site and crossing design;• the design encourages fish passage where possible;• interference with hydrologic function (e.g., water quality and quantity control) is minimized and it can be demonstrated that best management practices including site and crossing design and appropriate remedial measures will mitigate disturbance to features and functions;• the submitted plans should incorporate detailed information related to installation and sequencing;• physical realignments or alterations to the river, creek, stream or watercourse channel associated with a new crossing are avoided or are in accordance with the CVCA channelization policies that follow; and,• maintenance requirements are minimized.
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6.4.1.2	<p>Bed-level crossings will be permitted to be constructed, replaced or upgraded where it can be demonstrated that:</p> <ul style="list-style-type: none"> stable, non-erodible, rounded inorganic material is used; crossings avoid any bends in the watercourse to the extent practical; crossings are located to take advantage of existing impacted or open areas on the channel bank or valley slope, wherever possible; the risk of flood damage to upstream or downstream properties is reduced through site and structure design; physical realignments or alterations to the river, creek, stream or watercourse channel associated with a new crossing are avoided or are in accordance with the CVCA channelization policies that follow; and maintenance requirements are minimized.
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Water Control Structures

6.4.1.3	<p>Water control structures to protect existing and proposed development from a flooding hazard shall not be permitted.</p>
6.4.1.4	<p>Water control structures to facilitate approved renewable energy generation projects (for water control structures associated with conservation activities refer to Policy 6.4.2) will be permitted to be constructed, maintained or repaired subject to the following:</p> <ul style="list-style-type: none"> the water management benefits of the water control structure are demonstrated and all feasible alternatives are considered through an approved Environmental Assessment, or other comprehensive plan that is supported by CVCA, whichever is applicable based on the scale and scope of the project; there will be no adverse hydraulic or fluvial impacts or an increase in flooding; and impacts on hydrologic function (e.g., water quality and quantity control) are avoided or it can be demonstrated that best management practices including site and structure design and appropriate remedial measures will mitigate and/or compensate for disturbance to features and functions.
6.4.1.5	<p>Water control structures for any purpose other than those identified in Policy 6.4.1.4 will not be permitted within the channel of a river, creek, stream or watercourse unless in conjunction with a permit/authorization from the MNRF under their appropriate legislation. The conditions in Policy 6.4.1.4 must also be met. Should the MNRF not require an application for a water control structure the CVCA will not permit a water control structure under Policy 6.4.1.5.</p>

The MNRF is responsible for the approval of water control structures under the Lakes & Rivers Improvement Act (LRIA). Furthermore, dams are subject to various other pieces of legislation and regulations (e.g., GEA and REA Regulation).

Alterations and/or Maintenance of Existing Water Control Structures

6.4.1.6	<p>Alterations and/or maintenance of existing water control structures will be permitted where it can be demonstrated that:</p> <ul style="list-style-type: none">• impacts on hydrologic functions (e.g., water quality and quantity control) are avoided or that site and structure design and appropriate remedial measures will mitigate and/or compensate for disturbance to features and functions;• there will be no adverse hydraulic or fluvial impacts;• there are no adverse impacts on the capacity of the structure to pass flows; and,• the integrity of the original structure is maintained or improved.
6.4.1.7	<p>Notwithstanding the above, where the alteration/maintenance will not affect the footprint or height of the existing water control structure and in the opinion of CVCA, would not affect the control of flooding or erosion and would not result in changes to the capacity to pass river flows or impact on the integrity of the structure or in-water works, a permit will not be required.</p>
6.4.1.8	<p>Decommissioning of dams which are structurally unsound or no longer serve their intended purpose, located within a river, stream, creek or watercourse will be permitted provided a decommissioning plan demonstrates, at a minimum, that:</p> <ul style="list-style-type: none">• impacts on hydrologic functions (e.g., water quality and quantity control) within or adjacent to the river, creek, stream or watercourse will be avoided or that site and structure design and appropriate remedial measures will mitigate and/or compensate for disturbance to features and functions;• there will be no adverse hydraulic or fluvial impacts; and,• the risk of increased sedimentation during and after retirement or removal is addressed through a draw down plan.

New In-water Boathouses and Structures

6.4.1.9	<p>New in-water boathouses (for on-shore boathouses see Policy 5.3.1.21), and other in-water structures that are within the channel of a watercourse will be not be permitted (excluding permanent docks, see Policy 5.3.1.27).</p>
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Existing In-water Boathouses, Structures and Permanent Docks

6.4.1.10	<p>Repairs to existing in water boathouses, structures and permanent docks may be permitted provided that the repairs:</p> <ul style="list-style-type: none">• meets definition of a boathouse;• do not impede the flow of water;• do not provide an opportunity for conversion into habitable space in the future (to ensure no habitable component, the boathouse shall contain no services other than electricity);
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- the repairs do not result in a change in use, including new decks and rooftop patios;
- do not alter the natural contour of the shoreline;
- do not result in a change in size; and
- do not create a navigational hazard.

Repairs to the foundation of an existing boathouse or structure will be required to be designed by an appropriate and qualified professional (i.e.: an engineer).

For repairs to permanent docks see Policy 5.3.1.28

Public Infrastructure

6.4.1.11	<p>Public Infrastructure sewers, flood and/or erosion control works) and various utilities (pipelines) will be permitted within a watercourse provided that:</p> <ul style="list-style-type: none"> • all feasible alignments have been considered through an approved Environmental Assessment, other comprehensive plan or site specific technical studies supported by CVCA, whichever is applicable based on the scale and scope of the project; • interference with natural features, hydrologic functions, and natural hazards is minimized and it can be demonstrated that best management practices including site and infrastructure design and appropriate remedial measures will mitigate disturbance to features and functions; and, • inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material and conduct other studies and/or monitoring as may be required.
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6.4.2 Conservation Activities

6.4.2.1	<p>Conservation activities (e.g., stream/wetland rehabilitation) will be permitted within a watercourse provided that the hydrologic function of the watercourse (e.g., water quality and quantity control) will be maintained, restored, or enhanced. In addition to the conditions listed in Policy 6.4.1.4 the submitted plans will be required to demonstrate that:</p> <ul style="list-style-type: none"> • based on documentation of existing watercourse characteristics (e.g., thermal regime, substrate type, fish communities), there will be direct conservation benefits of the project (e.g., enhancement in watercourse feature and/or function); • there will be no negative impact on watercourse functionality; • best management practices including site and project design and appropriate remedial measures will be employed to minimize disturbance; • natural channel design practices will be followed; and, • maintenance requirements will be minimized.
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If the above noted requirements cannot be met an Environmental Impact Study will be required that demonstrates no negative impact on the hydrologic function of the watercourse.

6.4.3 Ponds

Ponds exist for many reasons, such as recreation, irrigation, watering, landscaping and aquaculture. This section applies to these types of ponds but not to stormwater management ponds, reservoirs constructed for the purpose of generating hydroelectricity or ponds associated with conservation activities.

New Ponds

6.4.3.1 New ponds that are directly connected to a watercourse (e.g., in-stream ponds, bypass ponds, etc.) shall not be permitted.

Existing Ponds

6.4.3.2 Bank alterations and/or dredging of existing connected ponds will be considered provided that:

- impacts on hydrologic function of the pond are avoided or it can be demonstrated that best management practices including project design and appropriate remedial measures will mitigate and/or compensate for disturbance to features and functions;
- there is no negative impact on the hydrologic function of the receiving river, creek, stream or watercourse;
- there is no negative impact on the downstream thermal regime;
- maximum berm heights above existing grades do not exceed 0.3 metres within the flooding or erosion hazard;
- any excavated material is removed from the hazard area; and,
- the works are designed to limit the need for future maintenance.

6.4.4 Channel or Shoreline Alterations

Realignment, Channelization or Straightening

6.4.4.1 Realignment, channelization or straightening of a river, creek, stream or watercourse is generally discouraged, but will be permitted to improve hydraulic characteristics and fluvial processes, facilitate public infrastructure projects (e.g., highway construction or reconstruction), facilitate works approved pursuant to the Drainage Act and/or on-going operations associated with existing agricultural use, or to improve aquatic habitat or water quality where a site plan and/or other site-specific study demonstrates that:

- all feasible alternative alignments have been considered through an approved Environmental Assessment, other comprehensive plan or though site-specific

studies supported by CVCA, whichever is applicable based on the scale and scope of the project;

- impacts on hydrologic functions are minimized and it can be demonstrated that best management practices including project design and appropriate remedial measures will mitigate and/or compensate for disturbance to features and functions; and
- natural channel design practices are followed to the maximum extent possible.

Enclosures

6.4.4.2	Enclosures of rivers, creeks, streams or watercourses are discouraged, but will be permitted where there is a risk to public safety and/or potential property damage and where a site specific study demonstrates that: <ul style="list-style-type: none">• all feasible options and methods have been explored to address the hazard(s); and,• impacts on hydrologic functions are minimized and it can be demonstrated that best management practices including project design and appropriate remedial measures will mitigate and/or compensate for disturbance to features and functions.
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Dredging

6.4.4.3	Dredging of an existing channel of a river, creek, stream or watercourse will be permitted to maintain boating or shipping channels (e.g. harbours, marinas, canals), enhance water flow in the case of drains, improve hydraulic characteristics and fluvial processes or to improve aquatic habitat or water quality where a dredging plan demonstrates that: <ul style="list-style-type: none">• the area has been previously dredged;• stream bank stability is not impacted or is improved;• the size and depth of the area proposed for dredging while meeting the need is minimized;• impacts on hydrologic functions are minimized and it can be demonstrated that best management practices including project design and appropriate remedial measures will mitigate and/or compensate for disturbance to features and functions;• all dredged material is removed from the site and safely disposed of in accordance with the policies in provincial guidelines; and,• future maintenance requirements are minimized.
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Shoreline Excavation

6.4.4.4	Excavating the shoreline for any purpose will not be permitted, with the exception of excavation works required for erosion protection and shoreline/bank stabilization. Stream, bank and channel stabilization to protect existing development or for
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conservation or restoration projects may be permitted within a watercourse if the interference on the natural features and hydrologic and ecological functions of the watercourse has been deemed acceptable by the CVCA and in accordance with the following Erosion Protection and Shoreline/Bank Stabilization policies.

Erosion Protection and Shoreline/Bank Stabilization

6.4.4.5	<p>New and/or replacement of erosion protection and shoreline/bank stabilization measures may be permitted where there is a demonstrated erosion or bank instability problem resulting in property loss and/or risk to public safety subject to the following:</p> <ul style="list-style-type: none">• impacts on hydrologic functions are minimized;• the works will not result in a shoreline that is higher or further out into the water than what is existing;• the works will result in a naturally stable slope and/or match the existing slope;• the natural contours of the shoreline will be maintained;• erosion risk on adjacent, upstream and/or downstream properties is reduced or erosion and sedimentation processes are controlled to reduce existing or potential impacts from adjacent land uses, whichever is appropriate; and• shoreline/bank stabilization will employ best management practices that utilize natural materials that integrate with the existing natural features and processes (e.g. bio-engineering) rather than hardening; <p>OR</p> <ul style="list-style-type: none">• where it has been demonstrated that bioengineering solutions have been considered and are deemed inappropriate or insufficient, hardened surfaces (e.g., retaining walls) may be considered however, the shoreline/bank stabilization technique employed cannot result in an exclusively vertical structure.• Armour stone or a similar type rock with a vertical face will not be permitted unless it is to replace existing armour stone or another vertical structure, or where it has been demonstrated that the creation of a stable slope using bioengineering techniques or an appropriate sized stone (rip rap) is not appropriate. It must be demonstrated that there will be no impacts to neighbouring properties. <p>Any vertical wall that exceeds 1 metre in height must be designed by a qualified engineer.</p>
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Repair and Maintenance

6.4.4.6	<p>Repair/maintenance* of existing erosion protection and shoreline/bank stabilization structures will be permitted where the repair/maintenance will not result in an increase in footprint or height of the existing structure. When considering repair/maintenance, proponents are encouraged to replace existing hardened shoreline surfaces with bio-engineered solutions.</p>
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- erosion risk on adjacent, upstream and/or downstream properties is reduced or erosion and sedimentation processes are controlled to reduce existing or potential impacts from adjacent land uses, whichever is appropriate;
- intrusions on hydrologic functions are minimized, and it can be demonstrated that best management practices including site and structure; and,
- design and appropriate remedial measures mitigate and/or compensate for disturbance features and functions.

*Repair/maintenance involves using the existing material on site with a minimal amount of imported fill. Replacing existing protection with new or upgraded material along any part of the shoreline will be subject to Policy 6.4.4.5. Additionally, Policies 4.2.9 through 4.2.13 may apply and should be reviewed in conjunction with this section.

Water Access Point

6.4.4.7	<p>Installation of a single water access point (e.g., set of stairs leading into the water) will be permitted for an existing waterfront lot provided it can be demonstrated that:</p> <ul style="list-style-type: none"> • stable, non-erodible, inorganic material (e.g., armour stone, natural stone) is used; • the access point is located in such a manner to take advantage of existing impacted or open areas along the shoreline, wherever possible; • the maximum width of the access point does not exceed 2 metres; • maintenance requirements are minimized; and, • where there is an associated boathouse or dock, the access point shall be situated adjacent to the boathouse or dock, wherever feasible.
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7.0 WETLANDS AND OTHER AREAS

7.1 Function of Wetlands

7.2 Development and Interference

7.2.1 Environmental Impact Study

7.3 General Policies for Wetlands

7.4 Specific Policies for Wetlands

7.4.1 Wetland Boundary Identification

7.4.2 Development and Interference within Wetlands

7.4.3 Development and Interference within Adjacent Land of a Wetland

7.1 Functions of Wetlands

Wetlands provide functions that have both ecosystem and human values. From an ecosystem perspective these include primary production, sustaining biodiversity, wildlife habitat, habitat for species at risk, maintenance of natural cycles (carbon, water) and food chains. From a human perspective, wetlands provide social and economic values such as flood attenuation, recreation opportunities, production of valuable products, improvement of water quality and educational benefits.

Wetlands retain waters during periods of high water levels or peak flows (i.e. spring freshet and storm events) allowing the water to be slowly released into the watercourse, infiltrate into the ground, and evaporate. As well, wetlands within the floodplain of a watercourse provide an area for the storage of flood waters and reduce the energy associated with the flood waters.

Wetlands retain and modify nutrients, chemicals and silt in surface and groundwater thereby improving water quality. This occurs temporarily in the plants of the wetland but long term in the organic soils.

In addition, wetlands provide a variety of hydrologic functions. Over 60 potential hydrological functions have been identified for wetlands when developing the Southern Ontario Wetland Evaluation System (OWES). However, confirmation of many of these functions requires hydrological experts and field studies by qualified hydrologists. Therefore, the OWES utilizes easily identifiable features and measures as surrogate values for these hydrological features.

7.2 Wetlands and Development Setbacks

- **Wetland**

As defined by Regulation under Section 28 of the *Conservation Authorities Act*, “wetland” means land that,

- is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- directly contributes to the hydrological function of a watershed through connection with a surface watercourse,

- (c) has hydric soils, the formation of which have been caused by the presence of abundant water, and
- (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which have been favoured by the presence of abundant water.

- **Wetland Setback**

For Provincially Significant Wetlands and wetlands greater than 2 hectares, a 30 metre wetland setback is applied.

For wetlands less than 2 hectares, a 15 metre wetland setback is applied.

- **Regulated Area**

As prescribed by Regulation under Section 28 of the *Conservation Authorities Act*, the CVCA regulates any development activity within 30m of any wetland.

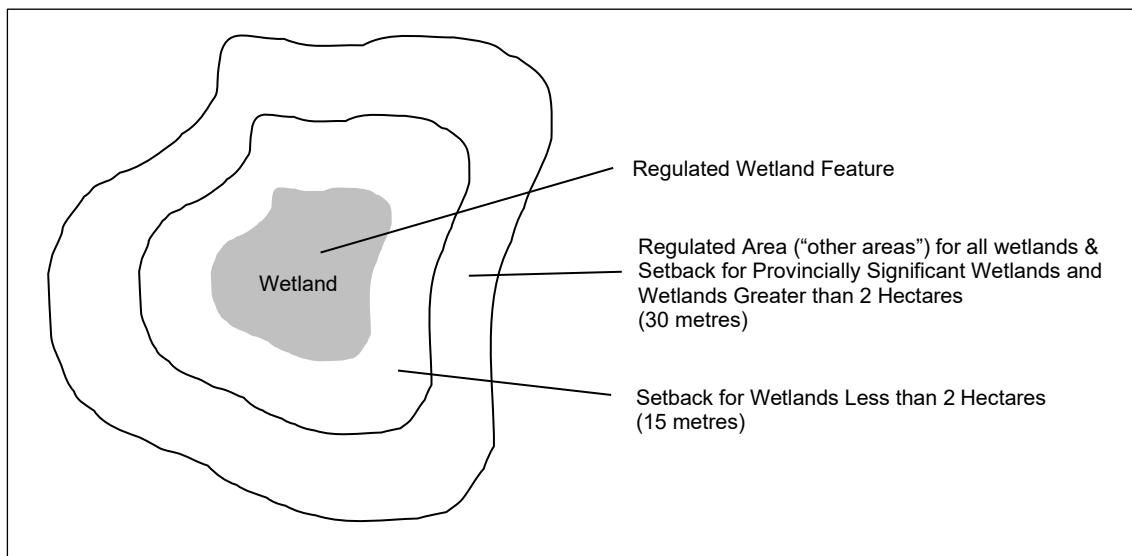


Figure 8: Three zones the CVCA considers when regulating development activity in or near wetlands.

Portions of wetlands may also be regulated due to the presence of hazardous lands such as regulated floodplains or unstable soils. The applicable sections of this guideline document should be referenced with respect to these hazards.

Removal, filling, dredging, or changing the hydrologic regime of wetlands (e.g. ponds or drains) can result in reducing the capacity of wetlands to retain water. This can result in higher flows in watercourses with resulting increases in flooding and erosion. As well, with no ability to retain water, the ability to recharge the aquifer is reduced, and the hydrologic cycle is modified.

Development in wetlands has the potential to interfere with many of the natural features or ecological functions of wetlands. Development may remove or impact wildlife species and their habitat, degrade or remove natural vegetation communities and impair water quality and quantity in both surface and groundwater.

Many wetlands develop on organic soils and, as a result, when reviewing development within a wetland, the soil composition should be reviewed. Where the soils are organic, Section 5.0 (Hazardous Lands) should also be reviewed.

Pollution from development in the form of improperly installed or maintained septic systems or urban runoff has the potential to interfere with the wetland. Proposals to drain stormwater management facilities into wetlands do not benefit the wetland through constant flows for dilution and moving particulate matter. Nutrients, chemicals, and sediments could enter the wetland impeding the function of the wetland.

Many individual and cumulative hydrologic impacts to a wetland commonly occur within the catchment area of the wetland. It is important to consider the linkages between small wetlands and headwater areas, impacts of stormwater, and upstream constrictions to flow. Impacts to the hydrologic function of a wetland due to development within the “other areas” may also result from changes in imperviousness/infiltration due to a removal or change in vegetation, soil compaction during construction, disruption or alteration of groundwater flow paths due to underground construction, etc.

7.2.1 Wetland Boundary Identification

For development proposals where a wetland is present on or adjacent to lands subject to the development proposal, CVCA may require on-site wetland boundary delineation/staking completed by an Ontario Wetland Evaluation System (OWES) qualified professional. The boundary delineation shall be illustrated on a Reference Plan or Site Plan. Where a wetland boundary identified on-site differs from the approved Ontario Ministry of Natural Resources Provincially Significant Wetland boundary, the proponent will be responsible for obtaining acceptance of the new wetland boundary from the Ontario Ministry of Natural Resources.

7.2.2 Environmental Impact Study

As part of the review of an application, the CVCA may request an Environmental Impact Study (EIS) to address Interference with a wetland. An EIS is a mechanism for assessing impacts to determine the suitability of a proposal. The submission of an EIS does not guarantee approval of the works. An EIS must be carried out by a qualified professional, with recognized expertise in the appropriate area of concern and shall be prepared using established procedures and recognized methodologies to the satisfaction of the CVCA. [Appendix E](#) provides additional details on what an EIS may contain.

7.3 General Policies for Wetlands

The *Conservation Authorities Act* contains the following sections dealing with wetlands:

Prohibited activities re watercourses, wetlands, etc.

28 (1) No person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:

- 1. Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.**
- 2. Development activities in areas that are within the authority's area of jurisdiction and are,**
 - i. hazardous lands
 - ii. **wetlands**
 - iii. river or stream valleys the limits of which shall be determined in accordance with the regulations,
 - iv. areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, such areas to be further determined or specified in accordance with the regulations, or
 - v. **other areas in which development should be prohibited or regulated, as may be determined by the regulations.**

Ontario Regulation 41/24 contains the following sections dealing with wetlands:

(3) For the purposes of subparagraph 2 v of subsection 28 (1) of the Act, other areas in which development activities are prohibited are the areas within an authority's area of jurisdiction that are within 30 metres of a wetland.

The *Conservation Authorities Act* states:

28.1 (1) An authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of the authority, with any conditions specified in the regulations.

- (a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- (b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and
- (c) any other requirements that may be prescribed by the regulations are met.

The CVCA regulates a 30-metre area from any wetland boundary.

7.3.1 In general, development or interference shall not be permitted within any wetland.

Provincially Significant Wetlands and Wetlands Greater than 2 Hectares

7.3.2	In general, there shall be no development or interference within 30 metres of Provincially Significant Wetlands and wetlands greater than 2 hectares.
7.3.2.1	For Provincially Significant Wetlands and wetlands greater than 2 hectares, a 15-metre vegetative buffer from the edge of the wetland boundary shall be encouraged to protect the wetland from surface runoff which could impact the area and/or hydrologic function of the wetland.
7.3.2.2	Proposed development within 30 metres of Provincially Significant Wetlands or wetlands greater than 2 hectares may require an EIS.

Wetlands Less than 2 Hectares

7.3.3	In general, there shall be no development or interference within 15 metres of wetlands less than 2 hectares.
7.3.3.1	Proposed development within 15 metres of wetlands less than 2 hectares may require an EIS.

7.4 Specific Policies for Wetlands

7.4.1 Development and Interference within Wetlands

The policies in this section are to be applied in conjunction with the General Policies (Section 3.8). As per Policy 3.8.1, development or interference will not be permitted within the regulated area associated with a wetland, except in accordance with the policies contained in this section.

New Development

7.4.1.1	New development will not be permitted within a wetland, regardless of previous approvals provided under the Planning Act or other regulatory process (e.g., Building Code Act), except as outlined below.
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Land Conversion for Agricultural Activities

Note: Previously cultivated buffer areas around wetlands and small isolated wetlands that are not connected to a surface watercourse do not meet the definition of a wetland under the *Conservation Authorities Act*. A permit is not required.

7.4.1.2	Conversion of land for agricultural purposes will be permitted within the limit of a wetland provided that:
	<ul style="list-style-type: none">the lands to be converted will expand an existing agricultural operation;

- there would be a significant benefit of the land conversion for agriculture purposes; and,
- other lands exist on the property that can be used to offset the wetland loss. An offsetting plan acceptable to CVCA must be prepared by a qualified professional. The plan must demonstrate, at a minimum, a “no net loss” scenario, and will strive to achieve the principle of “net gain.”

Offsetting

Offsetting may be required to support any approved development at the discretion of CVCA. Offsetting must be designed and undertaken by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of CVCA.

Agricultural Tile Drainage

7.4.1.3	<p>The installation of agricultural field tile drainage in a manner inconsistent with the natural drainage grade surrounding a wetland will be permitted provided that:</p> <ul style="list-style-type: none"> • it is not feasible to follow the natural drainage grade; and, • a scoped Environmental Impact Study demonstrates that the hydrologic function of the wetland will be maintained and appropriate best management practices will be employed to control sediment and erosion. <p>Note: It is normal practice for tile drainage to utilize the natural drainage grade as it is the most practical and economically feasible way of installing tile drainage. However, where agricultural field tile drainage would convey water in a manner inconsistent with the natural drainage grade surrounding a wetland, it would have the potential to interfere with the wetland and therefore, be subject to Policy 7.4.1.3.</p>
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Conservation Activities

7.4.1.4	<p>Conservation activities or restoration projects will be permitted within a wetland where it can be demonstrated that the hydrologic functions of the wetland will be maintained, restored, or enhanced. Submitted plans will be required to demonstrate the following:</p> <ul style="list-style-type: none"> • a technical site-specific study demonstrates to the satisfaction of CVCA that all hazards/risks associated with flooding and/or unstable soils have been addressed; • inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material; • based on documentation of existing wetland characteristics (e.g., wetland type, connectivity, size and dominant vegetation communities), there will be direct conservation benefits of the project (e.g., enhancement in wetland feature and/or function); • there will be no impact on the functionality of any watercourse;
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- best management practices including site and project design and appropriate remedial measures will be employed to mitigate disturbance; and,
- maintenance requirements will be minimized.

If the above noted requirements cannot be met, an Environmental Impact Study will be required that demonstrates no negative impact on the hydrologic function of the wetland.

Passive Low-Intensity Recreational Uses

7.4.1.5	<p>New developments related to passive low-intensity recreational uses associated with public parks, outdoor recreation and education, trail systems or watercourse access points will be permitted within a wetland where it has been demonstrated that there will be no negative impact on the hydrologic functions of the wetland. An Environmental Impact Study may be required at the discretion of the CVCA. It must also be demonstrated that:</p> <ul style="list-style-type: none"> • a technical site-specific study demonstrates to the satisfaction of CVCA that all hazards/risks associated with flooding and/or unstable soils have been addressed; and • inert material will be used. The proponent may be required to provide proof of the origin and quality of the material.
7.4.1.6	<p>Development associated with new boardwalks (e.g. narrow, raised wooden planked trails) or footbridges may be permitted within a wetland if it has been demonstrated to the satisfaction of CVCA that:</p> <ul style="list-style-type: none"> • the proposed works satisfy Section 7.4.1.5; • the control of flooding, erosion, or unstable soil or bedrock will not be affected; • the following are adhered to: <ul style="list-style-type: none"> a) the footprint of the development in the wetland is minimized and supported by an EIS; b) the boardwalk must be raised over applicable regulatory flood levels; c) the boardwalk has a maximum width of 2 metres; and d) the boardwalk is constructed with materials that will not affect the natural environment; <p>A supporting Environmental Impact Study may be required at the discretion of the CVCA.</p>
7.4.1.7	<p>Replacement of passive low-intensity recreational uses/developments (ex. Boardwalks, footbridges) associated with public parks, outdoor recreation and education, trail systems or watercourse access points will be permitted within any wetland where it has been demonstrated that there will be no negative impact on the hydrologic functions of the wetland. A supporting Environmental Impact Study may be required at the discretion of the CVCA. It must also be demonstrated that:</p>

- a technical site-specific study demonstrates to the satisfaction of CVCA that all hazards/risks associated with flooding and/or unstable soils have been addressed;
- inert material will be used. The proponent may be required to provide proof of the origin and quality of the material;
- for boardwalks, bridges, or any structure to facilitate travel over a wetland the following is adhered to:
 - a) the control of flooding, erosion, unstable soil or bedrock will not be affected;
 - b) the interference on the natural features and hydrologic functions of the wetland has been deemed to be acceptable by CVCA;
 - c) the footprint of the development in the wetland is minimized;
 - d) the boardwalk or footbridge must be raised over the applicable regulatory flood level;
 - e) the boardwalk or footbridge has a maximum width of 2 metres; and
 - f) the boardwalk or footbridge is constructed with materials that will not affect the natural environment.

Infrastructure

7.4.1.8	<p>Public infrastructure (e.g., roads, sewers, flood and/or erosion control works, water supply,) and various utilities (pipelines) will be permitted to be constructed, realigned and/or upgraded within a wetland subject to the following:</p> <ul style="list-style-type: none"> • an approved Environmental Assessment, or other comprehensive plan that is supported by CVCA, demonstrates that all alternatives to avoid intrusions on wetland features, hydrologic and ecological functions have been considered and that the proposed alignment minimizes wetland loss or interference with hydrologic functions to the greatest extent possible; and, • a more detailed site-specific study (i.e., a scoped Environmental Impact Study) consistent with the Environmental Assessment or comprehensive plan is prepared. This study shall determine a more precise area wetland boundary in accordance with the current Provincial Ontario Wetland Evaluation System (OWES), and demonstrate that appropriate remedial measures will mitigate and/or offset for wetland loss or interference with hydrologic and ecological functions; • a technical site-specific study demonstrates to the satisfaction of CVCA that all hazards/risks associated with flooding and/or unstable soils have been addressed; • inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material.
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7.4.1.9	<p>New access routes will not be permitted in a wetland.</p>
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7.4.1.10	<p>Existing access routes (e.g., driveways, private access roads, and entrance ways)</p>
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	<p>associated with an existing residential, agricultural, commercial, industrial or institutional use may be permitted to be maintained within a wetland where it can be demonstrated that:</p> <ul style="list-style-type: none"> • there is no feasible alternative to locate the access route outside of the wetland; • the control of flooding, erosion, unstable soil or bedrock will not be impacted; • the interference with the hydrologic functions of the wetland have been deemed acceptable by the CVCA; • an Environmental Impact Study provides for remedial measures that will mitigate and/or compensate for wetland loss or interference with the natural features and hydrologic functions; • a technical site-specific study demonstrates to the satisfaction of CVCA that all hazards/risks associated with flooding and/or unstable soils have been addressed; and • inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material.
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Ponds and Drains

7.4.1.11	New dug-out or isolated ponds* will not be permitted in a wetland.
7.4.1.12	New dug-out or isolated ponds, and drainage works approved pursuant to the Drainage Act, will be permitted within a wetland provided that it has or can be demonstrated to the satisfaction of CVCA through an Environmental Impact Study that there will be no negative impact on the natural features and hydrologic and ecological functions of the wetland.

*Ponds for the purpose of watering livestock are not subject to Policy 7.4.1.11 and 7.4.1.12 as they are not subject to Ontario Regulation 41/24 in accordance with Section 28(10) of the *Conservation Authorities Act*.

7.4.1.13	Maintenance of the functionality (e.g., bank stabilization, removal of accumulated sediment, etc.) of existing ponds and drains within a wetland will be permitted provided that: <ul style="list-style-type: none"> • all dredged material is placed at a suitable distance from the wetland or other natural hazard features; • best management practices including site and project design and appropriate remedial measures will be employed to mitigate disturbance and minimize impacts to the natural features and hydrologic and ecological functions of the wetland; and, • there will be no increase in surface area or volume beyond that resulting from the volume of accumulated sediment removed.
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Organic Soil (Peat) Extraction

7.4.1.14	No new organic soil (peat) extraction operations or expansion of existing organic soil (peat) extraction operations will be permitted within wetlands except where the following can be demonstrated: <ul style="list-style-type: none">• the wetland is not a bog or fen, or part of a Provincially Significant Wetland;• the wetland is 0.5 hectares or less;• is not part of a groundwater recharge area or a groundwater discharge area; and,• it can be demonstrated through an Environmental Impact Study that offsetting will be accommodated on the subject lands resulting in a net gain in wetland function and, where applicable, the maintenance of existing hydrologic and ecological linkages.• A technical site-specific study demonstrates to the satisfaction of CVCA that all hazards/risks associated with flooding and/or unstable soils have been addressed.
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7.4.2 Development within the Setback (Buffer) of a Wetland

The applicability, width and vegetation composition of buffers around wetlands varies depending on the potential impact (i.e., sediment and erosion, habitat protection) and the sensitivity of the wetland type (e.g., fen, bog).

Scientific study suggests that appropriate buffer widths range from 3 metres to 300 metres. A buffer width of 30 metres provides better protection from runoff (sediment and other contaminants), some aquatic habitat protection, good corridor width for some fur-bearers, habitat for edge bird species and some amphibians and reptiles. (How Much Habitat is Enough, 2nd Edition, Environment Canada, 2004 and Best Management Practices 15 – Buffer Strips, 2004)

The following policies are focused specifically on the setbacks of all wetlands, no matter the significance. Wetlands less than 2ha have a setback of 15 metres while wetland 2ha or larger and/or PSWs have a setback of 30 metres.

7.4.2.1	Development shall not be permitted within the setback of a wetland on vacant land.
7.4.2.2	Development associated with existing residential, agricultural, commercial, industrial or institutional use may be permitted within the setback of a wetland where it has been demonstrated through a technical study (EIS or similar), prepared by a qualified professional with recognized expertise in the appropriate discipline using established procedures and recognized methodologies to the satisfaction of the CVCA, that: <ul style="list-style-type: none">• there is no feasible alternative site outside of the setback for the proposed development and the proposed development is located in an area of least (and acceptable) impact;

- the hydrologic function of the wetland will not be impacted;
- the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and,
- erosion hazards have been adequately addressed.

7.4.2.3	The replacement of existing structures and/or sewage disposal systems within the same footprint may be permitted within the setback of a wetland if it has been demonstrated to the satisfaction of CVCA that there is no feasible location outside of the setback. The replacement structure/system should be located outside of the wetland and only permitted within the setback subject to being located in the area of least impact to the ecological and hydrologic function of the wetland.
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7.4.3 Development within the Adjacent Land (Area of Interference) of a Wetland

The following policies are focused on the adjacent lands (area of interference) of all wetlands, no matter the significance. Adjacent lands extend from the wetland boundary out to a distance of 30m for all wetlands. The hydrologic function of the wetland cannot be impacted due to development in these areas.

Previous Planning Approvals

7.4.3.1	New development associated with existing residential, agricultural, commercial, industrial or institutional use with previous approvals provided under the Planning Act or other regulatory process (e.g., Building Code Act) proposed within an area of interference will be subject to policy requirements identified within this section, including the policies within Section 7.4.2 and the General Policies (Section 3.8) that may not have been considered in previous approvals.
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New Development

7.4.3.2	New residential or structural agricultural (for agricultural land reclamation see Policy 7.4.3.16) commercial, institutional or industrial development within 30 metres of a designated Provincially Significant Wetland or a wetland greater than 2ha, or within 30 metres of a wetland less than 2ha, on an existing vacant lot(s) where the principle of development has already been established will be permitted provided that: <ul style="list-style-type: none"> • development will be setback from the wetland boundary by the distances described in Policy 7.4.2; and, • it can be demonstrated through site review that: <ul style="list-style-type: none"> ◦ the hydrologic function of the wetland will not be negatively impacted. ◦ Impervious areas are minimized; ◦ Best Management Practices are used to:
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- maintain water balance
- control erosion and sediment
- buffer wetlands
- disturbances to natural vegetation communities contributing to the hydrologic function of the wetland are avoided;
- the overall existing drainage patterns for the lot will be maintained;
- disturbed area and soil compaction are minimized; and
- development is located above the high water table;

If the above noted requirements cannot be met an Environmental Impact Study will be required that demonstrates no negative impact on the hydrologic function of the wetland.

7.4.3.3	<p>New development will not be permitted within 30 metres of a PSW or within 30 metres of a wetland greater than 2ha. Development within 30 metre of a wetland less than 2ha will be permitted provided that</p> <ul style="list-style-type: none"> • development will be setback from the wetland boundary by the distances described in Policy 7.4.2, where feasible; and, <ul style="list-style-type: none"> ○ it can be demonstrated through site review that: ○ the hydrologic function of the wetland will not be negatively impacted. ○ impervious areas are minimized; ○ Best Management Practices are used to: <ul style="list-style-type: none"> ▪ maintain water balance ▪ control erosion and sediment ▪ buffer wetlands • disturbances to natural vegetation communities contributing to the hydrologic function of the wetland are avoided; • the overall existing drainage patterns for the lot will be maintained; • Disturbed area and soil compaction are minimized; • Development is located above the high water table; <p>If the above noted requirements cannot be met an Environmental Impact Study will be required that demonstrates no negative impact on the hydrologic function of the wetland.</p>
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7.4.3.4	<p>Larger scale development associated with large commercial uses, industrial uses, multiple residential uses (condominiums, apartments, townhouses, etc.) and/or development into the water table will not be permitted within 30 meters of designated Provincially Significant Wetland or a wetland greater than 2ha. Development may be permitted within 30 metres of a wetland less than 2ha, provided that an Environmental Impact Study is completed by a qualified professional to assess the impact to the hydrologic function of the wetland.</p>
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Expansion/Reconstruction/Relocation

7.4.3.5	<p>Expansion, reconstruction or relocation of an existing building or structure within an area of interference will be permitted provided that there will be no negative impact on the hydrologic function of the wetland. Submitted plans will be required to demonstrate the following:</p> <ul style="list-style-type: none">• disturbance to natural vegetation communities will be minimized;• disturbed area and soil compaction will be minimized;• impervious areas will be minimized;• development will be located above the high water table;• overall existing drainage patterns will be maintained; and,• best management practices will be used to:<ul style="list-style-type: none">○ maintain water balance;○ control sediment and erosion; and○ maintain or enhance as much of a wetland buffer as is feasibly possible <p>If the above noted requirements cannot be met, an Environmental Impact Study will be required that demonstrates no negative impact on the hydrologic function of the wetland.</p>
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Accessory Buildings or Structures

7.4.3.6	<p>Accessory buildings or structures associated with an existing residential, agricultural, commercial or industrial use will be permitted within an area of interference provided that there will be no negative impact on the hydrologic function of the wetland. Submitted plans will be required to demonstrate the following</p> <ul style="list-style-type: none">• disturbance to natural vegetation communities will be minimized;• disturbed area and soil compaction will be minimized;• impervious areas will be minimized;• development will be located above the high water table;• overall existing drainage patterns will be maintained; and,• best management practices will be used to:<ul style="list-style-type: none">○ maintain water balance;○ control sediment and erosion; and,○ maintain or enhance as much of a wetland buffer as is feasibly possible <p>If the above noted requirements cannot be met, an Environmental Impact Study will be required that demonstrates no negative impact on the hydrologic function of the wetland.</p>
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Infrastructure

7.4.3.7	<p>Public infrastructure (roads, sewers, flood and/or erosion control works, water supply, municipal stormwater management facilities required to alleviate a flood problem associated with existing development) and various utilities (pipelines) will be permitted</p>
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	<p>within an area of interference subject to the following:</p> <ul style="list-style-type: none"> • an approved Environmental Assessment, or other comprehensive plan that is supported by CVCA, demonstrates that all alternatives to avoid intrusions on hydrologic wetland functions have been considered and that the proposed alignment minimizes wetland interference to the greatest extent possible; and, • a more detailed site-specific study (i.e., an Environmental Impact Study) consistent with the Environmental Assessment or comprehensive plan is prepared. This study shall determine a more precise area wetland boundary in accordance with the current Provincial Ontario Wetland Evaluation System (OWES), and demonstrate that appropriate remedial measures will mitigate the impact on and/or compensate for the loss of the hydrologic function of the wetland.
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Conservation Activities

7.4.3.8	<p>Conservation activities will be permitted within an area of interference where it can be demonstrated that the hydrologic function of the wetland will be maintained, restored, or enhanced. Submitted plans will be required to demonstrate the following:</p> <ul style="list-style-type: none"> • disturbance to natural vegetation communities will be minimized; • disturbed area and soil compaction will be minimized; • impervious areas will be minimized; and, • best management practices will be used to: <ul style="list-style-type: none"> ○ ensure hydrologic connectivity; ○ control sediment and erosion; and, ○ maintain or enhance as much of a wetland buffer as is feasibly possible. <p>If the above noted requirements cannot be met, an Environmental Impact Study will be required that demonstrates no negative impact on the hydrologic function of the wetland.</p>
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Passive Low-Intensity Recreational Uses

7.4.3.9	<p>Passive low-intensity recreational uses associated with public parks, outdoor recreation and education, trail systems or watercourse access points will be permitted within an area of interference provided that there will be no negative impact on the hydrologic function of the wetland. Submitted plans will be required to demonstrate the following:</p> <ul style="list-style-type: none"> • disturbance to natural vegetation communities will be minimized; • disturbed area and soil compaction will be minimized; • impervious areas will be minimized; • natural materials that integrate with the existing natural features and processes (bio-engineering) will be utilized; • overall existing drainage patterns will be maintained; and, • best management practices will be used to: <ul style="list-style-type: none"> ○ ensure hydrologic connectivity;
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- control sediment and erosion; and,
- maintain or enhance as much of a wetland buffer as is feasibly possible.

If the above noted requirements cannot be met, an Environmental Impact Study will be required that demonstrates no negative impact on the hydrologic function of the wetland.

Organic Soil (Peat) Extraction

7.4.3.10	Organic soil (peat) extraction operations will be permitted within an area of interference where it can be demonstrated through an Environmental Impact Study that appropriate remedial measures will mitigate the impact on and/or compensate for the loss of the hydrologic function of the wetland.
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Ponds and Drainage Works

7.4.3.11	<p>New dug-out or isolated ponds* and new drainage works approved pursuant to the Drainage Act will be permitted within an area of interference provided that there will be no negative impact on the hydrologic function of the wetland. Submitted plans will be required to demonstrate the following:</p> <ul style="list-style-type: none"> • disturbance to natural vegetation communities will be minimized; • overall existing drainage patterns will be maintained; and, • best management practices will be used to: <ul style="list-style-type: none"> ○ maintain water balance; ○ control sediment and erosion; and, ○ maintain or enhance as much of a wetland buffer as is feasibly possible. <p>If the above noted requirements cannot be met, an Environmental Impact Study will be required that demonstrates no negative impact on the hydrologic function of the wetland.</p>
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7.4.3.12	Enlargement of an existing dug-out or isolated pond* located within an area of interference will be permitted where it can be demonstrated that the enlargement can satisfy Policy 7.4.3.11.
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*Ponds for the purpose of watering livestock are not subject to Policy 7.4.3.11 or Policy 7.4.3.12 as they are not subject to Ontario Regulation 41/24 in accordance with Section 28(10) of the *Conservation Authorities Act*.

Stormwater Management Facilities

7.4.3.13	Stormwater management facilities for water quantity control and/or water quality purposes will be permitted within an area of interference, provided that: <ul style="list-style-type: none"> • development will be setback from the wetland boundary by at least 30 metres, where feasible;
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- all structural components and actively managed components of the stormwater management facility are located outside of the wetland;
- a detailed study (e.g., scoped Environmental Impact Study) demonstrates that appropriate remedial measures will mitigate the impact on and/or compensate for the loss of the hydrologic function of the wetland;
- sedimentation during construction and post construction are minimized using best management practices including site and facility design, construction controls, and appropriate remedial measures; and,
- design and maintenance requirements as determined by CVCA are met.

Golf Courses

7.4.3.14	Golf courses or golf course expansions will be permitted within an area of interference provided that: <ul style="list-style-type: none"> • it can be demonstrated through an Environmental Impact Study that there will be no negative impact on the hydrologic function of the wetland; • natural erosion and sedimentation processes within the wetland are not impacted; • sedimentation during construction and post construction are minimized using best management practices including site and facility design, construction controls, and appropriate remedial measures.
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Fill Placement, Excavation and/or Grade Modifications

7.4.3.15	Fill placement, excavation and/or grade modifications: associated with existing access roads and driveways; required for the construction of a new access route to serve an existing residential, agricultural, commercial, industrial or institutional use; required for the purpose of flood and/or erosion protection; and/or, to facilitate the installation of geothermal, water and/or sewage treatment systems will be permitted within an area of interference provided that there will be no negative impact on the hydrologic function of the wetland and inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material. Submitted plans will be required to demonstrate the following: <ul style="list-style-type: none"> • fill placement, excavation and/or grade modifications will be setback from the wetland boundary by at least 30 metres, where feasible; • disturbance to natural vegetation communities will be minimized; • disturbed area and soil compaction will be minimized; • all excavation will be located above the high water table, with the exception of excavation required to install a geothermal system; • all septic systems are located a minimum of 0.9m above the water table; • overall existing drainage patterns will be maintained; and • best management practices will be used to: <ul style="list-style-type: none"> ○ maintain water balance;
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- control sediment and erosion; and,
- maintain or enhance as much of a wetland buffer as is feasibly possible.

If the above noted requirements cannot be met, an Environmental Impact Study will be required that demonstrates no negative impact on the hydrologic function of the wetland.

7.4.3.16 Fill placement, excavation and/or grade modifications for agricultural land reclamation will be permitted within an area of interference where there is a demonstrated history of agricultural use provided there will be no negative impact on the hydrologic function of the wetland and inert fill material will be used. The proponent may be required to provide proof of the origin and quality of the fill material. Submitted plans will be required to demonstrate the following:

- there will be no tile drainage system that would drain water away from the wetland;
- disturbed area and soil compaction will be minimized;
- all excavation will be located above the high water table;
- overall existing drainage patterns will be maintained; and,
- best management practices will be used to:
 - maintain water balance;
 - control sediment and erosion; and,
 - maintain wetland buffers.

If the above noted requirements cannot be met, an Environmental Impact Study will be required that demonstrates no negative impact on the hydrologic function of the wetland

N.B.: Permitted fill placement, excavation and/or grade modifications may be seasonally restricted and subject to a specified time frame to enable stabilization/re-vegetation of the disturbed area.

Quick Reference Guide

Table 3: Quick Reference Guide

Feature	Hazard	Regulation Zone (including and offset from Feature)	No Development Zone (Distance from Feature)
River or Stream Valley ⁶	Stable Top of Slope	15 metres	6 metres
River or Stream Valley ⁷	Predicted Stable Top or Toe of Slope	15 metres	6 metres
River or Stream Valley ⁸	The greater of: 1:100 year floodplain Or The predicted meander belt	15 metres	6 metres
Hazardous Land ⁹	1:100 year flood line or an identified natural hazard limit	15 metres	6 metres
Watercourses ¹⁰	Identifiable Depression	30 metres	15 metres
PSW and Wetlands greater than 2ha	Wetland Boundary	30 metres	30 metres
Unevaluated Wetlands and Wetlands less than 2ha	Wetland Boundary	30 metres	15 metres

⁶ Stream Valley Apparent with Stable Slopes

⁷ Stream Valley Apparent with Unstable Slopes

⁸ Stream Valley Not Apparent

⁹ Shoreline with known 1:100 year flood line, erosion hazards and unstable bedrock

¹⁰ Includes all shorelines with no known flood line

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APPENDIX A - Definitions

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100-Year Flood

A flood event based on analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years. The 100-year flood has a 1% chance of occurring or being exceeded in any given year. However unlikely, it is entirely possible for a 100-year flood event to occur twice in 10 years (0.4% chance), or not to occur for 500 years (0.6% chance).

100-Year Erosion Rate

The average annual rate of recession over a 100-year time span.

A

Abandoned Building

A building or structure (including remnant foundations) that is either vacant or occupied and where there are no visible signs of proper management or maintenance of the building to the extent that the condition of the building is no longer used for its intended purposes and/or poses a health and safety risk to the occupants.

Accepted Engineering Principles

Those current coastal, hydraulic and geotechnical engineering principles, methods and procedures that would be judged by a peer group of qualified engineers (by virtue of their qualifications, training and experience), as being reasonable for the scale and type of project being considered, the sensitivity of the locations, and the potential threats to life and property.

Accepted Scientific Principles

Those current principles, methods and procedures which are used and applied in disciplines including but not limited to geology, geomorphology, hydrology, botany, and zoology, and that would be judged by a peer group of qualified specialists and practitioners (by virtue of their qualifications, training and experience), as being reasonable for the scale and type of project being considered, the sensitivity of the locations, and the potential threats to life and property.

Accessory building or structure

A non-habitable building or structure that is subordinate and exclusively devoted to a main use, building, or structure, and is located on the same lot as the main use, building or structure.

Addition

Any works occurring on an existing building or structure that serve to increase the total area of that building or structure.

Adjacent Lands

Lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.

Adverse Hydraulic and/or Fluvial Impacts

Flood elevations are not increased, flood and ice flows are not impeded and the risk of flooding to and erosion on adjacent upstream and/or downstream properties is not increased.

Agricultural Use

The growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment. (PPS 2020)

Allowance

The distance from a hazard/feature prescribed in Regulation to delineate the regulated area.

Alteration to a waterway

The act whereby the channel of a watercourse is altered in some manner. Examples of an alteration include, but are not limited to the following: channelization, full or partial diversions, retaining walls, revetments, bridges, culverts, pipeline crossings, erosion protection measures and construction of storm outlets.

Apparent (confined) river and stream valley

One in which the physical presence of a valley corridor containing a river or stream channel, which may or may not contain flowing water, is visibly discernible (i.e., valley walls are clearly definable) from the surrounding landscape by either field investigations, aerial photography and/or map interpretation. The location of the river or stream channel may be located at the base of the valley slope, in close proximity to the toe of the valley slope (i.e., within 15 metres), or removed from the toe of the valley slope (i.e., greater than 15 metres)."

Area of interference

Lands where development could interfere with the hydrologic function of a wetland.

Armour

Artificial surfacing of bed, banks, shores, or embankments to resist scour or erosion.

Armourstone

Large, thick, typically rectangular or square, heavy rock that is sourced from quarries.

Authority

The Crowe Valley Conservation Authority, a corporate body established under the *Conservation Authorities Act* (RSO 1990).

B

Balanced Cut and Fill

The removal and replacement of suitable fill material at equal elevations to maintain the flood storage capacity of a property. Material must be removed and replaced either adjacent to or at opposite location of one another so as to achieve equality of stage-discharge within an approved watercourse reach. This must be illustrated on engineered plans.

Bankfull Discharge

The formative flow of water that characterizes the morphology (shape) of a fluvial channel. In a single channel stream, bankfull is the discharge which just fills the channel without flowing onto the floodplain.

Bankfull Width

The formative flow of water that characterizes the morphology of a fluvial channel. In a single channel stream, “bankfull” is the discharge, which just fills the channel without flowing onto the floodplain.

Baseflow

That portion of stream flow derived from groundwater storage to surface streams.

Basement

One or more storeys of a building located below the first storey (Building Code).

Best Management Practices (BMPs)

Methods, facilities and structures which are designed to protect or improve the environment and natural features and functions from the effects of development or interference.

Breakwall/Breakwater

An object (especially a groyne or pier) resisting force of waves.

Boathouses

A detached one-level accessory structure used for sheltering a boat, watercraft, or other form of water transportation (not including non-motorized vessels). The structure must include an opening to the water of an appropriate size to accommodate a boat, watercraft, or other form of water transportation which cannot reasonably be removed from the water without mechanical means, AND have a means of directly accessing the water, either by a wet slip or by mechanical means (i.e. marine railway or boat lift). Other accessory structures, including but not limited to, garages, sheds, and bunkies, are not considered boathouses. Floating boathouses are addressed in the definition of Floating Structures.

Bog (OWES)

Peat-covered areas or peat-filled depressions with a high water table and a surface carpet of mosses, chiefly Sphagnum. The water table is at or near the surface in the spring, and slightly below during the remainder of the year. The mosses often form raised hummocks, separated by low, wet interstices. The bog surface is often raised, or, if flat or level with the surrounding wetlands, it is virtually isolated from mineral soil waters. Hence, the surface bog water and peat are strongly acidic and upper peat layers are extremely deficient in mineral nutrients. Peat is usually formed in situ under conditions of closed drainage and low oxygen levels. Bogs may be treed or treeless but the tree cover does not exceed 25% and consists largely of black spruce (*Picea mariana*). Tamarack (*Larix laricina*) may be present but only in small numbers and usually only near the edge. For OWES purposes bogs may support more than 25% cover of live tall shrubs, typically stunted black spruce. Bogs are frequently characterized by a layer of ericaceous shrubs such as leatherleaf (*Chameadaphne calyculata*). Although bogs are usually covered with Sphagnum, they also can support sedges such as few flowered sedge (*Carex oligosperma*) among others.

Buffer (Vegetated)

A strip of permanent vegetation that helps alleviate the negative impacts of development on natural features and functions and is required to manage a natural hazard.

Building

A structure consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto, plumbing not located in a structure, or a sewage system.

Building Envelope

Area of a lot outside of any municipal bylaw setbacks, Ontario Building Code setbacks, and Crowe Valley Conservation policy setbacks, which is intended to contain development and any associated infrastructure (sewage system, well, etc.).

Bunkie

An accessory structure providing additional sleeping accommodation.

C**Channel**

The area of a watercourse carrying normal flows within the banks.

Channelization

The straightening, widening and/or deepening of a watercourse channel.

Comprehensive Plan

A study or plan undertaken at a landscape scale such as a watershed/subwatershed plan, an Environmental Assessment, a detailed Environmental Implementation Report (EIR) that has been prepared to address and document various alternatives and is part of a joint and harmonized

planning or Environmental Assessment process, or a community plan that includes a comprehensive Environmental Impact Study.

Conservation Activities

Projects that are intended to maintain, enhance, or restore the functions of a wetland, or to create a wetland where one did not exist previously.

Crawl Space

Must be:

- (a) less than 1.5 metres in height between the lowest part of the floor assembly and the ground or other surface below, and
- (b) not used for any occupancy.

Cumulative Impacts

A number of individual impacts viewed in combination on a regional, watershed, subwatershed or reach basis.

D

Dam

A structure or work holding back or diverting water and includes a dam, tailings dam, dyke, diversion, channel, artificial channel, culvert or causeway (Lakes & Rivers Improvement Act, R.S.O. 1990 c. L3, s.1).

Derelict

In a state of very poor condition as a result of disuse and/or neglect. (Oxford Dictionary)

Development (*Conservation Authorities Act and Regulation*)

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind,
- (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- (c) site grading, or
- (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; (“activité d’aménagement”)

Development Limit

The point to which development can extend, defined by the greater extent of natural hazards and natural features plus any applicable potential natural cover, buffer, freeboard, or erosion access allowance.

Dewatering and Dewatering Discharge

Extraction of water from the ground, for the purposes of controlling groundwater, and expelling that water after it is extracted.

Diversion

The process whereby stream flow is directed from the original channel of the watercourse and returned to the original channel at another point on the watercourse. Diversions may be full or partial re-direction of flow from the channel of one watercourse to the channel of another watercourse

Dock

Structure that is perpendicular to the shoreline (not a deck), extending out from the shoreline into a body of water, built/occupies space primarily over the bed of a waterbody, with minimal area over dry land and is a platform suspended by means of floating or being supported by posts/piers. The purpose is used to dock/moor boats, marine recreation, access to water, etc.

Drainage Area

The area that contributes runoff to that point.

Dredging Plan

A report prepared to address the potential impacts of dredging on natural features and ecological functions. At a minimum, dredging plans shall include the following:

- statement of purpose
- dimensions and volume calculations
- operational details (e.g., timing)
- sediment and erosion control plan
- edge/bank stabilization details
- assessment of potential impact on fish and fish habitat*
- dredge quality confirmation and deposition plan*
- assessment of cultural heritage values*

*not required for routine maintenance projects (e.g., road side ditch or municipal drain maintenances, existing wet slip dredging, etc.)

Dug-out or Isolated Ponds

Anthropogenic waterbodies that are created by excavating basins with no inlet or outlet channels and in which surface and ground water collect.

Dwelling Unit

Means one or more habitable rooms, occupied or capable of being occupied as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants.

Dyke (dike)

An embankment or wall, usually along a watercourse or floodplain, to prevent overflow on to adjacent land.

Dynamic Beach

Sediments that accumulate along sea or lake shores, the configuration and contours of which depend upon the action of coastal processes including but not limited to wind, waves, currents, ice jamming/piling, the kinds of sediment involved, and the rate of delivery of this sediment. Not applicable within the CVCA watershed.

Dynamic Beach Hazard

Areas of inherently unstable accumulations of shoreline sediments along the Great Lakes – St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

E

Ecological Function

The natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Ecosystem Services

The benefits provided by ecosystems that are critical to the environment's life support systems and that contribute to human welfare both directly and indirectly and therefore represent social and economic value.

Enhance

In the context of wetlands and wetland buffers means the altering of an existing functional wetland to increase or improve selected functions and benefits.

Environmental Assessment

A process that is used to predict the environmental, social and economic effects of proposed initiatives before they are carried out. It is used to identify measures to mitigate adverse effects on the environment and can predict whether there will be significant adverse environmental effects, even after the mitigation is implemented.

Environmental Impact Statement

A study performed by a qualified professional who has been educated in, and has current knowledge of, biology, ecology, landscape ecology and any other relevant fields of study, as required. An environmental impact study should:

- Be consistent with the intent of the Provincial Policy Statement;
- 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;
- Provide a thorough inventory of flora and fauna and related habitat features, as well as relevant information on soils and geology, slope, hydrology and hydrogeology;

- Review the ecological functions of the natural features identified above, including the habitat needs of species that utilize adjacent lands;
- Predict the impacts of the proposed development and site alteration on the various attributes of the environment on and adjacent to the site, such as habitat, vegetation, soil, surface and ground water, air and any other relevant attributes;
- Evaluate the significance of all predicted positive and negative impacts on the environment;
- Recommend extents of land where: disturbance must be avoided, or where disturbance must be limited in order to maintain the natural features and ecological functions of the area, supported by a detailed rationale;
- Review alternative development options and recommend measures that could be implemented to avoid or mitigate the predicted negative impacts;
- Identify any measures needed to monitor the mitigation measures and to assess the long-term impacts associated with the proposal;
- Conclude with an independent professional opinion as to whether or not the development and site alteration is appropriate, and consistent with the intent of the Provincial Policy Statement.

Erosion (as a natural process)

The process of continual washing away of soil by water movement or seepage (at the ground surface), commonly occurring in one of the following manners:

- a) rainfall or snowmelt and surface runoff (sheet, rill, or gully erosion);
- b) internal seepage and piping;
- c) water flow (banks or base of river, creek, channel); and
- d) wave action (shorelines of ponds, lakes, bays)

The erosion process affects the soil at the particle level by dislodging and removing (transporting) the soil particles from the parent mass (with water movement as the agent). Other processes such as wind and frost may assist in the weathering or dislodging and transport of soil particles.

Erosion Access Allowance

A specified setback distance to ensure there is a large enough safety zone for people and vehicles to enter and exit an area during an emergency, such as a slope failure or flooding, and to provide sufficient area to access and maintain protection works along valley and stream corridors.

Erosion Hazard

The loss of land due to human or natural processes that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100-year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance. (Provincial Policy Statement, 2020)

Evaluated Wetlands

Any wetland which has been evaluated using any version of the Ontario Ministry of Natural Resources Manual: Ontario Wetland Evaluation System.

Existing Use

Type of activity associated with an existing building or structure or site on the date of a permit application.

Existing Vacant Lot of Record

A parcel or tract of land described in a deed or other legal document that is capable of being legally conveyed, containing no pre-existing buildings or structures.

F

Fen

Fens are peatlands characterized by surface layers of poorly to moderately decomposed peat, often with well-decomposed peat near the base. Fen peats generally consist of mosses and sedges. Sphagnum, if present, is usually composed of different Sphagnum species than occur in bogs. There are two main fen types: nutrientrich fens typically are fed by groundwater and have a high pH. Nutrient-poor fens, such as those in moraine dominated landscapes, can occur in isolated depressions with less groundwater inputs and a lower pH (but not as low as in bogs).

Fill

Any materials, whether originating on the site or elsewhere, used or capable of being used to raise, lower or in any way affect or alter the contours of the ground.

Floating Structures

A building or structure capable of being occupied as the permanent or temporary residence, recreational space or storage space that is constructed, erected, or placed on a floatation system regardless of how it is anchored (e.g. to the shoreline or to a dock/ramp). This includes floating dwellings, boathouses, gazebos, covered decks and other similar structures. This does not include floating docks.

Flooding Hazard

Areas of land adjacent to a shoreline or a watercourse inundated during the applicable regulatory flood event (note: high points of land not subject to flooding but surrounded by floodplain or flooded land are considered to be within the flood hazard).

Flood Hazard Limit (Riverine)

The extent of the *flood hazard*, plus a 15 metre allowance. This represents the extent of the regulated area in respect to the flood hazard.

Flood

A temporary inundation of lands adjacent to the normal low flow channel of a watercourse.

¹³ High points of land not subject to flooding but surrounded by floodplain or "flooded land" are considered to be within the flood hazard and part of the regulated floodplain.

Flood Line

An engineered line delineating the potential extent of flooding, by elevation, as a result of a specific flood event.

Floodplain

An area of land adjacent to a watercourse that has been or may be covered by water.

Floodproofing

The combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or mitigate flooding hazards along river, stream and small inland lake systems.

Floodway

The channel of a watercourse and the inner portion of the floodplain where flood depths and velocities are generally higher than those experienced in the flood fringe. The floodway represents that area required for the safe passage of flood flow and/or that velocities are considered to be such that they pose a potential threat to life and/or property damage.

Four Tests (of a permit application under Regulation 41/24)

The control of flooding, erosion, dynamic beaches, and unstable bedrock.

Freeboard

A safeguard of separation in either length (linear - a specified distance) or height (vertical - a specified elevation) from the Regulatory Floodplain or other specified flood level.

Frequent Flooding

25-year flood event (or more frequent flood event).

G

Groyne

A structure extending from the shore to prevent erosion and arrest sand movement along a shoreline.

H

Habitable (Structure)

Contains facilities with water and/or waste water connections.

Habitable Floor Area

Any part of a **habitable structure** that is enclosed or has the potential to be enclosed (e.g. covered decks / porches). All levels of a structure are considered in calculating total habitable floor space (e.g. attached garages, lofts, full height basements, etc.).

Hazardous Lands (*Conservation Authorities Act*)

Land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock. (*Conservation Authorities Act*, 1990)

Hydraulics

The study of how surface water moves through various pathways in terms of water depth, velocity, and pressures acting on hydraulic structures and systems.

Hydric Soil

Soil that, in its undrained condition, is saturated, flooded, or ponded long enough during the growing season to develop an anaerobic condition that supports the growth and regeneration of hydrophytic vegetation.

Hydrologic Function

The functions of the hydrologic cycle that includes the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things. (Provincial Policy Statement, 2020)

Hydrologic Study

A report prepared to address the potential impacts of development and interference on the hydrologic functions of a wetland or other natural feature.

Hydrology

The engineering science that analyzes the different components of the hydrologic cycle, and takes into account that the natural cycle can be altered by human and natural activities.

I

Inert Fill

Earth or rock fill or material of a similar nature that contains no putrescible materials or soluble or decomposable chemical substances.

Infill Lot

An existing vacant lot of record and situated between existing urbanized/developed lots fronting onto a public road.

Infiltration

The downward entry of water through the soil surface into the soil. (MNR Water Resources Glossary)

Infrastructure

Physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septic treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems transportation corridors and facilities, oil and gas pipelines and associated facilities. (Provincial Policy Statement, 2020).

Ingress/egress

The ability to access a property or residence by land.

Institutional Use

Land uses where there is a threat to the safe evacuation of vulnerable populations' such as older persons, persons with disabilities and those who are sick and young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

Interference (or Interfering in any way)

Any anthropogenic act or instance which hinders, disrupts, degrades or impedes in any way the natural features or hydrologic and ecologic functions of a wetland or watercourse. (Conservation Ontario, 2008)

Isolated or Dug-out Ponds

Anthropogenic waterbodies that are created by excavating basins with no inlet or outlet channels in which surface and ground water collect.

J

Jetty

A structure that projects from the land out into water.

K

Karst

An area of irregular limestone in which erosion has produced fissures, sinkholes, underground streams, and caverns.

L

Large Inland Lake

Waterbody that has a surface area equal to or greater than 100 square kilometers where there is no measurable or predictable response to a single runoff event. There are no large inland lakes in the CVCA watershed.

Like-for-like

Replacement or rebuild of a structure where the new structure has the exact same footprint, exact same square footage, exact same size, exact same usage and is located in the exact same location, as the existing structure.

M

Material

Includes earth, sand, gravel, stone or woody debris (e.g., root wads, fascines).

Meander Belt

The area of land in which a watercourse channel moves or is likely to move over a period of time. It is generally considered 20 times of bankfull channel width at riffles in the reach.

Meander Belt Allowance

A limit for development within the areas where the river system is likely to shift. It is based on twenty (20) times the bankfull channel width where the bankfull channel width is measured at the widest riffle section of the reach. A riffle is a section of shallow rapids where the water surface is broken by small waves. The meander belt is centred over a meander belt axis that connects the riffle section of the stream.

Meander Belt Axis

The line or “axis” that the meander belt is centred over which connects all the riffle sections of a stream.

Minor Addition

An addition to an existing structure that does not exceed 46 square metres (500 square feet) and shall not result in an increase in the number of dwelling units. Only the habitable floor space shall be considered when determining the existing floor space but shall include all storeys. Habitable floor space will include any space with a roof where habitation could occur (i.e. covered decks, building additions, second floor additions, etc.)

Mitigate

A reduction of adverse effects.

N

Navigable Water

Includes a canal and any other body of water created or altered as a result of the construction of any work. (Navigation Protection Act, 1985)

Negligible means not measurable or too small or unimportant to be worth considering.

Non-Motorized Vessel

Water vessels without a motor, such as a kayak, canoe, paddleboat, stand up paddleboard (SUPs),etc.

Not Apparent (unconfined) river and stream valleys

Valleys in which a river or stream is present but there is no discernible valley slope or bank that can be detected from the surrounding landscape. For the most part, unconfined systems are found in fairly flat or gently rolling landscapes and may be located within the headwater areas of drainage basins. The river or stream channels contain either perennial (i.e., year round) or ephemeral (i.e.,

seasonal or intermittent) flow and range in channel configuration from seepage and natural channels to detectable channels.

O

Offsetting

Measures that are undertaken to counterbalance unavoidable impacts to the ecosystem. Offsetting should be identified through an Environmental Impact Study and considered only when all other options have been deemed not feasible.

One Hundred Year Flood Event (100-year flood)

Rainfall or snowmelt, or a combination of rainfall and snowmelt, producing at any location in a river, creek, stream or watercourse a peak flow that has a probability of occurrence of one per cent during any given year.

One Zone Concept

An approach whereby the entire floodplain, as defined by the regulatory flood, is treated as one unit, and all development is prohibited or restricted.

Ordinary High Water Mark

The usual or average level to which a body of water rises at its highest point and remains for a sufficient time so as to change the characteristics of the land. In flowing waters (rivers, streams) this refers to the “active channel/bankfull level” which is often the one to two year flood flow return level. For inland lakes, it refers to those parts of the waterbody bed and banks that are frequently flooded by water so as to leave a mark on the land and where the natural vegetation changes from predominantly aquatic vegetation to terrestrial vegetation (excepting water tolerant species).

Original Ground Floor Area

The total interior area of the main floor of a building or structure at the time of the original construction date of the building.

Original Habitable Floor Area

The total habitable floor area of a building that existed at the time of the original construction date of the building. See *Habitable Floor Area*.

Other Areas/Area of Interference

Areas where development could interfere with the hydrologic function of a wetland, including areas within 30 metres of a wetland.

P

Passive Low Intensity Recreational Use

Activities of non-intrusive nature. Includes, but are not limited to: non-motorized trails, boardwalks, watercourse access points, natural heritage appreciation, unserviced camping on public and institutional land and accessory uses.

Physical / Visible Top-of-Bank

The physical top-of-bank is that point where there is a break in slope or grade which distinguishes the valley corridor landform from its surrounding landscape.

Protection Works

Structural or non-structural works which are intended to appropriately address damages caused by flooding, erosion, and/or other water related hazards

Provincial Standards

The most recently approved legislation, regulations, policies, manuals and technical guidelines administered or prepared by the Province, as amended from time to time.

Q

Qualified Professional

A person with specific qualifications, training, and experience authorized to undertake work in accordance with the policies in accepted engineering or scientific principles, provincial standards, criteria and guidelines, and/or to the satisfaction of CVCA.

R

Reconstruction

The restoration, repair, or replacement of a building or structure within its original footprint, not to exceed its original ground floor area, gross floor area or height, and without any change to its original use.

Redevelopment

The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites. (Provincial Policy Statement, 2020)

Regulated Area

The land described in, and subject to, CVCA's Section 28 Regulation under the *Conservation Authorities Act*.

Regulation

Regulation under Section 28 of the *Conservation Authorities Act* (Ontario Regulation 41/24)

Regulation Limit

The greatest extent of all regulated areas that defines an area of interest; the regulation limit does not represent a development limit.

Regulatory Flood

Applicable flood event standard as described by Regulation under Section 28 of the *Conservation Authorities Act*. The CVCA's Regulatory Flood is the 100-year flood.

Remediation

The construction or modification of infrastructure for the purpose of reducing or eliminating risk due to natural hazards.

Replacement

See *reconstruction*.

Restoration

To repair or re-establish functioning ecosystems; the process of altering a site to establish a defined, native, historic ecosystem; the goal is to emulate the structure, function, diversity and dynamics of a specified ecosystem.

Retaining Wall: A vertical structure designed to resist the lateral pressure of soil and water behind it.

Revetment: A vertical or inclined facing of rip-rap or other material protecting a soil surface from erosion.

Riparian Vegetation means the plant communities in the riparian zone, typically characterized by water tolerant plants.

Riparian Zone means the interface between land and a flowing surface water body.

Rip-rap: A layer of stone to prevent the erosion of soil.

River means a large natural stream of water emptying into an ocean, lake, or other body of water and usually fed along its course by converging tributaries.

River or Stream Valley (Apparent or Confined) / Valley Corridor

Depressional features associated with a river or stream, whether or not they contain a watercourse, with defined slopes extending from the long term stable slope projected from the predicted stable toe of slope, plus a 15-metre allowance (in the context of defining the Regulated Area), or, an applicable buffer (in the context of defining the Natural System).

River or Stream Valley (Not Apparent or Unconfined)/ Stream Corridor

Depressional features associated with a river or stream, whether or not they contain a watercourse, with ill-defined slopes extending from the maximum extent of the predicted meander belt allowance of the river or stream; plus a 15-metre allowance (in the context of defining the Regulated Area), or, an applicable buffer (in the context of defining the Natural System).

S

Safe Access (Safe Ingress/Egress)

Vehicular and pedestrian access to and from a site is safe, for the nature of the development, from the risks due to flooding or erosion hazards consistent with Provincial and CVCA standards.

Scour

Local lowering of a streambed by the erosive action of flowing water.

Sedimentation (water)

Sedimentation is an increase in the amount of solid particles suspended in water, caused primarily by soil erosion. The main human causes of sedimentation are forestry, farming, and construction. When sediment settles, it can smother the feeding and spawning grounds of fish and kill aquatic organisms.

Sedimentation

The deposition of detached soil particles.

Setback

Specified distance from a fixed point such as a property line, structure, or natural feature (i.e. wetland).

Sewage Disposal System

A system which contains the entire sewage envelope, including both primary and secondary beds, mantle, septic tanks, and reserve areas, as per the requirements of the Ontario Building Code Act or the Ministry of the Environment, Conservation and Parks.

Shoreline Alteration

A physical alteration to the lands within, adjacent or close to the shoreline of any lake, river, or watercourse

Shoreline Protection Works

Methods for reinforcing shorelines experiencing active erosion. Protection approaches can be classified as either structural or non-structural, and can include shoreline naturalization and bio-engineering.

Shoreline Protection Works

Methods for reinforcing shorelines experiencing active erosion. Protection approaches can be classified as either structural or non-structural, and can include shoreline naturalization and bio-engineering.

Significant Wetland

An area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time.

Site Alteration

Activities such as grading, excavation, and the placement of fill that would change the landform and natural vegetative characteristics of a site. (Provincial Policy Statement, 2020)

Stable Slope Allowance (Defined Valleylands)

The setback that ensures safety if slumping or slope failure occur. It refers to a horizontal allowance measured landward from the toe erosion allowance equivalent to three times the height of the slope or through assessment by CVCA staff or valid study.

Stable Toe of Slope

As determined through assessment by CVCA staff or a geotechnical study:

- a) the physical toe of slope where the existing toe is stable and not impacted by erosion; or
- b) the landward limit of the toe erosion allowance where the existing slope is unstable and/or impacted by erosion.

Stable Top of Slope

As determined through assessment by CVCA staff or a geotechnical study:

- a) the physical top of slope where the existing slope is stable and not impacted by toe erosion; or
- b) the landward limit of the toe erosion allowance plus the stable slope allowance where the existing slope is unstable and/or impacted by erosion.

Stream Corridor

See *River or Stream Valley (Not Apparent or Unconfined)*

Structure: Any material, object or works erected either as a unit or constructed or assembled of connected or dependent parts or elements, whether located under, on and/or above the surface of the ground.

Subwatershed

A subdivision of a watershed based on hydrology, generally corresponding to the area drained by a small tributary, as opposed to a major river.

Surface Water Feature

Water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics (Provincial Policy Statement 2020).

Surficial erosion: The physical removal, detachment, and movement of soil at the ground surface due to water or wind.

T

Technical Reports

Reports, studies or plans, typically prepared to support and implement the recommendations of a comprehensive environmental study, that provide detailed information regarding one or more aspects of the natural or physical sciences. For the purposes of this document, technical reports may include, but are not limited to, hydraulic analyses, stormwater management reports, functional servicing reports, hydrogeology reports, geomorphology studies, geotechnical reports and environmental impact studies, or similar documents. Technical reports must be prepared by a qualified professional in the relevant field.

Toe Erosion Allowance

Setback distance at the base of a slope that ensures safety in the event of slope failure or slumping.

Top of Slope

The physical top of slope is the point where there is a break in slope or grade which distinguishes the valley corridor landform from its surrounding landscape.

U

Unconfined River or Stream System

Includes those where the watercourse is not located within a valley corridor with discernable slopes, but relatively flat to gently rolling plains and is not confined by valley walls. The watercourse can contain perennial, intermittent or ephemeral flows and may range in channel configuration, from seepage and natural springs to detectable channels.

Unstable Slopes

A slope that can be characterized as being unstable or hazardous due to factors such as toe or runoff erosion, lack of vegetative cover, soil type, steepness and/or geological considerations.

V

Valley or Valleyland means land that has depressional features associated with a river or stream, whether or not it contains a watercourse.

Valley Corridor

See *River or Stream Valley (Apparent or Confined)*

Valley Wall

The valley slope, from the stable toe of slope to its stable top of bank.

W

Watercourse (Regulation):

Defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs.

Watershed

The entire area of land whose runoff water, sediments and dissolved materials (nutrients and contaminants) drain into a lake, river, creek, or estuary. Its boundary can be located on the ground by connecting all the highest points of the area around the river, stream or creek, where water starts to flow when there is rain. It is not man-made and it does not respect political boundaries.

Wetland (Regulation),

- (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- (b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
- (c) has hydric soils, the formation of which have been caused by the presence of abundant water, and
- (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which have been favoured by the presence of abundant water. ("terre marécageuse")

Note: Additional definitions may be found in the MNRF Technical Guidelines, Natural Heritage Guidelines and the Provincial Policy Statement under the Planning Act.

Wetland Boundary: The point where 50% of the plant community consists of wetland plant species as listed in Appendix 10 of "The Ontario Wetland Evaluation System Manual", Ministry of Natural Resources, 2022)

Wetland Hydrological Functions

Include flood attenuation, groundwater recharge, and baseflow maintenance during dry periods (by storing precipitation and/or floodwater and releasing it slowly over time). Water purification and erosion control are other broader examples of wetland functions.

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APPENDIX B – Ontario Regulation 41/24

ONTARIO REGULATION 41/24 made under the CONSERVATION AUTHORITIES ACT

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Definitions

1. (1) In section 28 of the Act and in this Regulation,

“development activity” means,

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind,
- (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- (c) site grading, or
- (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; (“activité d’aménagement”)

“hazardous land” means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock; (“terrain dangereux”)

“watercourse” means a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs; (“cours d’eau”)

“wetland” means land that,

- (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- (b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
- (c) has hydric soils, the formation of which have been caused by the presence of abundant water, and
- (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which have been favoured by the presence of abundant water. (“terre marécageuse”)

(2) The definition of “wetland” in subsection (1) does not include periodically soaked or wet land used for agricultural purposes which no longer exhibits a wetland characteristic referred to in clause (c) or (d) of that definition.

Prohibited activities, subparagraph 2 iii of s. 28 (1) of the Act

2. (1) For the purposes of subparagraph 2 iii of subsection 28 (1) of the Act, river or stream valleys include river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined as follows:

1. Where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of the bank, plus 15 metres, to a similar point on the opposite side.
2. Where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side.
3. Where the river or stream valley is not apparent, the valley extends,
 - (i) to the furthest of the following distances:
 - A. the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard to a similar point on the opposite side, and
 - B. the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard to a similar point on the opposite side, and
 - (ii) an additional 15-metre allowance on each side, except in areas within the jurisdiction of the Niagara Peninsula Conservation Authority.

(2) For the purposes of subparagraph 2 iv of subsection 28 (1) of the Act, areas adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beach hazards include,

- (a) the area starting from the furthest offshore extent of the authority’s boundary to the furthest of the following distances:
 - (i) the 100-year flood level, plus the appropriate allowance for wave uprush, and, if necessary, for other water-related hazards, including ship-generated waves, ice piling and ice jamming, except in respect of Wanapitei Lake in the Nickel District Conservation Authority, the applicable flood event standard for that lake being the one set out in item 1 of Table 16 of Schedule 1,
 - (ii) the predicted long-term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period, and

(iii) where a dynamic beach is associated with the waterfront lands, an allowance of 30 metres inland to accommodate dynamic beach movement, except in the areas within the jurisdictions of the Mattagami Region Conservation Authority, the Nickle District Conservation Authority and the North Bay-Mattawa Conservation Authority where the allowance is 15 metres inland; and

(b) the area that is an additional 15 metres allowance inland from the area described in clause (a).

(3) For the purposes of subparagraph 2 v of subsection 28 (1) of the Act, other areas in which development activities are prohibited are the areas within an authority's area of jurisdiction that are within 30 metres of a wetland.

Applicable Flood Event Standards

3. The applicable flood event standards with respect to an authority, for the purposes of paragraph 3 of subsection 2 (1) and to determine the maximum susceptibility to flooding of lands or areas in the area of jurisdiction of an authority are the standards specified in Schedule 1 as those standards are described in Schedule 2.

Maps of regulated areas

4. (1) An authority shall develop maps depicting the areas within the authority's area of jurisdiction where development activities are prohibited under paragraph 2 of subsection 28 (1) of the Act which shall be filed at the head office of the authority and made available to the public on the authority's website, and by any other means that the authority considers advisable.

(2) At least once annually, the authority shall,

(a) review the maps referred to in subsection (1) and determine if updates to the maps are required;

(b) make and file such updates to the maps at its head office if required; and

(c) make the updated maps available to the public on its website and by any other means it considers advisable.

(3) Where new information or analysis becomes available that may result in significant updates to the areas where development activities are prohibited under paragraph 2 of subsection 28 (1) of the Act, including enlargements or reductions to such areas, the authority shall ensure that stakeholders, municipalities and the public are notified of the proposed changes in any manner that the authority considers advisable, including making any relevant information or studies available online at least 30 days prior to an authority meeting during which the proposed changes are on the agenda.

(4) Where significant changes to the areas where development activities are prohibited have been made in accordance with subsection (3), the authority shall promptly update the maps described in subsection (1).

(5) For greater certainty, in case of a conflict regarding the boundaries of the areas where development activities are prohibited under paragraph 2 of subsection 28 (1) of the Act, the description of those areas in that paragraph and in section 2 of this Regulation prevail over the depiction of the areas in the maps referred to in subsection (1) of this section.

Exceptions

5. Paragraph 2 of subsection 28 (1) of the Act does not apply to,

(a) the construction, reconstruction, erection or placement of,

(i) a seasonal or floating dock that,

(A) is 10 square metres or less,

(B) does not require permanent support structures, and

(C) can be removed in the event of flooding,

(ii) a rail, chain-link or panelled fence with a minimum of 75 millimetres of width between panels, that is not within a wetland or watercourse,

(iii) agricultural in-field erosion control structures that are not within and that do not have any outlet of water directed or connected to a watercourse, wetland or river or stream valley,

(iv) a non-habitable accessory building or structure that,

(A) is incidental or subordinate to the principal building or structure,

(B) is 15 square metres or less, and

(C) is not within a wetland or watercourse, or

(v) an unenclosed detached deck or patio that is 15 square metres or less, is not placed within a watercourse or wetland and does not utilize any method of cantilevering;

- (b) the installation of new tile drains that are not within a wetland or watercourse, within 30 metres of a wetland or within 15 metres of a watercourse, and that have an outlet of water that is not directed or connected to a watercourse, wetland or river or stream valley, or the maintenance or repair of existing tile drains;
- (c) the installation, maintenance or repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15 metres of a wetland or a watercourse, and where no excavated material is deposited within an area where subsection 28 (1) of the Act applies;
- (d) the maintenance or repair of a driveway or private lane that is outside of a wetland or the maintenance or repair of a public road, provided that the driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered;
- (e) the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the Drainage Act and the Conservation Authorities Act Protocol, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time; and
- (f) the reconstruction of a non-habitable garage with no basement, if the reconstruction does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a habitable space.

Pre-submission consultation

6. (1) Prior to submitting an application for a permit under section 28.1 of the Act, an authority and the applicant may engage in pre-submission consultation for the purposes of confirming the requirements of a complete application to obtain a permit for the activity in question, which may include,

- (a) requests by the authority to the applicant for,
 - (i) initial information on the proposed activity such as a description of the project and any associated plans, or
 - (ii) details about the property upon which the activities are proposed to be carried out, including copies of plans, maps or surveys; or
- (b) meetings between the authority and the applicant prior to the submission of an application, including any site visits to the property where the activities are proposed to be carried out.

(2) If the applicant requests a pre-submission consultation under subsection (1), the authority is required to engage in the pre-submission consultation.

Application for permit

7. (1) An application for a permit under section 28.1 of the Act shall be submitted to an authority and shall include,

- (a) a plan of the area showing the type and location of the proposed development activity or a plan of the area showing plan view and cross-section details of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;
- (b) the proposed use of any buildings and structures following completion of the development activity or a statement of the purpose of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland;
- (c) the start and completion dates of the development activity or other activity;
- (d) a description of the methods to be used in carrying out an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse, or change or interfere with a wetland;
- (e) the elevations of existing buildings, if any, and grades and the proposed elevations of any buildings and grades after the development activity or other activity;
- (f) drainage details before and after the development activity or other activity;
- (g) a complete description of any type of fill proposed to be placed or dumped;
- (h) a confirmation of authorization for the proposed development activity or other activity given by the owner of the subject property, if the applicant is not the owner; and
- (i) any other technical information, studies or plans that the authority requests including information requested during pre-submission consultations between the authority and the applicant.

(2) Upon receipt of the information required under subsection (1) and payment by the applicant of the fee charged by the authority under subsection 21.2 (4) of the Act, the authority shall notify the applicant in writing, within 21 days, whether or not the application complies with subsection 28.1 (3) of the Act and is deemed to be a complete application.

(3) If the authority notifies an applicant under subsection (2) that the application is complete, the authority shall not require new studies, technical information or plans under clause (1) (i) from the applicant to make a determination on the application, unless agreed to by the authority and the applicant. For greater certainty, the authority may ask the applicant for clarification or further details regarding any matter related to the application.

Request for review

8. (1) An applicant may request a review by the authority if,
 - (a) the applicant has not received a notice from the authority within 21 days in accordance with subsection 7 (2);
 - (b) the applicant disagrees with the authority's determination that the application for a permit is incomplete; or
 - (c) the applicant is of the view that a request by the authority for other information, studies or plans under clause 7 (1) (i) is not reasonable.
- (2) A review requested by an applicant under subsection (1) shall be completed by the authority no later than 30 days after it is requested and the authority shall, as the case may be,
 - (a) confirm that the application meets the requirements of subsection 7 (1) and is complete or provide reasons why the application is incomplete; or
 - (b) provide reasons why a request for other information, studies or plans under clause 7 (1) (i) is reasonable or withdraw the request for all or some of the information, studies or plans.

Conditions of permits

9. (1) An authority may attach conditions on a permit issued under section 28.1 of the Act only if, in the opinion of the authority, the conditions,
 - (a) assist in preventing or mitigating any effects on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
 - (b) assist in preventing or mitigating any effects on human health or safety or any damage or destruction of property in the event of a natural hazard; or
 - (c) support the administration or implementation of the permit, including conditions related to reporting, notification, monitoring and compliance with the permit.
- (2) In addition to the conditions referred to in subsection (1), the Lake Simcoe Region Conservation Authority may attach conditions to a permit that relate to designated policies and other policies in the Lake Simcoe Protection Plan that apply to the issuance of the permit.

Lake Simcoe Protection requirements

10. For the purpose of clause 28.1 (1) (c) of the Act, a decision to issue a permit within the area of jurisdiction of the Lake Simcoe Region Conservation Authority shall,
 - (a) conform with any designated policies in the Lake Simcoe Protection Plan that apply to the issuance of the permit; and
 - (b) have regard to any other policies in the Lake Simcoe Protection Plan that apply to the issuance of the permit.

Period of validity of permits and extensions

11. (1) The maximum period of validity of a permit issued under sections 28.1, 28.1.1 and 28.1.2 of the Act, including any extension, is 60 months.
- (2) If a permit is issued for less than the maximum period of validity, the holder of a permit may, at least 60 days before the expiry of the permit, submit an application for an extension of the permit to,
 - (a) the authority that issued the permit, in the case of permits issued under section 28.1 or 28.1.2 of the Act; or
 - (b) the Minister, in the case of permits issued under section 28.1.1 of the Act.
- (3) An authority or the Minister, as the case may be, may approve an extension of the period of validity of a permit that was issued for a period of less than 60 months but the total period of validity of the permit, including the extension, shall not exceed 60 months.
- (4) If an authority intends to refuse a request for an extension, the authority shall give notice of intent to refuse to the holder of the permit, indicating that the extension will be refused unless the holder requests a hearing under subsection (5).
- (5) Within 15 days of receiving a notice of intent to refuse a request for an extension, the holder of the permit may submit a written request for a hearing to the authority.

(6) If a request for hearing is submitted under subsection (5), the authority shall hold the hearing within a reasonable time, and shall give the holder at least five days notice of the date of the hearing.

(7) After holding a hearing under subsection (6), the authority may,

(a) confirm the refusal of the extension; or

(b) grant an extension for such period of time as it deems appropriate, as long as the total period of validity of the permit does not exceed the applicable maximum period specified in subsection (1).

Policy and procedure documents re permits

12. Each authority shall develop policy and procedure documents with respect to permit applications and reviews that, at a minimum, include the following:

1. Additional details regarding the pre-submission consultation process described in section 6 as well as additional details related to complete permit application requirements.
2. Procedures respecting the process for a review under section 8.
3. Standard timelines for the authority to make a decision on permit applications following a notification that an application is complete under subsection 7 (2), as the authority determines advisable.
4. Any other policies and procedures, as the authority considers advisable, for the purpose of administering the issuance of permits under Part VI of the Act.
5. A process for the periodic review and updating of the authority's policy and procedure documents, including procedures for consulting with stakeholders and the public during the review and update process, as the authority considers advisable.

Commencement

13. This Regulation comes into force on the later of the day subsection 25 (2) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures)*, 2020 comes into force and the day this Regulation is filed.

SCHEDULE 1 FLOOD EVENT STANDARDS

1. For the following conservation authorities, the applicable flood event standards are those specified in Table 1 below:

1. Ausable Bayfield Conservation Authority.
2. Catfish Creek Conservation Authority.
3. Credit Valley Conservation Authority.
4. Ganaraska Region Conservation Authority.
5. Grand River Conservation Authority.
6. Halton Region Conservation Authority.
7. Kettle Creek Conservation Authority.
8. Maitland Valley Conservation Authority.
9. Saugeen Valley Conservation Authority.
10. Toronto and Region Conservation Authority.

TABLE 1

Item	Areas	Applicable Flood Event Standards
1.	All areas	The Hurricane Hazel Flood Event Standard, the 100 Year Flood Event Standard and the 100-year flood level plus wave uprush

2. For the following conservation authorities, the applicable flood event standards are those specified in Table 2 below:

1. Cataraqui Region Conservation Authority.
2. Long Point Region Conservation Authority.

3. Quinte Region Conservation Authority.
4. Raisin Region Conservation Authority.
5. South Nation River Conservation Authority.

TABLE 2

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 100 Year Flood Event Standard and the 100-year flood level plus wave uprush

3. For the following conservation authorities, the applicable flood event standards are those specified in Table 3 below:
 1. Mississippi Valley Conservation Authority.
 2. Rideau Valley Conservation Authority.

TABLE 3

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 100 Year Flood Event Standard

4. For the following conservation authorities, the applicable flood event standards are those specified in Table 4 below:
 1. Mattagami Region Conservation Authority.
 2. Nottawasaga Valley Conservation Authority.
 3. Sault Ste. Marie Region Conservation Authority.

TABLE 4

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 100 Year Flood Event Standard, the Timmins Flood Event Standard, and the 100-year flood level plus wave uprush

5. For the Crowe Valley Conservation Authority, the applicable flood event standards are those specified in Table 5 below:

TABLE 5

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 100 Year Flood Event Standard, the Timmins Flood Event Standard, the Hurricane Hazel Flood Event Standard and the 100-year flood level

6. For the Kawartha Region Conservation Authority, the applicable flood event standards are those specified in Table 6 below:

TABLE 6

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 100 Year Flood Event Standard and the Timmins Flood Event Standard

7. For the Central Lake Ontario Conservation Authority, the applicable flood event standards are those specified in Table 7 below:

TABLE 7

Item	Areas	Applicable Flood Event Standards
1.	Pringle Creek and Darlington	The 100 Year Flood Event Standard
2.	Lake Ontario in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush

3.	All other areas	The Hurricane Hazel Flood Event Standard
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8. For the Essex Region Conservation Authority, the applicable flood event standards are those specified in Table 8 below:

TABLE 8

Item	Areas	Applicable Flood Event Standards
1.	The main branch and the east branch (Silver Creek) of the Ruscom River, and its tributaries within the Town of Lakeshore and the Town of Kingsville and the main and north branch of Canard River in the Town of LaSalle, Concessions I and II, and on the main branch of the Canard River in the Town of Amherstburg, Concessions I, II, III and IV	The March 1985 Flood Event Standard
2.	All other areas	The 100 Year Flood Event Standard

9. For the Grey Sauble Conservation Authority, the applicable flood event standards are those specified in Table 9 below:

TABLE 9

Item	Areas	Applicable Flood Event Standards
1.	The Sauble River Watershed	The 100 Year Flood Event Standard
2.	Lake Huron and Georgian Bay in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other watersheds	The Timmins Flood Event Standard

10. For the Hamilton Region Conservation Authority, the applicable flood event standards are those specified in Table 10 below:

TABLE 10

Item	Areas	Applicable Flood Event Standards
1.	Watercourses WCO, WCI, WC2, 3, 4, 5.0, 5.1, 6.0, 6.1, 6.2, 6.3, 6.4, 7.0, 7.1, 7.2, 7.3, 8.0, 9.0, 10.0, 10.1, 10.2, 11.0 and 12.0 as indicated on Map Figure 1 of Project 98040-A, Stoney Creek, Stormwater Management Assessment, prepared by Philips Engineering and located at the Hamilton Region Conservation Authority head office and Hamilton Harbour in the Great Lakes-St. Lawrence River System	The 100-year flood level
2.	Lake Ontario in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other areas	The Hurricane Hazel Flood

		Event Standard
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11. For the Lake Simcoe Region Conservation Authority, the applicable flood event standards are those specified in Table 11 below:

TABLE 11

Item	Areas	Applicable Flood Event Standards
1.	Bunker's Creek and Sophia Creek	The 100 Year Flood Event Standard
2.	Talbot River and the Trent-Severn waterway	The Timmins Flood Event Standard
3.	Lake Simcoe	The 100-year flood level plus wave uprush
4.	All other areas	The Hurricane Hazel Flood Event Standard

12. For the Lakehead Region Conservation Authority, the applicable flood event standards are those specified in Table 12 below:

TABLE 12

Item	Areas	Applicable Flood Event Standards
1.	The main channel of the Kaministiquia River	The 100 Year Flood Event
2.	Lake Superior in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other areas	Timmins Flood Event Standard

13. For the Lower Thames Valley Conservation Authority, the applicable flood event standards are those specified in Table 13 below:

TABLE 13

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 1937 Regulatory Flood Event Standard and the 100-year flood level plus wave uprush

14. For the Lower Trent Region Conservation Authority, the applicable flood event standards are those specified in Table 14 below:

TABLE 14

Item	Areas	Applicable Flood Event Standards
1.	The main channels of Rice Lake and Trent River	The rainfall, snowmelt, or a combination of rainfall and snowmelt, that would produce the water surface elevations above Canadian Geodetic Datum described in Table 1 of Schedule 3
2.	Lake Ontario in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other areas	The Timmins Flood Event Standard

15. For the Niagara Peninsula Conservation Authority, the applicable flood event standards are those specified in Table 15 below:

TABLE 15

Item	Areas	Applicable Flood Event Standards
1.	The watersheds associated with Shriner's Creek, Ten Mile Creek and Beaverdam Creek (including Tributary W-6-5) in the City of Niagara Falls	The Hurricane Hazel Flood Event Standard
2.	Lake Ontario and Lake Erie in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other areas	The 100 Year Flood Event Standard

16. For the Nickel District Conservation Authority, the applicable flood event standards are those specified in Table 16 below:

TABLE 16

Item	Areas	Applicable Flood Event Standards
1.	Wanapitei Lake	The maximum flood allowance elevation of 267.95 metres Canadian Geodetic Datum (in accordance with Ontario Power Generation's Licence of Occupation Agreement #6168)
2.	All other areas	The Timmins Flood Event Standard and the 100 Year Flood Event Standard

17. For the North Bay-Mattawa Conservation Authority, the applicable flood event standards are those specified in Table 17 below:

TABLE 17

Item	Areas	Applicable Flood Event Standards
1.	Chippewa Creek and its tributaries below the North Bay Escarpment, Parks Creek, the Mattawa River in the Town of Mattawa and the La Vase River	The 100 Year Flood Event Standard
2.	Lake Nipissing	100-year flood level plus wave uprush
3.	All other areas	The Timmins Flood Event Standard

18. For the Otonabee Region Conservation Authority, the applicable flood event standards are those specified in Table 18 below:

TABLE 18

Item	Areas	Applicable Flood Event Standards
1.	Rice Lake, Stony Lake, Clear Lake, Lovesick Lake, Deer Bay, Buckhorn Lake, Chemong Lake, Pigeon Lake, Katchiwanooka Lake and Lower Buckhorn Lake	The rainfall, snowmelt, or a combination of rainfall and snowmelt, that would produce the water surface elevations above Canadian Geodetic Datum described in Table 2 of Schedule 3.
2.	All other areas	The Timmins Flood Event Standard

19. For the St. Clair Region Conservation Authority, the applicable flood event standards are those specified in Table 19 below:

TABLE 19

Item	Areas	Applicable Flood Event Standards
1.	Perch Creek	The 100 Year Flood Event Standard
2.	Lake Huron, Lake St. Clair and St. Clair River in the Great Lakes-St. Lawrence River System	The 100-year flood level plus wave uprush
3.	All other areas	The Hurricane Hazel Flood Event Standard

20. For the Upper Thames Region Conservation Authority, the applicable flood event standards are those specified in Table 20 below:

TABLE 20

Item	Areas	Applicable Flood Event Standards
1.	All areas	The 1937 Flood Event Standard

SCHEDULE 2
DESCRIPTION OF STANDARDS

1. The Hurricane Hazel Flood Event Standard means a storm that produces over a 48-hour period,
 - (a) in a drainage area of 25 square kilometres or less, rainfall that has the distribution set out in Table 1; or
 - (b) in a drainage area of more than 25 square kilometres, rainfall such that the number of millimetres of rain referred to in each case in Table 1 is modified by the percentage amount shown in Column 2 of Table 2 opposite the corresponding size of the drainage area set out Column 1 of Table 2.

TABLE 1

73 millimetres of rain in the first 36 hours
6 millimetres of rain in the 37th hour
4 millimetres of rain in the 38th hour
6 millimetres of rain in the 39th hour
13 millimetres of rain in the 40th hour
17 millimetres of rain in the 41st hour
13 millimetres of rain in the 42nd hour
23 millimetres of rain in the 43rd hour
13 millimetres of rain in the 44th hour
13 millimetres of rain in the 45th hour
53 millimetres of rain in the 46th hour
38 millimetres of rain in the 47th hour
13 millimetres of rain in the 48th hour

TABLE 2

Column 1 Drainage Area (square kilometres)	Column 2 Percentage
26 to 45 both inclusive	99.2
46 to 65 both inclusive	98.2
66 to 90 both inclusive	97.1
91 to 115 both inclusive	96.3
116 to 140 both inclusive	95.4
141 to 165 both inclusive	94.8
166 to 195 both inclusive	94.2
196 to 220 both inclusive	93.5
221 to 245 both inclusive	92.7
246 to 270 both inclusive	92.0

271 to 450 both inclusive	89.4
451 to 575 both inclusive	86.7
576 to 700 both inclusive	84.0
701 to 850 both inclusive	82.4
851 to 1000 both inclusive	80.8
1001 to 1200 both inclusive	79.3
1201 to 1500 both inclusive	76.6
1501 to 1700 both inclusive	74.4
1701 to 2000 both inclusive	73.3
2001 to 2200 both inclusive	71.7
2201 to 2500 both inclusive	70.2
2501 to 2700 both inclusive	69.0
2701 to 4500 both inclusive	64.4
4501 to 6000 both inclusive	61.4
6001 to 7000 both inclusive	58.9
7001 to 8000 both inclusive	57.4

2. The Timmins Flood Event Standard means a storm that produces over a 12-hour period,

- (a) in a drainage area of 25 square kilometres or less, rainfall that has the distribution set out in Table 3; or
- (b) in a drainage area of more than 25 square kilometres, rainfall such that the number of millimetres of rain referred to in each case in Table 3 is modified by the percentage amount shown in Column 2 of Table 4 opposite the corresponding size of the drainage area set out in Column 1 of Table 4.

TABLE 3

15 mm of rain in the 1st hour
20 mm of rain in the 2nd hour
10 mm of rain in the 3rd hour
3 mm of rain in the 4th hour
5 mm of rain in the 5th hour
20 mm of rain in the 6th hour
43 mm of rain in the 7th hour
20 mm of rain in the 8th hour
23 mm of rain in the 9th hour
13 mm of rain in the 10th hour
13 mm of rain in the 11th hour
8 mm of rain in the 12th hour

TABLE 4

Column 1 Drainage Area (km ²)	Column 2 Percentage
26 to 50 both inclusive	97
51 to 75 both inclusive	94
76 to 100 both inclusive	90
101 to 150 both inclusive	87
151 to 200 both inclusive	84
201 to 250 both inclusive	82
251 to 375 both inclusive	79
376 to 500 both inclusive	76
501 to 750 both inclusive	74
751 to 1000 both inclusive	70
1001 to 1250 both inclusive	68
1251 to 1500 both inclusive	66
1501 to 1800 both inclusive	65
1801 to 2100 both inclusive	64
2101 to 2300 both inclusive	63
2301 to 2600 both inclusive	62
2601 to 3900 both inclusive	58
3901 to 5200 both inclusive	56
5201 to 6500 both inclusive	53

3. The 100 Year Flood Event Standard means rainfall, snowmelt, or a combination of rainfall and snowmelt, producing at any location in a river, creek, stream or watercourse a peak flow that has a probability of occurrence of one per cent during any given year.

4. The 100-year flood level means the peak instantaneous still water level plus an allowance for wave uprush and other water-related hazards for inland lakes and the Great Lakes-St. Lawrence River System that has a probability of occurrence of one per cent during any given year.

5. The March 1985 Flood Event Standard means the flood levels observed, surveyed and mapped, and located at the Essex Region Conservation Authority head office, along portions of the relevant prescribed watercourses that exceeded the 100 Year Flood Event Standard.

6. The 1937 Flood Event Standard means the historical observed 1937 flood on the Thames River. This event is equivalent to the combination of events that caused the flood event on the Thames River in April of 1937. The 1937 flood event is estimated to be equivalent to a 1 in 250-year return flood.

7. The 1937 Regulatory Flood Event Standard means the historical observed 1937 flood on the Thames River. This event is equivalent to a flow of 1,540 cubic metres per second (cms) commencing at Delaware and proportionately reducing until 1,160 cms at Thamesville and 1,125 cms at Chatham. The 1937 flood event is estimated to be equivalent to a 1 in 250-year return flood.

SCHEDULE 3
WATER SURFACE ELEVATIONS

1. The water surface elevations above Canadian Geodetic Datum applicable to Item 1 in Table 14 of Schedule 1 are shown in Table 1.

TABLE 1
LOWER TRENT REGION CONSERVATION AUTHORITY

Location	Water Surface Elevation
Rice Lake	187.9 metres
Trent River below Dam #1 (Trenton)	77.2 metres
Trent River below Dam #2 (Sidney)	81.3 metres
Trent River below Dam #3 (Glen Miller)	87.7 metres
Trent River below Dam #4 (Batawa)	95.7 metres
Trent River below Dam #5 (Trent)	101.7 metres
Trent River below Dam #6 (Frankford)	107.9 metres
Trent River below Dam #7 (Glen Ross)	113.5 metres
Trent River below Dam #8 (Meyers)	117.9 metres
Trent River below Dam #9 (Hagues Reach)	128.1 metres
Trent River below Dam #10 (Ranney Falls)	143.4 metres
Trent River below Dam #11 (Campbellford)	148.3 metres
Trent River below Dam #12 (Crowe Bay)	154.3 metres
Trent River below Dam #13 (Healy Falls)	175.5 metres
Trent River below Dam #14 (Hastings)	186.7 metres

2. The water surface elevations above Canadian Geodetic Datum applicable to Item 1 in Table 18 of Schedule 1 are shown in Table 2.

TABLE 2
OTONABEE REGION CONSERVATION AUTHORITY

Water Body	Water Surface Elevation
Rice Lake	187.90 metres
Stony Lake	235.95 metres
Clear Lake	235.95 metres

Lovesick Lake	242.16 metres
Deer Bay	244.31 metres
Buckhorn Lake	247.12 metres
Chemong Lake	247.12 metres
Pigeon Lake	247.12 metres
Katchiwanka Lake	233.68 metres
Lower Buckhorn Lake	244.31 metres

Made by:
Pris par :

Le ministre des Richesses naturelles et des Forêts,

GRAYDON SMITH
Minister of Natural Resources and Forestry

Date made: December 5, 2023
Pris le : 5 décembre 2023

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APPENDIX C – Floodproofing Guidelines

The minimum standards for floodproofing are based on the Regulatory Flood elevation. The following table depicts the minimum elevations for various features and structures.

Opening into structures	Regulatory flood elevation +0.3m or wave uprush elevation (whichever is greater)
Basement Floor	Regulatory flood elevation -1.0m
Fill places around buildings and structures	Regulatory flood elevation
Electrical and Heating circuits	Regulatory flood elevation +0.3m or wave uprush elevation (whichever is greater)
1 st floor (main) on raised buildings and structures	Regulatory flood elevation +0.3m or wave uprush elevation (whichever is greater)
Access roads, parking areas	Regulatory flood elevation -0.3m
Pedestrian Access	Regulatory flood elevation -0.8m

Introduction

Floodproofing is defined as a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages. It is acknowledged that this term is somewhat misleading, since total protection from flood damage cannot always be assured. However, if applied effectively, floodproofing can play a significant role in comprehensive floodplain management.

Floodproofing is generally most appropriate in situations where moderate flooding with low velocity and short duration is experienced and where traditional structural flood protection, such as dams and channels are not considered to be feasible. Although measures can be applied to both existing and new developments, it is usually impractical, expensive and extremely difficult to floodproof existing buildings.

Since floodproofing is best incorporated into the initial planning and design stages, new development has the greatest potential for permanent structural adjustment. In general, floodproofing can be applied most economically and effectively in the design of new buildings in developing areas. It can also be applied to infilling situations and proposed additions in developed areas. However, as well as providing adequate flood protection, new development within developed areas will have to take into account special considerations such as the aesthetic blend with neighbouring properties.

Floodproofing, whether wet or dry should be no lower than the 1:100 year flood level. The only exceptions are in cases where an addition is proposed to an existing structure or there is one

remaining infilling lot in a neighbourhood. In these instances, the floodproofing level should be no lower than the first floor levels of the existing structure or the adjacent structures.

Types of Floodproofing

All floodproofing measures can be described as active or passive and providing wet or dry protection.

Active vs Passive

Active floodproofing requires some action, i.e. closing watertight doors or sandbagging for the measure to be effective. Advance flood warning is almost always required in order to make the flood protection operational.

Passive floodproofing measures are defined as those that are in place and do not require flood warning or any other action to put the flood protection into effect. These include construction of development at or above the flood standard, or the use of continuous berms or floodwalls.

Dry vs Wet Protection

The object of dry floodproofing is to keep a development and its contents completely dry. Such can be carried out by elevating the development above the level of the flood standard or by designing walls to be watertight and installing watertight doors and seals to withstand the forces of flood waters. The benefit of elevated floodproofing is that it is passive and advance warning of an impending flood is not required. Temporary watertight closures, on the other hand, are considered to be active floodproofing usually requiring advance warning for operation.

Wet floodproofing is undertaken in expectation of possible flooding. Its use is generally limited to certain specific non-residential/non-habitable structures (e.g. arena, stadium, parking garage), but many of the techniques of wet floodproofing can be used with certain dry floodproofing approaches. The intent of wet floodproofing is to maintain structural integrity by avoiding external unbalanced forces from acting on buildings during and after a flood, to reduce flood damage to contents, and to reduce the cost of post flood clean up. As such, wet floodproofing requires that the interior space below the level of the flood standard remain unfinished, be non-habitable, and be free of service units and panels, thereby ensuring minimal damage. Also, this space must not be used for storage of immovable or hazardous materials that are buoyant, flammable, explosive or toxic. Furthermore, access ways into and from a wet floodproofed building must allow for safe pedestrian movement.

For new development, dry floodproofing above the level of the flood standard can generally be economically and easily achieved in the design and early construction phase. However, dry floodproofing of structures which will have portions below the level of the flood standard will require additional special design attention so that the structure will resist all loads including hydrostatic pressures.

Technical Considerations

Once flood waters enter a development, the risk of loss of life and flood damage will be determined by the location of the habitable portion of the buildings. The habitable portion of a structure is defined as living space intended for use by the occupant with the key concern being overnight occupancy. This includes buildings used for residential, commercial, recreational, and institutional purposes. In considering appropriate floodproofing measures, the habitable portion of the building should be designed to eliminate or minimize the risk of flood damage and loss of life.

As a rule, damages increase rapidly with the depth of flooding. Major structural damage occurs when a structure is weakened, totally collapses or is displaced. Damage to contents, such as finishes, trimwork, furniture, appliances, equipment and storage materials, also represents a substantial portion of the total loss. In addition, it is difficult to assign a dollar value to compensate for human suffering caused by a flood.

Thus, protection to at least the level of the flood standard is significant in reducing human suffering and property damage. In selecting between wet or dry flood protection, consideration must be given to the type of development, need for floodproofing and cost effectiveness.

Further, selection of active or passive measures will depend on location of the habitable portion of the development below or above the level of the flood standard, local flood warning, and access ways.

As well, all mechanical and electrical systems should be designed and installed so that the heating, lighting, ventilation, air conditioning and other systems are not vulnerable to flood damage during the flood standard. Where flooding could interrupt key power supplies, it may be necessary to provide stand-by or backup systems, with power and controls located above the level of the flood standard.

In order to determine the most appropriate floodproofing measure, the full extent of the flood hazard must be evaluated. This section outlines technical considerations which can assist in determining the most suitable floodproofing measure.

(1) Flooding as a Threat to Life

Hazard to life is linked to the frequency of flooding, and to depth of flood waters and the velocity of flow in the floodplain. Depth increases buoyancy and velocity increases instability, so that each of depth and velocity should be studied independently or as a combined function.

- a) Depth

Any person in the midst of a flooded area will be acted upon by a buoyant force equal to the weight of water displaced by that person. The volume of displaced water and this force increases with depth until neutral equilibrium is reached and the person begins to float.

Average adults and teenage children remain stable when standing in flood depths up to about 1.37 metres (4.5 feet). The average school child 6 – 10 years old would float at about 1.1 metres (3.5 feet), although smaller, younger children in this range would float at a depth of about 0.98 metres (3.2 feet).

Hence, in terms of depth and individuals who could be present in the floodplain during a flood:

- depths in excess of about 0.98 metres (3.2 feet) would be sufficient to float young school children;
- a depth of about 1.37 metres (4.5 feet) is the threshold of stability for teenage children and most adults.

b) Velocity

Moving water in the floodplain exerts a lateral force resulting from momentum thrust of the flood flow. This force acts to displace objects in a downstream direction. The shear force of friction of a person on the wet surface of the floodplain resists this force. However, even relatively low velocities of flow in the floodplain can pose possible flood hazards.

The force exerted by various flow velocities can be developed for different age and size groups, but because its effect is tied to depth, a better appreciation of velocity effects can be gained by looking at both depth and velocity in combination.

c) Combination of Depth and Velocity

As a guide for personnel involved in stream flow/depth monitoring, the simple “3 x 3 rule” was developed in the U.S. based on 3 feet depth and 3 ft/s velocity values. The rule suggests that people would be at risk if the product (multiple) of the velocity and the depth exceeded 0.8 m²/s (9 ft²/s).

The Water Survey of Canada has the same rule of thumb and its Hydrometric Field Manual (1981) states, “a general rule of thumb which has been used in the past is arrived at through the product of the depth and velocity. Generally speaking, if the bed is firm and provides good footing, the product of these two factors should be slightly less than 1 m²/s, or roughly 9 ft²/s”.

It should be noted that this rule of thumb applies to trained professionals whose regular work accustoms them to the dynamic forces of river flows, buoyant forces from partial submergence and recognition of potential hazards, e.g. rocks, depressions, etc. They also enter the stream with equipment which will assist them in maintaining stability, e.g. tag line, wading rod, strap-on cleats for greater stability.

It is considered highly unlikely that such equipment would be available to most occupants of floodproofed buildings in the floodplain. It seems equally unlikely that these occupants would have the same level of experience as water survey staff in dealing with high depths, current speeds, unsteady footing, or cold weather/water conditions.

As a result, it is likely that the simple rule of 3×3 product (1 m²/s or 9 ft. ²/s) represents an upper limit for adult male occupants in the floodplain and that it would be reasonable to consider something lower as being more representative of a safe upper limit for most floodplain occupants.

As noted earlier, any person on foot during a flood may be subject to a number of forces in the floodplain. Excluding impact by ice and/or other debris, these forces include:

- an upward buoyant force, equal to the weight of the fluid displaced;
- a lateral force exerted by the moving water (linear momentum); and,
- unbalanced hydrostatic forces.

Resisting these forces are:

- the shear force of friction acting through the weight of the person standing on a wet surface in the floodplain.

Adults of average size would fall into the range between 976 - 1952 kg/m² (200 - 400 lb/ft²) but young children would more appropriately fall into a range of 732 - 1464 kg/m² (150 - 300 lb/ft²). Only 7% of Ontario's population is within the 6 - 10 year age range, i.e. young children (Statistics Canada, 1981).

The coefficient of friction between foot apparel and wet grass, gravel, bare soils, pavements or other wet surfaces under flood conditions is not well known. A standard table of friction coefficients suggests that friction factors in the order of 0.3 to 0.6 could be characteristics of the ratio of the force to body weight required to initiate movement over unlubricated, dry surfaces. It is assumed that a lower friction factor range would be representative of the same state for a person standing on wet grass or pavement under flood conditions.

Any floodplain situation giving velocity and depth conditions lower than the appropriate curve for that individual is one where that person would be in a stable condition in the floodplain. Conditions of velocity or depth exceeding the appropriate stability curve would be unstable conditions for the same individual.

It is also appropriate to note that this analysis is based on a person standing still in the floodplain. Once a person begins to move to install floodproofing measures or leave the flood-prone area, stability is reduced further.

At low velocity but depths greater than 0.9 - 1.2 metres (3 - 4 feet), most individuals would become buoyant. Similarly, in areas where floodplain depths may be less than 0.3 metres (1 foot) but where velocities exceed 1.5 - 1.8 m/s (5 - 6 ft/s) encountered on roadways or bridge crossings, for example, stability conditions would be exceeded and some individuals would be swept off their feet.

Although no product rule exactly defines this region, a reasonable approximation of the low risk area can be made with a product rule that includes some constraints on the domain of depth and velocity. For example, a product depth and velocity less than or equal to 0.4 m²/s (4 ft²/s) defines the low risk area providing that depth does not exceed 0.8 metres (2.6 feet) and that the velocity does not exceed 1.7 m/s (5.5 ft/s). By contrast, in a situation where the depth and velocity are 1.1 metres (3.5 feet) and 0.3 m/s (1 ft/s) respectively, the product is less than 0.4 m²/s (4 ft²/s) but the depth limit is exceeded. Hence, these conditions define a high risk area for some individuals.

It is evident that this approximate classification is somewhat conservative; but until further research is undertaken, it provides a reasonable factor of safety for all individuals - young and old - who may be present in the floodplain.

(2) Duration of Flood

The duration of a flood or the length of time a river overflows its banks, reaches its crest and recedes to within its banks depends on the efficiency of the river to transport the flood waters. Since the size of the watershed, time of concentration and duration of a flood affects the type of impact and pressure on the development, floodproofing measures must be designed to withstand these forces for the required period of time.

(3) Rate of Rise and Fall

The rate of rise and fall of a flood to and from its crest can affect the type and extent of floodproofing. For example, where the rise and fall are very sudden, there may not be time to implement active floodproofing measures, such as watertight seals and doors and thus these approaches would be deemed unacceptable. The rate should also be considered in investigations of slope stability for certain types of soils where a quick drawdown of flood waters may pose problems.

(4) Flood Warning System

The availability of advance warning can play an important role in determining the most appropriate measure. Where active floodproofing procedures are contemplated, lead time for implementation of appropriate protective measures and devices must be related to the amount of advance warning.

(5) Structural Integrity

When buildings and structures are surrounded by flood waters, they cause unbalanced pressures and loadings on all wetted surfaces, which increase rapidly with depth. Unbalanced pressures can cause structural and sub-structural damages which can completely collapse or displace the development. In order to design the most appropriate floodproofing measures, it is important to determine the effect of stresses on the proposed building.

The stresses imposed on a building are due to hydrostatic, hydrodynamic and impact loadings, depending on its location. Hydrostatic loads are developed by water that is either still or moving at a low velocity. These loads may be defined as acting vertically downward (i.e., on floors), or vertically upward (i.e., uplift), or laterally when acting horizontally on walls. Hydrodynamic loads results from the flow of water against or around a structure at moderate or higher velocities. These loads are directly dependent on the velocity of flow, and can also adversely affect the floodproofing measures by causing erosion and scour. Impact loads are caused by water-borne objectives, debris and ice. Their effects become greater and more crucial as the velocity and weight of objects increase. Impact loads are difficult to predict and define accurately. However, a reasonable allowance can be made with the knowledge of the conditions of the site.

a) Superstructures (Above Ground)

Hydrostatic Loading Effects

Until the mid-1970s, it was assumed that standard design and construction practices - without modification - would be adequate to ensure that floodproofing by closures and seals could be conducted to moderate depth/ hydrostatic loading without threatening the structural integrity of the above ground/superstructure of most buildings. However, various research by the U.S. Corps of Engineers over the years, has suggested otherwise.

Studies on structures of conventional design have determined that:

- brick veneer, frame structures (such as a typical home) would resist hydrostatic loading up to about 0.8 metres (2.5 feet) without damage;
- concrete block structures with limited or no reinforcement (such as the small warehouse building) displayed similar resistance characteristics and would not be damaged by hydrostatic loading up to 0.8 metres (2.5 feet). Above this at 0.9 and 1.2 metres (3 and 4 feet) depths deflection and cracking became significant;
- solid brick structures responded in a similar manner. Tests with these also included end and side walls and walls with and without door openings. Walls with ceiling joists (with and without door openings) were found adequate to resist loadings to about 0.8 metres (2.5 feet). Walls with ceiling joists provide much stronger, but failed explosively when 2 x 4 supports were snapped; and,
- poured concrete walls were not tested, but from experience with other structural designs it was presumed that conventional design techniques would prove adequate against hydrostatic loads to at least 0.9 metres (3 feet).

Therefore, 0.8 metres (2.5 feet) would appear to be the upper limit of effective flood depth (static plus equivalent hydrodynamic head) which can be resisted by conventionally designed structures without affecting structural integrity.

Studies on structural integrity during flow conditions have also given an appreciation of the permeability of conventional structures, in that:

- brick structures of conventional design begin to leak almost immediately and badly, when in contact with flood waters; and,
- concrete block structures of conventional design also leak badly at a rate that exceeds that of brick structures.

Tests also conducted to determine if materials or surface coatings would enhance water tightness found:

- no clear sealants (e.g. epoxy) were completely effective;
- no asphaltic material was completely effective;
- embedded roofing felts with polyethylene sheeting laid between a second brick course were found effective - but exceptionally stringent quality control of workmanship was required (particularly at joints);
- flood shields/bulkheads also presented difficulties and were for the most part ineffective unless designed especially with gaskets, smooth surfaces and locking bolts; and,
- certain thick, non-tear materials can be used as external "wrappings" to effectively seal buildings against infiltration. These are very special materials and fall into the category of "active" measures vs "passive", permanent measures.

In summary then:

- conventional designs are not water resistant/waterproof for even low depths of flooding;
- new structures should be designed from scratch for complete water tightness (or if not completely watertight must incorporate an internal system to collect and remove water seepage); and,
- new structures using conventional designs can be made watertight (without re-design) but the only proven approach so far uses external "wrapping".

Erosion

Flow velocities which will cause erosion of grass covered slopes or erosion around foundations are difficult to determine. Factors such as type of cover, slope and soil conditions must be taken into account. For most common situations, the range lies between 0.8 m/s and 1.2 m/s (2.5 ft/s and 4 ft/s) for easily eroded soils and 1.1 m/s to 1.5 m/s (3.5 ft/s to 5 ft/s) for more erosion resistant soils.

Impact Loading and Debris Accumulation

This aspect of structural integrity has not been studied in the field because it is practically impossible to establish velocity/depth limits associated with loadings caused by debris accumulation and the impact of floating objects on the floodplain. The nature of debris accumulations and size and shape of floatables simply varies too significantly.

Ice, debris and other floating materials can result in significant impact loading on buildings within the floodplain or increase the loads on buildings as a result of blockage. Although these loads are difficult to estimate a reasonable allowance must be made in design. Sites where the potential for such loading is high should simply be avoided or buildings should be designed/landscaped to intercept/deflect materials before the building is affected.

In cases where floodproofing is achieved by elevation on columns or piles, the clearing space between the columns or piles should measure perpendicular to the general direction of flood flow and should be adequately designed to minimize possible debris blockage. The open space created below the level of the flood standard should remain essentially free of more buoyant or hazardous materials.

b) Substructures/Basements (Below Ground)

Based on normal (conventional) construction methods, any hydrostatic head in excess of 0.2 metres (0.7 feet) may result in damage to basement floors (i.e. the upward force of groundwater on the basement floor).

Even where the basement of a single storey brick or masonry structure has been structurally reinforced and/or made watertight, structural integrity or buoyancy may pose problems when groundwater (saturated soil) levels are 1.2 - 1.5 metres (4 - 5 feet) above the level of the basement floor. Much depends on the duration of the flooding, type of soil and the presence/effectiveness of the drainage system.

(6) Vehicular Access

Little or no information exists in the literature regarding ingress/egress criteria for vehicles.

The question of safety for the passage of vehicles can be subdivided into:

- flood depth and velocity considerations affecting egress of private vehicles from floodproofed areas; and,
- flood depth and velocity affecting access of private and emergency vehicles to floodproofed areas.

a) Private Vehicles

In general, water contact is one critical issue in terms of its effect on the ignition/electrical system and the exhaust system. In the former, the distributor and/or spark plugs are the main items of concerns and those which are typical problem areas for most motorists.

Private vehicles come in all shapes and sizes and it is practically impossible to identify "typical" vehicles for assessing the elevation of key electrical components from the road surface. It appears likely that a depth of about 0.4 metres - 0.6 metres (1.5 - 2 feet) would be sufficient to reach the distributor or plugs of most private vehicles. They would fail to start at this depth and

hence vehicular egress will be halted. Cars may start at lower depths but then “splash” from driving on wet pavement or from the radiator fan would become a concern.

The issue of the exhaust system and the effect that flooding can play on engine back pressures/expulsion of exhaust gases appears to be the controlling factor. Difficulty would probably be experienced in starting most vehicles if the vehicle is standing in water at a depth that covers the muffler. The vehicle may start and continue to run if it is quickly removed from the water but if remains at that depth, there is a strong possibility that it will fail soon after. Again, it is practically impossible to generalize this depth but for most family automobiles something in the range of about 0.3 metres - 0.4 metres (1 - 1.5 feet) would be the maximum depth of flooding before potential egress problems would result.

A “typical” North American car would not be significantly affected by velocities up to about 4.5 m/s (15 ft/s) or more at flood depths at less than 0.3 metres (1 feet). At running board depth or slightly above 0.3 metres (1 feet) the maximum velocity for stability drops to about 3 m/s (10 ft/s) and at about 0.4 metres (1.5 feet) depth an average vehicle may be displaced by velocities as low as 0.3 - 0.6 m/s (1 - 2 ft/s), with smaller vehicles becoming buoyant.

b) Emergency Vehicles

Emergency vehicles operate under the same constraints relating to the electrical/exhaust system. Most police vehicles and ambulances would be limited by exhaust considerations, although emergency vans are better equipped to avoid splash problems since the key electrical components are higher above the road surface.

Diesel fire vehicles with top exhausts appear best suited for flood conditions. Their road clearance is high and it is suggested that 0.9 metres -1.2 metres (3 - 4 feet) of flood depth would not present a problem. These vehicles are about 10 times heavier than most automobiles and hence are resistant to displacement by higher velocity flood flows. Operations at velocities in excess of 4.5 m/s (15 ft/s) would probably not pose a problem when these vehicles are moving over a good/non-eroding base.

(7) Portable or Mobile Buildings and Structures

A portable or mobile building is one that is not permanently tied or anchored to a foundation and can be transported by means of a hauler. Portable or mobile buildings can be located on individual sites or in a park or subdivision. They can be used for temporary purposes, such as for construction crews or as full-time residences/seasonal homes with overnight occupancy.

When located in floodplains, portable or mobile buildings are highly susceptible to flood damage. Since they are not affixed to a permanent foundation, flood waters may easily sweep such buildings off their sites. Without advance warning, residents can be entrapped in the building. In addition, portable or mobile buildings can increase the flood hazard as they collide with other structures or

block bridge openings or culverts. Despite this, portable or mobile buildings often are located in floodplains because:

- floodplain land acquisition costs may be lower;
- swamp conditions and higher water table which prevail in floodplain areas may preclude construction of permanent homes with basements; and/or,
- potential recreational access by locating close to the water's edge.

Ideally, portable or mobile buildings should not be located in the floodplain. However, when located in the flood fringe, they should be properly floodproofed to the flood standard, in order to prevent flotation, collapse and lateral movement. Due to the inherent hazard of remaining in a mobile building during a flood, contingency plans indicating escape routes and alternative vehicular access ways should be prepared.

Where the portable or mobile building is on site temporarily, it may not be feasible to meet all the requirements for floodproofing. In such cases, temporary location of portable and mobile buildings in the flood fringe may be considered where the time frame is very short and sufficient flood warning would allow the structure to be hauled away in advance of the flood.

(8) Floodproofing Complexity

The complexity of floodproofing techniques (and to a degree the cost) is best related to depth and type of floodproofing considered.

a) Closures and Seals

It appears that external walls can be floodproofed by closures and seals to a flood depth of about 0.8 metres (2.5 feet). Beyond this depth, structural integrity is threatened and special reinforcing or revised designs (with poured concrete walls for example) are required.

Dry floodproofing to this depth can be completed with the use of impervious external "wrappings". These contingency wrappings are anchored beneath the ground surface along the foundation and rolled upward and hung into place along the walls of building prior to flooding. Equivalent dry floodproofing using internal sealants, doubled walls, etc. with flood shields at openings is more complex, expensive and uncertain as to effectiveness.

Basements can be closed and sealed to levels of about 1.2 - 1.5 metres (4 - 5 feet) above the floor slab with poured concrete designs employing additional reinforcement and special attention to monolithic construction. Beyond this level, the procedure becomes complicated as buoyancy/uplift must be addressed through anchors and/or added wall and slab thickness.

Overall, closures and seals is fraught with possible problems and is considerably more complicated than other floodproofing approaches.

(b) Elevated structures

Structures on Fill Floodproofing on fill is generally considered for slab on grade construction. It is not a complex procedure and conventional building techniques are employed once the pad is down. The principal concern is fill compaction which must usually be done in 0.2 - 0.3 metres (0.5 - 1 feet) lifts. Beyond 0.6 - 0.9 metres (2 - 3 feet). However, as pad sizes increase, compaction requirements become more important and an engineer or soils consultant should be employed for design review and inspection. Increased elevation may also lead to requirements for pad sizes in excess of lot size and, hence, additional requirements for erosion protection, etc.

Houses with conventional basements can also be placed in fill to elevate the first floor to a level about 2.1 - 2.4 metres (7 - 8 feet) above grade (i.e. the basement is founded on grade and the basement walls are surrounded by fill). At 1.2 - 1.5 metres (4 - 5 feet) above grade, the procedure is complicated by the need for wall and slab reinforcement, and anchors to prevent buoyancy.

Elevation on Columns, Piles, Piers and Extended Foundation Walls

Elevated structures using these techniques must be designed with consideration for debris loading, orientation of supports, effective submergence on foundation soil conditions and anchorage, bracing and connection details, availability of mechanical equipment, etc. In most instances, an engineer should be consulted to ensure that the possible effects of flooding are considered in the design. There are more factors to consider than conventional house construction on fill and, hence, these approaches could be considered more complex.

The majority of elevated buildings use posts for support (steel or timber). Installation becomes more complex at lengths in the range of 3.6 - 4.8 metres (12 - 16 feet) since machinery is needed for installation. A range of 3 - 3.6 metres (10 - 12 feet) seems typical for most homes which use extended posts.

Mechanically-driven piles are reported to be the best solution if severe erosion is anticipated. Pile driving equipment and skilled operators are at a premium and, because of the initial expense, this technique may be too complex/unnecessary for flood depths less than 1.5 - 1.8 metres (5 - 6 feet).

Piers/columns are generally constructed with brick, concrete block or poured concrete. The common elevation range for each of these approaches is as follows, beyond which increasing complexity is assumed:

- 0.4 - 1.8 metres (1.5 - 6 feet) for brick piers;
- 0.4 - 2.4 metres (1.5 - 8 feet) for reinforced concrete masonry piers; and,
- 0.4 - 3.6 metres (1.5 - 12 feet) (or more) for poured in place, reinforced concrete piers.

Extended foundation walls make a relatively simple and effective foundation for elevated structures but again must be designed with consideration for loads and pressures anticipated in the floodplain.

Berms and Floodwalls

Berms (or levees) and floodwalls used for floodproofing are low structures built around single homes or individual industrial complexes. Property design is more complex since material and construction practices must be closely monitored, they must be regularly maintained (in the case of berms), and they usually require adequate pumping facilities to handle interior drainage and seepage. Both berms and floodwalls usually have some opening for access and consideration must be given to closure.

In many instances, berms and floodwalls should be designed by qualified professional engineers.

Intentionally Flooding a Building (Wet Floodproofing)

Intentionally flooding a building for the purpose of balancing internal and external pressures so as to maintain structural integrity is in itself not complex. To ensure minimal damage and quick clean up, a number of conditions have been placed on the use of wet floodproofing by agencies such as Canada Mortgage and Housing Corporation. Requirements include:

- at least two open able windows located on opposite sides of the building;
- tops of window sills to be not less than 150 mm below grade (to allow flood water into the basement);
- basements to remain unfurnished and contain non-habitable space only;
- mechanical and electrical equipment, heating units and duct work to be located above the flood standard; and,
- sump pump required.

While wet floodproofing may be designed and provided for in a building, there is no guarantee over time that the requirements will be maintained. In particular, it is difficult to control the “finishing off” of basements which would then result in damages when wet floodproofing measures were put into effect. Therefore, while wet floodproofing may appear desirable initially, the ability to ensure the principles and requirements of wet floodproofing are maintained in the future must also be considered.

Above taken from Appendix 6: Floodproofing of *Technical Guide – River & Stream Systems: Flooding Hazard Limit* (MNRF, 2002).

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APPENDIX D – Hearing Guidelines

CONSERVATION AUTHORITIES ACT

MODEL HEARING GUIDELINES

October 2005
Amended 2018, 2020, 2021, 2024



Ministry of Natural Resources
Ministère des Richesses Naturelles

Note: The "Model Hearing Guidelines" provides best advice based on available materials and current understanding of the legislation and regulations. This guidance is not legal or professional advice.

CONSERVATION AUTHORITIES ACT MODEL HEARING GUIDELINES

October 2005, Amended 2018, 2020, 2021, 2024

Summary of Revisions

Revision No.	Date	Comments	Approval Authority
0	October, 2005	Guidelines prepared as an update to the October 1992 hearing guidelines.	Ministry of Natural Resources and Forestry Conservation Ontario Council
1	May, 2018	Housekeeping amendments made reflecting changes to appeal process as a result of the <i>Building Better Communities and Conserving Watersheds Act, 2017</i> and subsequent Order in Council. Note: changes to appeal process are no longer valid	Conservation Ontario Staff
2	September, 2020	Amendments made to incorporate the use of electronic hearings.	Conservation Ontario Council
3	September, 2021	Amendments made to incorporate hearings under 28.0.1 and update references to the Ontario Land Tribunal (OLT)	Conservation Ontario Council
4	November, 2024	Amendments to update references for hearings and appeals further to the amended <i>Conservation Authorities Act</i> and O. Reg. 41/24. Amendments to distinguish Model Hearing Guidelines from additional details / guidance for CA consideration.	Conservation Ontario Council

(Note: Text in red represents the amendments made in 2024)

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Note: The purpose of the "Conservation Authorities Act Model Hearing Guidelines" is to provide model ("example") hearing guidelines for Conservation Authorities (CAs) in respect to hearings held pursuant to the Conservation Authorities Act (CAA) and O. Reg. 41/24 (Prohibited Activities, Exemptions and Permits).

Development of these Model Hearing Guidelines is intended to promote the necessary consistency across the Province for the holding of hearings under the CAA and O. Reg. 41/24. These Model Guidelines are available to be referenced by individual CAs when preparing or updating local hearing policy and procedure documents.

Throughout the Model Hearing Guidelines, additional information, notes and policy recommendations are provided in text boxes. These details are for Conservation Authority consideration, and do not form part of the Model Hearing Guidelines.

1.0 DEFINITIONS

“Act” means the *Conservation Authorities Act*, R.S.O. 1990, c. C.27;

“Applicant” means a person who applies for a Permit to engage in an activity prohibited under the Act within the Authority’s jurisdiction;

“Application” means a formal request for a Permit to engage in an activity prohibited under the Act within the Authority’s jurisdiction;

“Authority” means the Board of Directors of the [XX] Conservation Authority;

“Executive Committee” means the Executive Committee appointed by the Authority;

“Hearing Board” means the Authority or Executive Committee while it is conducting hearings in accordance with the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22. Further to section 28.4 of the *Conservation Authorities Act*, an Authority may also delegate any of its powers relating to the holding of hearings in relation to permits to any other person or body, subject to any limitations or requirements prescribed by regulation;

“Minister” means the Minister of Natural Resources;

“Party” means an Applicant, Permit Holder, or individual subject to a Stop Order;

“Permit” means a permit to engage in otherwise prohibited activities under the Act, issued by the Authority (s. 28.1 and s. 28.1.2 permits) or by the Minister (s. 28.1.1 permits).

“Permit Holder” means a person who holds an active Permit issued by the Authority or a Minister’s Permit issued by the Minister;

“Staff” means the employees of the [XX] Conservation Authority;

“Stop Order” means a stop order issued under section 30.4 of the Act;

“Witness” means a person who is called to speak to evidence presented at a hearing.

2.0 PURPOSE OF HEARING GUIDELINES

The Hearing Guidelines provide a step-by-step process for conducting hearings required under ss. 28.1 (5), ss. 28.1.2 (7), ss. 28.3 (2), (3) and (4), ss. 30.4 (6) of the CAA and ss. 11(4), (5) and (6) of O. Reg. 41/24. Hearings provide due process and ensure the rights of the Party are upheld.

These guidelines ensure hearings meet the legal requirements of the *Statutory Powers Procedures Act* (SPPA) without being unduly legalistic or intimidating to the participants.

The Hearing Board is empowered by law to make a decision, governed by the SPPA. The Board's decision powers are governed by the CAA and O. Reg. 41/24.

Section 25.1 of the SPPA provides that "a tribunal may make rules governing the practice and procedure before it". The Hearing Rules are adopted under the authority of s. 25.1 of the SPPA. The SPPA applies to the exercise of a statutory power of decision where there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The SPPA sets out minimum procedural requirements governing such hearings and provides rule-making authority for establishing rules to govern such proceedings.

Table 1 below summarizes the legislative and regulatory requirements where a Party is to be provided with an opportunity for a hearing before the Authority, or [where delegated further to s. 28.4 of the CAA] the Executive Committee, or any other person or body [sitting as the Hearing Board].

Table 1: Summary of Hearing Requirements under the Conservation Authorities Act and O. Reg. 41/24¹¹

Hearing Scenario	Legislative or Regulatory Reference	Party	Hearing Intent	Appeal
Refusal Section 28.1 Permit	CAA, ss. 28.1 (5)	Applicant	Intent to refuse	OLT – Within 90 days of receiving the reasons for the Authority's decision
Attaching Conditions Section 28.1 Permit	CAA, ss. 28.1 (5)	Applicant	Intent to attach conditions	Minister's Review – Within 15 days of receiving reasons for the Authority's decision
Attaching Conditions Section 28.1.2 Permit	CAA, ss. 28.1.2 (7)	Applicant	Intent to attach conditions	
Cancellation Section 28.1 Permit	CAA, ss. 28.3 (2)	Permit Holder	Intent to cancel	OLT – Within 90 days of receiving notice of decision from Authority
Cancellation Section 28.1.1 Permit	CAA, ss. 28.3 (2)	Permit Holder	Intent to cancel	
Refuse Extension Section 28.1 Permit	O. Reg. 41/24, ss. 11(4), (5), and (6)	Permit Holder	Intent to refuse extensions	No appeal
Refuse Extension Section 28.1.2 Permit	O. Reg. 41/24, ss. 11(4), (5), and (6)	Permit Holder	Intent to refuse extensions	
Stop Order	CAA, ss. 30.4	Individual subject to Stop Order	Issuance of Stop Order	Minister or body prescribed by the regulations – Within 30 days of receiving reasons for the Authority's decision

¹¹ Note: The information presented in this table is a summary. For full details, please review the relevant sections of the *Conservation Authorities Act* and O. Reg. 41/24.

3.0 ROLE OF THE HEARING BOARD

3.1 Apprehension of Bias

In any of the hearing scenarios listed in Table 1 above, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or reasonable apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.

- (a) No member of the Authority (or delegate) taking part in the hearing should have prior involvement with the Application or other hearing matter indicated in Table 1 that could lead to a reasonable apprehension of bias on the part of that member. Where a member has a personal interest, the test is whether a reasonably well-informed person would consider that the interest might have an influence on the exercise of the official's public duty. Where a member is a municipal councilor, the *Municipal Conflict of Interest Act* applies. In the case of a previously expressed opinion, the test is that of an open mind, i.e., is the member capable of persuasion in participating in the decision making.
- (b) Any material distributed to the Hearing Board relating to the merits of an Application or other matter indicated in Table 1 that is the subject of a hearing shall also be distributed to the Party at the same time. The Party will be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.
- (c) The Party will be given an opportunity to attend the hearing before a decision is made; however, the Party does not have to be present for a decision to be made.

Note: Consistent with section 12 of O. Reg. 41/24, individual CAs will develop a document outlining their own practices and procedures relating to the review and reporting of section 28.1, 28.1.1 and 28.1.2 Permit Applications, including the role of Staff, the Applicant and the Authority or Hearing Board, as well as the procedures for the hearing itself. Such policies and procedures shall be available to the members of the public upon request and on the CA's website. Procedures related to hearings shall have regard for the above information and should be approved by the CA Board of Directors.

See Appendix F for sample Hearing Procedures.

3.2 Notice of Hearing

The Party is entitled to **reasonable notice** of the hearing pursuant to the *SPPA*. The Notice of Hearing shall be sent to the Party within sufficient time to allow the Party to prepare for the hearing.

Policy Recommendation: *To ensure that reasonable notice is given, it is recommended that prior to sending the Notice of Hearing, the Party be consulted to determine an agreeable date and time based on the CA's regular meeting schedule.*

In cases where the Authority (or designated Staff) intends to refuse a request for a Permit extension, the Permit Holder must be given **at least** 5 days' notice of the hearing date, per ss. 11(6) of O. Reg. 41/24. This represents the minimum notice, and other timelines provided in these guidelines may influence the total notice period (e.g., timelines associated with pre-submission of reports).

The Notice of Hearing must contain or append the following:

- (a) Reference to the applicable legislation under which the hearing is to be held (i.e., the *Conservation Authorities Act*).
- (b) The time, place and the purpose of the hearing (i.e., intent to refuse Application or request for extension, intent to attach conditions, intent to cancel a Permit, and Stop Order).

OR for Electronic Hearings: The time, purpose of the hearing, and details about the manner in which the hearing will be held. For Electronic Hearings, the Notice must also contain a statement that the Party should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority will assume the Party has no objection to the electronic hearing if no such notification is received.

- (c) Particulars to identify the Party, property, and the nature of the matter that forms the subject of the hearing.

Note: *For hearings related to the intent to refuse an Application or attach conditions to a Section 28.1 or 28.1.2 Permit, if the Applicant is not the landowner but the prospective owner, the Applicant must have written authorization from the registered landowner. In these circumstances, landowner authorization should be established further to being a requirement for submission of a complete application, as stated in subsection 7(1)(h) of O. Reg. 41/24.*

- (d) Reasons for the decision / Staff recommendation / action.

Note: Reasons shall be specifically stated. Written reasons should be clear and concise and contain sufficient detail to enable the Party to understand the issues so he or she can be adequately prepared for the hearing.

It is sufficient to reference in the Notice of Hearing that the decision / Staff recommendation is based on the reasons outlined in previous correspondence or a hearing report that will follow.

- (e) A statement notifying the Party that the hearing may proceed in the Party's absence and that the Party will not be entitled to any further notice of the proceedings.

Note: Except in extreme circumstances, it is recommended that the hearing not proceed in the absence of the Party.

- (f) Reminder that the Party is entitled to be represented at the hearing by a representative such as legal counsel, if desired.

Note: The Authority may also be represented at the hearing by counsel or Staff.

- (g) Reminder of protections afforded to the Party under the *Evidence Act*, R.S.O 1990, c. E.23 and the *Canada Evidence Act*, R.S.C., 1985, c. C-5 regarding information provided during hearings (see s. 3.6(a)).
- (h) A copy of the Authority's Hearing Guidelines.

Policy Recommendation: It is recommended that the Notice of Hearing be directed to the Party and/or landowner, by registered mail, and other methods as determined advisable (e.g., e-mail). Please refer to **Appendices A to E** for Notice of Hearing examples.

3.3 Pre-submission of Reports

Staff may prepare and submit a written report to the Hearing Board in advance of the hearing. A copy of the Staff report will be shared with the Party. The Party shall be provided with the same opportunity to submit a written report to the Hearing Board.

Note: The above-noted policy is applicable where it is the practice of the Authority to submit reports to the Hearing Board members in advance of the hearing (i.e., inclusion on an Authority / Executive Committee agenda). In such instances, the **Party shall be given at least two weeks** to prepare a report once the reasons for the Staff recommendations have been received. Subsequently, this may affect the timing and scheduling of the Staff hearing reports.

4.0 HEARING

4.1 Public Hearing

Pursuant to the SPPA, hearings, including electronic hearings, are required to be held in public (“open to the public”). For electronic hearings, public attendance should be synchronous with the hearing.

A hearing or part of a hearing may be closed to the public in accordance with the SPPA or the Authority’s Administrative By-Laws (e.g., where the Hearing Board is of the opinion that public security matters, intimate financial matters, personal matters, or other matters would be disclosed at the hearing).

4.2 Hearing Participants

The Act does not provide for third party status at the hearing. Any information related to the matter that forms the subject of the hearing provided by third parties must be incorporated within the presentation of information by, or on behalf of, the Party or Staff as appropriate.

4.3 Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, members of the Hearing Board who will make a Hearing decision must be present during the full course of the hearing. If it is necessary for a member to leave, the remaining members can continue with the hearing and render a decision, provided quorum is maintained.

4.4 Adjournments

The Hearing Board may adjourn a hearing on its own motion or that of the Party or Staff where it is satisfied that an adjournment is necessary for an adequate hearing to be held. While adjourned, members of the Hearing Board shall not discuss the matter that is the subject of the hearing.

Any adjournments form part of the hearing record.

4.5 Orders and Directions

In accordance with ss. 9 (2) of the SPPA, a Hearing Board is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes.

Note: Example Hearing Procedures are included in **Appendix F**.

4.6 Information Presented at Hearings

- (a) The SPPA requires that a Witness be informed of their right to object pursuant to the *Evidence Act*, R.S.O. 1990, c. E.23 ("Evidence Act") and the *Canada Evidence Act*, R.S.C., 1985, c. C-5 ("CEA"). The *Evidence Act* and CEA indicate that **any answers provided by a Witness during the hearing are not admissible against the Witness in any criminal trial or proceeding**.

Note: This information should be provided to the Party as part of the Notice of Hearing.

- (b) Information [**is / is not**] presented under oath or affirmation.

Note: It is the decision of the Hearing Board as to whether information is presented under oath or affirmation. It is not a legal requirement. The Party must be informed of the above, prior to or at the start of the hearing.

- (c) The Hearing Board may authorize receiving a copy rather than the original document. However, the Hearing Board can request certified copies of the document if required.
- (d) Privileged information, such as solicitor/client correspondence, cannot be heard.
- (e) Information that is not directly within the knowledge of the speaker (hearsay) can be heard if relevant to the issues of the hearing.
- (f) The Hearing Board may take into account matters of common knowledge (e.g., geographic or historic facts, times, measures, weights, etc.) or generally recognized scientific or technical facts, information or opinions within its specialized knowledge without hearing specific information to inform their decision.
- (g) Staff and the Party shall not present new information at the hearing that has not been

submitted to the Hearing Board and the other Party.

4.7 Conduct of Hearing

4.7.1 Record of Attending Hearing Board Members

Attendance of Hearing Board members shall be recorded at the opening of the hearing.

4.7.2 Opening Remarks

The Chairperson shall convene the hearing with opening remarks which generally; identify the Party, the nature of the matter that forms the subject of the hearing (e.g., Application, Permit, Stop Order), and the property location; outline the hearing procedures; and advise on requirements of the *Evidence Act* and the *CEA*.

In an electronic hearing, all the parties and the members of the Hearing Board must be able to clearly hear one another and any Witnesses throughout the hearing.

Note: *Model Opening Remarks are provided in Appendices G-K.*

4.7.3 Presentation of Staff Information

Staff present reasons for their recommendations/decision associated with refusal or conditions of approval of the Permit Application, refusal of Permit extensions, cancellations or Stop Orders; in addition to providing legislative/regulatory background and case background. Any reports, documents or plans that form part of the presentation shall be properly indexed and received.

Note: *Consideration should be given to the designation of one Staff member or legal counsel who coordinates the presentation of information and asks questions on behalf of all Staff. Additional Staff may participate as required (e.g., technical Staff).*

4.7.4 Presentation of Party Information

The Party has the opportunity to present information at the conclusion of the Staff presentation. Any reports, documents, or plans which form part of the submission should be properly indexed and received.

The Party shall present information as it applies to the purpose of the hearing (e.g., related to activities covered by the permit application, permit conditions, activities subject to a Stop Order, etc.).

- The Party may be represented by legal counsel or agent, if desired.
- The Party may present information to the Hearing Board and/or have invited advisors to present information to the Board.
- The Party's presentation may include technical Witnesses, such as an engineer, ecologist, hydrogeologist, etc.

4.7.5 Questions

Members of the Hearing Board may direct questions to each speaker as the information is being heard. The Party and/or agent can make any comments or questions on the Staff report.

Pursuant to the SPPA, the Hearing Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented.

Note: *The courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.*

4.7.6 Deliberation

After all the information is presented, the Hearing Board may debate and vote in open session or may adjourn the hearing and retire in private to confer. Legal counsel may be secured to advise the Hearing Board when conferring in private. The Board may reconvene on the same date or at some later date to advise of their decision. The Hearing Board members shall not discuss the hearing with others prior to the decision of the Board being finalized.

5.0 DECISION

Hearing participants must receive written notice of the Hearing Board's decision. The Hearing Board shall itemize and record information of particular significance which led to their decision.

Note: *It is important that the person who requested the hearing has a clear understanding of the decision, as well as the Party's right to appeal the decision to the Ontario Land Tribunal, the Minister, or other prescribed body (as appropriate and in accordance with the CAA and O. Reg. 41/24). See Appendices L-P for sample Notice of Decision letters.*

Table 2 below summarizes the Hearing Board decision powers in accordance with the Act and O. Reg. 41/24, as well as associated appeal rights for the Party.

Table 2: Hearing Board Decision Powers and Associated Appeal Mechanisms¹²

Hearing Scenario	Hearing Board Decision Powers	Appeal Rights
Considering Refusal or Attaching Conditions (Section 28.1 Permit)	(a) Issue the Permit; (b) Issue the Permit subject to conditions; or, (c) Refuse the Permit.	Request Minister's Review within 15 days after receiving Authority's decision (CAA, ss. 28.1 (8)); or, Appeal to the OLT within 90 days of receiving the Authority's decision (in accordance with CAA requirements) (CAA, ss. 28.1 (20) (21)).
Considering Attaching Conditions (Section 28.1.2 Permit)	(a) Issue the Permit; or, (b) Issue the Permit subject to conditions.	Request Minister's Review within 15 days after receiving Authority's reasons for conditions (CAA, ss. 28.1.2 (9)); or, Appeal to the OLT within 90 days of receiving the Authority's reasons for conditions (in accordance with CAA requirements) (CAA, ss. 28.1.2(14) (15)).
Considering Cancellation (Section 28.1 or 28.1.1 Permit)	(a) Confirm decision to cancel Permit; (b) Rescind decision to cancel Permit; or, (c) Vary decision to cancel Permit.	Appeal to the OLT within 90 days after receiving the Authority's decision (CAA, ss.28.3(6))
Considering Extension (Section 28.1 or 28.1.2 Permit)	(a) Confirm the refusal of the extension; or, (b) Grant an extension for such period of time as it deems appropriate, as long as the total period of	No appeal mechanism.

¹² Note: The information presented in this table is a summary. For full details, please review the relevant sections of the *Conservation Authorities Act* and O. Reg. 41/24

	validity of the Permit does not exceed the applicable maximum period specified in O. Reg. 41/24.	
Considering Stop Order (Section 30.4)	<ul style="list-style-type: none"> (a) Confirm the order; (b) Amend the order; or, (c) Remove the order, with or without conditions. 	Appeal to the Minister or a body prescribed by the regulations within 30 days after receiving the Authority's decision (CAA, ss. 30.4(9))

5.1 Notice of Decision

The Notice of Decision should include the following information:

- (a) The identification of the person who requested the hearing, property, and the purpose of the hearing (i.e., Application for a Permit, attaching Permit conditions, request for Permit extension, Stop Order, or cancellation of Permit).
- (b) The decision (as indicated in Table 2 above).
- (c) Written reasons for the decision.

Note: *Written reasons for the decision must be clearly outlined in plain language.*

- (d) A copy of the Hearing Board resolution.
- (e) Notice of the Party's right to appeal (as indicated in Table 2 above).

Note: *It is recommended that the written Notice of Decision be forwarded to the Party by registered mail, and other methods as determined advisable (e.g., e-mail). See Appendices L-P for sample Notice of Decision letters.*

5.2 Adoption

The Hearing Board shall adopt a resolution containing the decision and any particulars of the decision.

6.0 RECORD

The Authority shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the OLT or Minister (as appropriate).

The record must include the following:

- (a) As applicable, copies of the Application for the Permit, the Permit issued, notice of cancellation, or Stop Order that was the subject of the hearing;
- (b) The Notice of Hearing;
- (c) Any orders made by the Hearing Board (e.g., adjournments);
- (d) All information received by the Hearing Board;
- (e) Attendance of Hearing Board members;
- (f) The decision and written reasons for decisions of the Hearing Board; and,
- (g) The Notice of Decision sent to the Party.

Appendix A

NOTICE OF HEARING

IN THE MATTER OF

The Conservation Authorities Act,

R.S.O. 1990, Chapter 27

AND IN THE MATTER OF a permit application by

MADE TO THE XX CONSERVATION AUTHORITY

Pursuant to section 28.1, subsection 5 of the said Act

TAKE NOTICE THAT a Hearing before the [Executive Committee / Board of Directors] of the [Conservation Authority] will be held under section 28.1, subsection 5 of the *Conservation Authorities Act* at the offices of the said Authority [ADDRESS], at the hour of **[TIME], on the day of [DATE], 202X**, *[for electronic hearings, include details about the manner in which the hearing will be held]* with respect to the application by **[NAME]** to permit development within an area regulated by the Authority in order to ensure **the activity is not likely to [affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property]** on Lot , Plan/Lot , Concession , [STREET] in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the [Executive Committee / Board of Directors] for the meeting of **[meeting number]**. If you intend to appear *[For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice]*, please contact **[NAME]**. Written material will be required by **[DATE]**, to enable the [Committee / Board] members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the

automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the affect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the [Executive Committee / Board of Directors] of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the _____ day of, _____ 202X

The [Executive Committee / Board of Directors] of the

Conservation Authority

Per:

[Chair of Hearing Board / Chief Administrative Officer / Secretary-Treasurer]

Appendix B

NOTICE OF HEARING

IN THE MATTER OF
The Conservation Authorities Act,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF a permit application by

MADE TO THE
XX CONSERVATION AUTHORITY

Pursuant to section 28.1.2, subsection 7 of the said Act

TAKE NOTICE THAT a Hearing before the [Executive Committee / Board of Directors] of the [Conservation Authority] will be held under section 28.1.2, subsection 7 of the *Conservation Authorities Act* at the offices of the said Authority [ADDRESS], at the hour of [TIME], **on the day of [DATE], 202X**, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the application by [NAME] to permit development within an area regulated by the Authority in association with a Minister's Zoning Order [REGULATION NUMBER] on Lot , Plan/Lot , Concession , [STREET] in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the [Executive Committee / Board of Directors] for the meeting of (**meeting number**). If you intend to appear [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact [NAME]. Written material will be required by [DATE], to enable the [Committee / Board] members to review the material prior to the meeting.

TAKE NOTICE THAT pursuant to section 28.1.2, subsection 3 of the *Conservation Authorities Act*, a Conservation Authority is required to grant the permit applied for and may only impose conditions to the permit, provided all legislative requirements are met. The Hearing will therefore focus on the conditions to be imposed to the granting of the permit.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil

proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the affect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the [Executive Committee / Board of Directors] of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the _____ day of , _____ 202X

The Executive Committee of the Conservation Authority

Per:

[Chair of Hearing Board / Chief Administrative Officer /
Secretary-Treasurer]

Appendix C

NOTICE OF HEARING

IN THE MATTER OF
The Conservation Authorities Act,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF a Stop Order

Issued by the
XX CONSERVATION AUTHORITY
Pursuant to Section 30.4, Subsection 6 of the said Act

TAKE NOTICE THAT a Hearing before the [Executive Committee / Board of Directors] of the [Conservation Authority] will be held under section 30.4, subsection 6 of the *Conservation Authorities Act* at the offices of the said Authority [ADDRESS], at the hour of [TIME], **on the day of [DATE], 202X**, *[for electronic hearings, include details about the manner in which the hearing will be held]* with respect to a **Stop Order** issued to [NAME] on [date Stop Order was issued]. The Stop Order requires [NAME] to **[stop engaging in or to not to engage]** in the following activity(ies) on Lot , Plan/Lot , Concession , [STREET] in the City of , Regional Municipality of , River Watershed:

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the [Executive Committee / Board of Directors] for the meeting of **[meeting number]**. If you intend to appear [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact [NAME]. Written material will be required by [DATE], to enable the [Committee / Board] members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the affect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend this Hearing, the [Executive Committee / Board of Directors] of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the _____ day of , _____ 202X

The Executive Committee of the
Conservation Authority

Per:

[Chair of Hearing Board / Chief Administrative Officer / Secretary-Treasurer]

Appendix D

NOTICE OF HEARING

IN THE MATTER OF

The Conservation Authorities Act,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF cancellation of Permit Number ##

Issued by the

XX CONSERVATION AUTHORITY

Pursuant to Section 28.3, Subsections 2, 3, AND 4 of the said Act

TAKE NOTICE THAT a Hearing before the [Executive Committee / Board of Directors] of the [Conservation Authority] will be held under Section 28.3, subsection 4 of the *Conservation Authorities Act* at the offices of the said Authority [ADDRESS], at the hour of [TIME], on the day of [DATE], 202X, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the '**Notice of Intent to Cancel Permit Number XX**' issued to [NAME] on [DATE the Intent to Cancel Notice was issued] that permits development within an area regulated by the Authority on Lot , Plan/Lot , Concession , [STREET] in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the [Executive Committee / Board of Directors] for the meeting of [**meeting number**]. If you intend to appear [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact [NAME]. Written material will be required by [DATE], to enable the [Committee / Board] members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the affect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend this Hearing, the [Executive Committee / Board of Directors] of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the _____ day of , _____ 202X

The Executive Committee of the
Conservation Authority

Per:

[Chair of Hearing Board / Chief Administrative Officer / Secretary-Treasurer]

Appendix E

NOTICE OF HEARING

IN THE MATTER OF

The Conservation Authorities Act,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF refusal of a request for an extension to the period of validity for Permit Number ##

Issued by the
XX CONSERVATION AUTHORITY

Pursuant to Section 11, Subsections. 4, 5, AND 6 of Ontario Regulation 41/24,
made pursuant to Section 40, Subsection 4
of the said Act

TAKE NOTICE THAT a Hearing before the [Executive Committee / Board of Directors] of the Conservation Authority will be held under section 11, subsection 6 of O. Reg. 41/24 at the offices of the said Authority [ADDRESS], at the hour of [TIME], on the day of [DATE], 202X, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to a 'Request for Permit Extension' for Permit Number ## issued to [NAME] on [DATE] that permits development within an area regulated by the Authority on Lot , Plan/Lot , Concession , [STREET] in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the [Executive Committee /Board of Directors] for the meeting of [meeting number]. If you intend to appear [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact [NAME]. Written material will be required by [DATE], to enable the [Committee / Board] members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness

requires the protection of the *Canada Evidence Act* that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the affect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the [Executive Committee / Board of Directors] of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the _____ day of , _____ 202X

The Executive Committee of the Conservation Authority

Per:

[Chair of Hearing Board / Chief Administrative Officer /
Secretary-Treasurer]

Appendix F

HEARING PROCEDURES

1. Motion to sit as Hearing Board.
2. Roll Call followed by the Chairperson's opening remarks. For electronic hearings, the Chairperson shall ensure that all parties and the Hearing Board are able to clearly hear one another and any Witnesses throughout the hearing.
3. Staff will introduce to the Hearing Board the Party and their agent and others wishing to speak.
4. Staff will indicate the nature and location of the subject matter [Application / issued Permit / Stop Order] and the conclusions.
5. Staff will present the Staff report included in the Authority/Executive Committee agenda.
6. The Party and/or their agent will present their material
7. Staff and/or the Conservation Authority's agent may question the Party and/or their agent (through the Chair) if reasonably required for a full and fair disclosure of matters presented at the Hearing.¹³
8. The Party and/or their agent may question the Conservation Authority Staff and/or their agent (through the Chair) if reasonably required for full and fair disclosure of matters presented at the Hearing.¹⁴
9. The Hearing Board will question, if necessary, both the Staff and the Party/agent.
10. The Hearing Board will move into deliberation. The Hearing Board may also adjourn the

¹³ As per the SPPA a tribunal may reasonably limit further examination or cross-examination of a Witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

¹⁴ As per the SPPA a tribunal may reasonably limit further examination or cross-examination of a Witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

hearing and retire in private to confer. For electronic meetings, the Hearing Board will deliberate in a manner consistent with practices for in-person hearings (e.g., open vs closed session).

11. Members of the Hearing Board will move and second a motion.
12. A motion will be carried which will culminate in the decision.
13. The Hearing Board will move out of deliberation. For electronic meetings, the Hearing Board will reconvene with other participants.
14. The Chairperson or Acting Chairperson will advise the Party of the Hearing Board decision.
15. The Chairperson or Acting Chairperson shall notify the Party of their right to appeal the decision to the Ontario Land Tribunal, Minister, or other prescribed body (as applicable) upon receipt of the reasons for decision, in accordance with the provisions and timelines outlined in the Conservation Authorities Act and Ontario Regulation 41/24 (*see sample Notices of Decision for more detail*).
16. Motion to move out of Hearing Board and sit as Full Authority / Executive Committee.

Appendix G

CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS (Section 28.1, Subsection 5 of the Conservation Authorities Act) Permit Application, with or without conditions

We are now going to conduct a hearing under section 28.1, subsection 5 of the Conservation Authorities Act in respect of an application for a permit by *[applicant name]* to *[details of proposed works]*.

Section 28.1, subsection 1 of the Conservation Authorities Act provides that an Authority may issue a permit to a person to engage in an activity that would otherwise be prohibited by section 28, subsection 1 of the Act, in an area regulated by the Authority, if in the opinion of the Authority, the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and any other requirements that may be prescribed by the regulations are met.

Staff have reviewed this proposed work and prepared a staff report, a copy of which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under section 28.1, subsection (5) of the Conservation Authorities Act, the person applying for a permit has the right to a hearing before the Authority [or as delegated to the Authority's Executive Committee or any other person or body, subject to limitations or requirements that may be prescribed by the regulation].

In holding this hearing, the Authority/Executive Committee is to determine whether or not a permit is to be issued, with or without conditions. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under section 9 of the Evidence Act and section 5 of the Canada Evidence Act, any witness called may object to answer any question on the ground that the answer may tend to incriminate the person or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the Hearing Board.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

Appendix H

CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS (Section 28.1.2, Subsection 7 of the Conservation Authorities Act) Mandatory Permits, Zoning Orders

We are now going to conduct a hearing under section 28.1.2, subsection 7 of the Conservation Authorities Act in respect of an application for a permit by [applicant name] to [details of proposed works].

Under section 28.1.2, subsection 3 of the Conservation Authorities Act, an Authority that receives an application for a permit to carry out a development project in the Authority's area of jurisdiction shall issue the permit if an order has been made by the Minister of Municipal Affairs and Housing under section 47 of the Planning Act authorizing the development project under that Act; and the lands in the Authority's area of jurisdiction on which the development project is to be carried out are not located in the Greenbelt Area designated under section 2 of the Greenbelt Act, 2005; and such other requirements as may be prescribed are satisfied.

Furthermore, section 28.1.2, subsection 6 allows an Authority to attach conditions to such permits, including conditions to mitigate: any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; or any other matters that may be prescribed by regulation.

Staff have reviewed this proposed work and prepared a staff report, including the proposed conditions of approval for the proposed work, which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under section 28.1.2, subsection 7 of the Conservation Authorities Act, the person applying for a permit has the right to a hearing before the Authority [or as delegated to the Authority's Executive Committee or any other person or body, subject to limitations or requirements that may be prescribed by the regulation].

In holding this hearing, the Authority Board/Executive Committee is to determine the prescribed conditions, if any, to be attached to the approved permit. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under section 9 of the Evidence Act and section 5 of the Canada Evidence Act, any witness called may object to answer any question

on the ground that the answer may tend to incriminate the person or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

Appendix I

CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS (Section 30.4, Subsection 6 of the Conservation Authorities Act) To Consider a Stop Order

We are now going to conduct a hearing under section 30.4, subsection 6 of the Conservation Authorities Act in respect to a Stop Order issued to [Party] on [Date], 20XX.

In accordance with section 30.4, subsection 1 of the Act, [NAME] was served with a Stop Order by an officer of the Authority because the officer believed [NAME] **[had engaged / was about to engage]** in an activity that **[has contravened/will contravene]** the Act or a regulation made under the Act; **and/or** the conditions of **Permit Number XXX**.

Furthermore, the officer believes that the activity **[has caused / is likely to cause]** significant damage and the damage **[affects / is likely to affect]** the control of flooding, erosion, dynamic beaches or unstable soil or bedrock **and/or** in the event of a natural hazard, the damage **has created / is likely** to create conditions or circumstances that might jeopardize the health and safety of persons or result in damage or destruction of property; and that, the order will prevent or reduce said damage.

Section 30.4, subsection 6 of the Act requires that a person who is served with a Stop Order be provided with an opportunity to request and attend a hearing before the Authority.

The Staff have prepared a report, a copy of which has been given to the [APPELLANT NAME] and the Board. The [APPELLANT NAME] was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

In accordance with section 30.4, subsection 7 of the Act, after holding the hearing, the Authority shall confirm the order, amend the order, or remove the order with or without conditions. In doing so, we can only consider the information in the form that is before us, the staff report, such evidence as may be given, and the submissions to be made on behalf of [APPELLANT NAME]. Only information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under section 9 of the Evidence Act and section 5 of the Canada Evidence Act, any witness called may object to answer any question on the ground that the answer may tend to incriminate the person or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If [APPELLANT NAME] has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

Appendix J

CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS (Section 28.3, Subsections 4 of the Conservation Authorities Act) To Consider the Cancellation of a Permit

We are now going to conduct a hearing under section 28.3, subsection 4 of the Conservation Authorities Act to consider the cancellation of permit number ## issued to [Permit Holder], on [Date], 20XX.

In accordance with section 28.3, subsection 1 of the Act, the Authority notified the permit holder of the intent to cancel permit number ### by [Date], 20## because, it is the opinion of the Authority, the conditions of the permit have not been met; **or** that the circumstances prescribed by regulation exist (**include detail here if applicable**).

Section 28.3, subsection 3 of the Act provides that a permit holder may request a hearing within 15 days of receiving the Authority's intent to cancel a permit.

The Staff have prepared a report, a copy of which has been given to the permit holder and the Board. The permit holder was invited to file material in response to the Staff report, a copy of which has also been provided to the Board.

In accordance with section 28.3, subsection 5 of the Act, after holding the hearing, the Authority may confirm, rescind or vary the decision to cancel the permit. In doing so, we can only consider the information in the form that is before us, the Staff report, such evidence as may be given, and the submissions to be made on behalf of the permit holder. Only information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under section 9 of the Evidence Act and section 5 of the Canada Evidence Act, any witness called may object to answer any question on the ground that the answer may tend to incriminate the person or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the permit holder has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

Appendix K

CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS

(Section 11, Subsection 6 of Ontario Regulation 41/24, made pursuant to Section 40, Subsection 4 of the Conservation Authorities Act)

To Consider an Extension to the Period of Validity of a Permit

We are now going to conduct a hearing under section 11, subsection 6 of Ontario Regulation 41/24, made under section 40, subsection 4 of the Conservation Authorities Act regarding a request for extension of permit number ## issued to [Permit Holder].

Section 11, subsections 4 and 5 of Ontario Regulation 41/24 provides that a permit holder may request a hearing to consider their request to extend the period of validity of a permit issued under section 28.1 or 28.1.2 of the Act within 15 days of receiving notice that the Authority intends to refuse a request for extension.

The Staff have prepared a report, a copy of which has been given to the permit holder and the Board. The permit holder was invited to file material in response to the Staff report, a copy of which has also been provided to the Board.

In accordance with section 11, subsection 7 of the Regulation, after holding the hearing, the Authority may confirm the refusal of the extension or grant an extension for a time deemed appropriate, provided the total period of validity of the permit does not exceed the applicable maximum period of 60 months prescribed by Regulation. In doing so, we can only consider the information in the form that is before us, the Staff report, such evidence as may be given, and the submissions to be made on behalf of the permit holder. Only information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under section 9 of the Evidence Act and section 5 of the Canada Evidence Act, any witness called may object to answer any question on the ground that the answer may tend to incriminate the person or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the permit holder has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

Appendix L

Sample Notice of Decision (Refusal / Attaching Conditions)

(Date)

BY REGISTERED MAIL

(name)

(address)
ss)

Dear:

RE: NOTICE OF DECISION

Hearing Pursuant to Section 28.1, Subsection 5 of the Conservation Authorities Act
Proposed Residential Development
Lot , Plan ; [Address], [City/Town]
[Application #]

In accordance with the requirements of the Conservation Authorities Act, the [**Conservation Authority**] provides the following Notice of Decision:

On *[meeting date and number]*, the [Authority/Executive Committee] [refused application/approved application/approved application with conditions]. A copy of the [Authority/Executive Committee] resolution has been attached for your records. Please note that this decision is based on the following reasons:

[Provide specific and clear reasons for refusal or attaching conditions relevant to the application in accordance with ss. 28.1 (7) of the Act]

In accordance with s. 28.1 of the Conservation Authorities Act, an applicant who has been refused a permit or a permit holder who objects to conditions imposed on a permit by the Authority may submit a request for a Minister's Review of this decision to the Minister of Natural Resources, or may appeal this decision to the Ontario Land Tribunal. These options are further described below:

1. Within 15 days of receiving the reasons for the Authority's decision, submit a request to the Minister to review the Authority's decision. If a request for a Minister's review is submitted, the Minister will indicate in writing whether or not they intend to conduct a review of the Authority's decision. This notice will be provided within 30 days of receiving the request. If the

Minister does not reply within 30 days, this is deemed to be an indication that the Minister does not intend to review the Authority's decision.

The Minister may, in accordance with section 28.1 (15) of the Act, confirm or vary the Authority's decision, or make any decision the Minister considers appropriate, including issuing a permit subject to conditions. Per subsection 28.1(19) of the *Conservation Authorities Act*, a decision made by the Minister is final; or,

2. Appeal to the OLT within 90 days of receiving the reasons for the Authority's decision, provided that:
 - a. the applicant/permit holder has not submitted a request for Minister's review; or,
 - b. the applicant/permit holder has submitted a request for Minister's review, and:
 - i. the Minister refused to conduct a review further to a request made under ss. 28.1 (8) of the Act; or,
 - ii. 30 days have lapsed since the applicant/permit holder submitted a request for Minister's review and the Minister has not replied; or,
 - iii. If, further to a request for review made under ss. 28.1 (8) of the Act, the Minister indicates their intent to review a decision and the Minister fails to make a decision within 90 days of giving the reply, the applicant/permit holder may, within the next 30 days, appeal the Authority's decision directly to the OLT.

For your information, should you wish to exercise your right for a Minister's review or appeal to the OLT, your requests can be forwarded to:

For Minister's Review:

[Hon. Graydon Smith](#)

[Witney Block](#)

[99 Wellesley Street West](#)

[Toronto ON M7A 1W3](#)

Phone: 416-314-2301

Email: minister.mnrf@ontario.ca

For Appeal to Ontario Land Tribunal:

Ontario Land Tribunal

655 Bay Street, Suite 1500

Toronto ON M5G 1E5

Phone: 416-212-6349 or 866-448-2248

Email: OLT.General.Inquiry@ontario.ca

[Information on Filing an Appeal Link](#)

A copy of this request should also be sent to this Conservation Authority. Should you require any further information, please do not hesitate to contact **[staff contact]** or the undersigned.

Yours truly,

Appendix M

Sample Notice of Decision (Attaching Conditions, Minister's Zoning Order Permits)

(Date)

BY REGISTERED MAIL

(name)
(address)
ss)

Dear:

RE: NOTICE OF DECISION

Hearing Pursuant to Section 28.1.2, Subsection 7 of the Conservation Authorities Act

**Proposed Residential Development
Lot , Plan ; [Address] [City/Town]
[Application #]**

In accordance with the requirements of the Conservation Authorities Act, the **[Conservation Authority]** provides the following Notice of Decision:

On [meeting date and number], the [Authority/Executive Committee] approved permit number ### [with conditions / without conditions]. A copy of the [Authority/Executive Committee] resolution has been attached for your records. Please note that this decision is based on the following reasons:

[Provide specific and clear reasons for attaching conditions relevant to the application in accordance with ss. 28.1.2 (8) of the Act]

In accordance with the Conservation Authorities Act, a permit holder who objects to conditions imposed on a permit by the Authority may submit a request for a Minister's Review of this decision to the Minister of Natural Resources, or may appeal this decision to the Ontario Land Tribunal. These options are further described below:

1. Within 15 days of receiving the reasons for the Authority's decision, submit a request to the Minister to review the conditions. If a request for a Minister's review is submitted, the Minister will indicate in writing whether or not they intend to conduct a review of the conditions. This notice will be provided within 30 days of receiving the request. If the Minister does not reply within 30 days, this is deemed to be an indication that the Minister does not intend to review the Authority's decision.

The Minister may, in accordance with section 28.1.2 (11) of the Act, confirm or vary the conditions attached by the Authority to a permit, including removing conditions or requiring that such additional conditions be attached to the permit as the Minister considers appropriate. Per subsection 28.1.2 (13) of the *Conservation Authorities Act*, a decision made by the Minister is final; or,

2. Appeal to the OLT within 90 days of receiving the reasons for the Authority's decision, provided that:
 - a) the permit holder has not submitted a request for Minister's review; or,
 - b) the permit holder has submitted a request for Minister's review, and:
 - i. the Minister refused to conduct a review further to a request made under ss. 28.1.2 (9) of the Act; or,
 - ii. 30 days have lapsed since the permit holder submitted a request for Minister's review and the Minister has not replied; or,
 - iii. If, further to a request for review made under ss. 28.1.2 (9) of the Act, the Minister indicates their intent to review a decision and the Minister fails to make a decision within 90 days of giving the reply, the permit holder may, within the next 30 days, appeal the conditions attached by the Authority directly to the OLT.

For your information, should you wish to exercise your right for a Minister's review, or appeal to the OLT, your requests can be forwarded to:

For Minister's Review:

[Hon. Graydon Smith](#)

[Witney Block](#)

[99 Wellesley Street West](#)

[Toronto ON M7A 1W3](#)

Phone: 416-314-2301

For Appeal to Ontario Land Tribunal:

Ontario Land Tribunal

655 Bay Street, Suite 1500

Toronto ON M5G 1E5

Phone: 416-212-6349 or 866-448-2248

Email: OLT.General.Inquiry@ontario.ca

A copy of this request should also be sent to this Conservation Authority. Should you require any further information, please do not hesitate to contact [**staff contact**] or the undersigned.

Yours truly,

[Chair of Hearing Board / Chief Administrative Officer / Secretary-Treasurer]

Enclosure

Appendix N

Sample Notice of Decision (Stop Order)

(Date)

BY REGISTERED MAIL

(name)

(address)
ss)

Dear:

RE: NOTICE OF DECISION

Hearing Pursuant to Section 30.4, Subsection 6 of the Conservation Authorities Act

Stop Order

Lot , Plan ; [Address], [City/Town]

[Application # or Permit #]

[Stop Order #]

In accordance with the requirements of the Conservation Authorities Act, the [**Conservation Authority**] provides the following Notice of Decision:

On [meeting date and number], the [Authority/Executive Committee] [**confirmed the Stop Order, amended the Stop Order, or removed the Stop Order, with or without conditions**]. A copy of the [Authority / Executive Committee] resolution has been attached for your records. Please note that this decision is based on the following reasons:

[Provide specific and clear reasons for confirming, amending, or removing the order, with or without conditions in accordance with ss. 30.4 (8)]

In accordance with the Conservation Authorities Act, the person who requested the hearing may appeal to the Minister for a review within 30 days after receiving the reasons for the Authority's decision. The Minister (or other prescribed body) may confirm, amend or remove the Stop Order, with or without conditions.

For your information, should you wish to exercise your right for a Minister's review, your request can be forwarded to:

Hon. Graydon Smith
Witney Block
99 Wellesley Street West
Toronto ON M7A 1W3
Phone: 416-314-2301
Email: minister.mnrf@ontario.ca

A copy of this request should also be sent to this Conservation Authority. Should you require any further information, please do not hesitate to contact [**staff contact**] or the undersigned.

Yours truly,

[Chair of Hearing Board / Chief Administrative Officer / Secretary-Treasurer]

Enclosure

Appendix O

Sample Notice of Decision (Cancellation of Permit)

(Date)

BY REGISTERED MAIL

(name)

(address)
ss)

Dear:

RE: NOTICE OF DECISION

**Hearing Pursuant to Section 28.3 , Subsections (2), (3), and (4) of the
Conservation Authorities Act**

Cancellation of Permit

**Lot , Plan ; [Address], [City/Town]
[Permit Number]**

In accordance with the requirements of the Conservation Authorities Act, the [**Conservation Authority**] provides the following Notice of Decision:

On [meeting date and number] the [Authority/Executive Committee] [**confirmed / rescinded / varied**] the decision to cancel permit number ##. A copy of the [Authority / Executive Committee] resolution has been attached for your records. Please note that this decision is based on the following reasons:

[Provide specific and clear reasons for confirming, rescinding or varying the decision to cancel the permit, in accordance with ss. 28.3 (5) of the Conservation Authorities Act]

In accordance with the Conservation Authorities Act, the permit holder may, within 90 days after receiving the reasons for the Authority's decision, appeal the decision to the Ontario Land Tribunal (OLT). The OLT has the authority to take evidence, to confirm, rescind or vary the decision to cancel the permit, with or without conditions.

For your information, should you wish to exercise your right to appeal, section 28.3, subsection 7 of the Act requires that the notice shall be sent to the OLT and to the Authority by registered mail.

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Phone: 416-212-6349 or 866-448-2248
Email: OLT.General.Inquiry@ontario.ca
[Information on Filing an Appeal Link](#)

Should you require any further information, please do not hesitate to contact [**staff contact**] or the undersigned.

Yours truly,

[Chair of Hearing Board / Chief Administrative Officer / Secretary-Treasurer]

Enclosure

Appendix P

Sample Notice of Decision (Permit Extension)

(Date)

BY REGISTERED MAIL

(name)
(address)
(ss)

Dear:

RE: NOTICE OF DECISION

**Hearing Pursuant to Section 11, Subsections 4, 5, and 6 of O. Reg. 41/24,
pursuant to Section 40, Subsection 4 of the Conservation Authorities Act
Request for Permit Extension
Lot , Plan ; [Address], [City/Town]
[Permit Number]**

In accordance with the requirements of the Conservation Authorities Act, the [**Conservation Authority**] provides the following Notice of Decision:

On [meeting date and number], the [Authority/Executive Committee] [**confirmed the refusal of the permit extension / granted the permit extension**]. **Permit number ## shall be valid until [Date], 20##.** A copy of the [Authority/Executive Committee] resolution has been attached for your records. Please note that this decision is based on the following reasons:

[Provide specific and clear reasons relating to the application for refusing or granting the extension, if applicable. In either case, it is best practice to relate the decision to the Conservation Authorities Act tests in ss. 28.1 (1), and ss. 11 (7) of O. Reg. 41/24]

For your information, the Authority's decision is final; there is no legislated appeal process under the *Conservation Authorities Act*.

Should you require any further information, please do not hesitate to contact [**staff contact**] or the undersigned.

Yours truly,

[Chair of Hearing Board / Chief Administrative Officer / Secretary-Treasurer]

Enclosure

APPENDIX E – Environmental Impact Study Terms of Reference



Crowe Valley
c o n s e r v a t i o n

Environmental Impact Study Terms of Reference & Submissions Standards

This document supports Crowe Valley Conservation Authority's role in the municipal plan review process under the Planning Act, R.S.O. 1990, as well as the review of permit applications under the *Conservation Authorities Act* Ontario Regulation 41/24, Prohibited Activities, Exemptions and Permits.

January 2016

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1.0 INTRODUCTION

1.1 Environmental Study – When is it Required?

Under the *Planning Act*, R.S.O. 1990, and in accordance with the Provincial Policy Statement (PPS) (2014) the Crowe Valley Conservation Authority (CVCA) can request an Environmental Impact Study (EIS) to help guide recommendations for applications for development within or adjacent to natural heritage features or areas. These recommendations are provided to the affected municipalities for their consideration. In addition, under the *Conservation Authorities Act Ontario Regulation 41/24, Prohibited Activities, Exemptions and Permits*, CVCA can request an EIS to aid informed decision-making by CVCA on permit applications within or adjacent to a wetland or watercourse. An EIS may need to be updated if the development proposal changes or new natural heritage information becomes available.

This document outlines the EIS Terms of Reference and Submission Standards for proponents, and their consultants, for both municipal planning and permit applications. The intent of these guidelines is to:

1. Provide standardized study guidelines;
2. Improve the quality of submitted reports; and
3. Expedite the review process.

The EIS requirements for the municipal planning process and for the Conservation Authority regulations process are outlined in Figures 1a and 1b.

Note: This document supports Crowe Valley Conservation's role in the municipal plan review process under the *Planning Act*, R.S.O. 1990, as well as the review of permit applications under the *Conservation Authorities Act Ontario Regulation 41/24, Prohibited Activities, Exemptions and Permits*.

Figure 1a. Overview of Environmental Impact Study process for municipal planning development applications under the *Planning Act*.

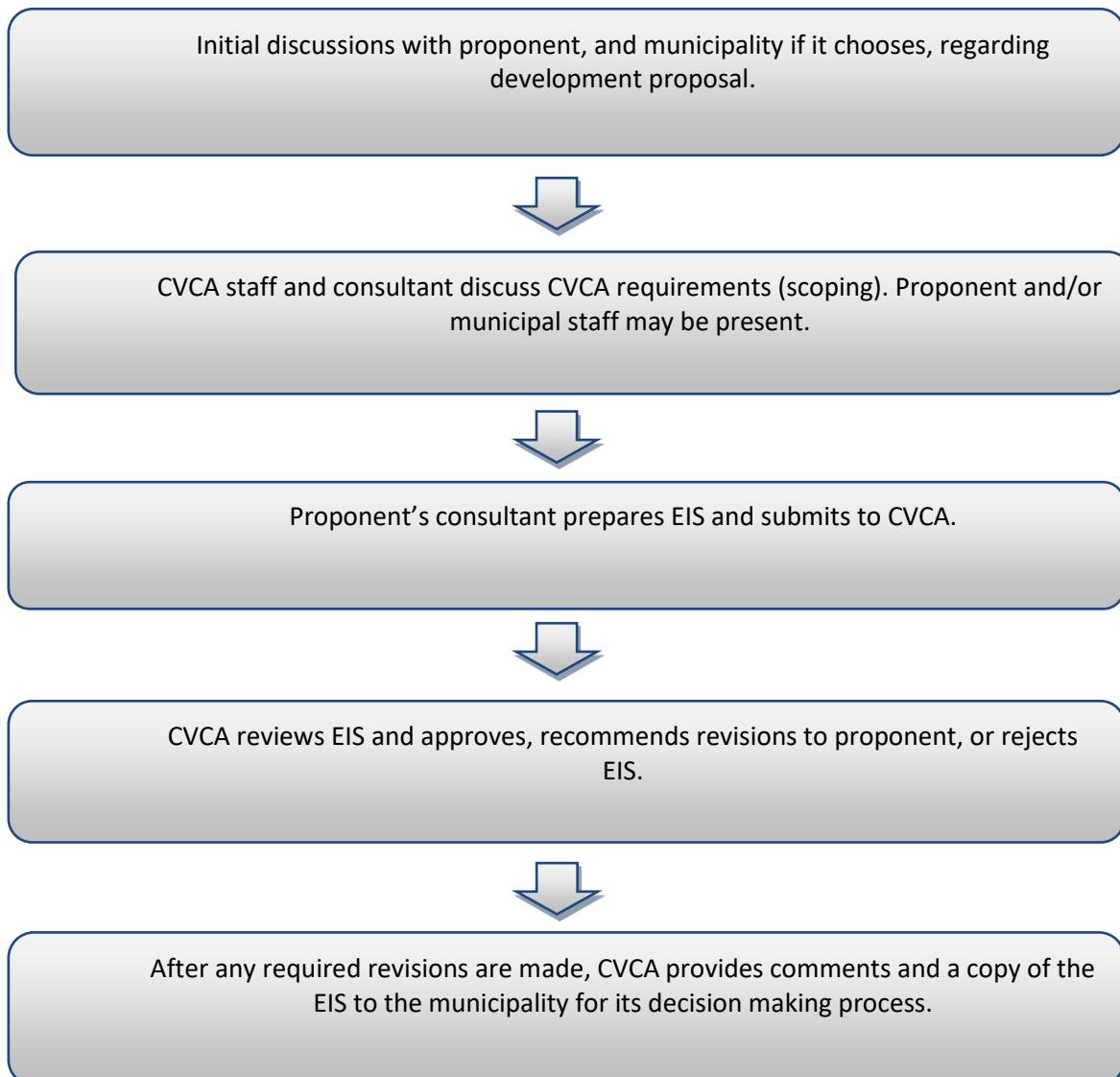
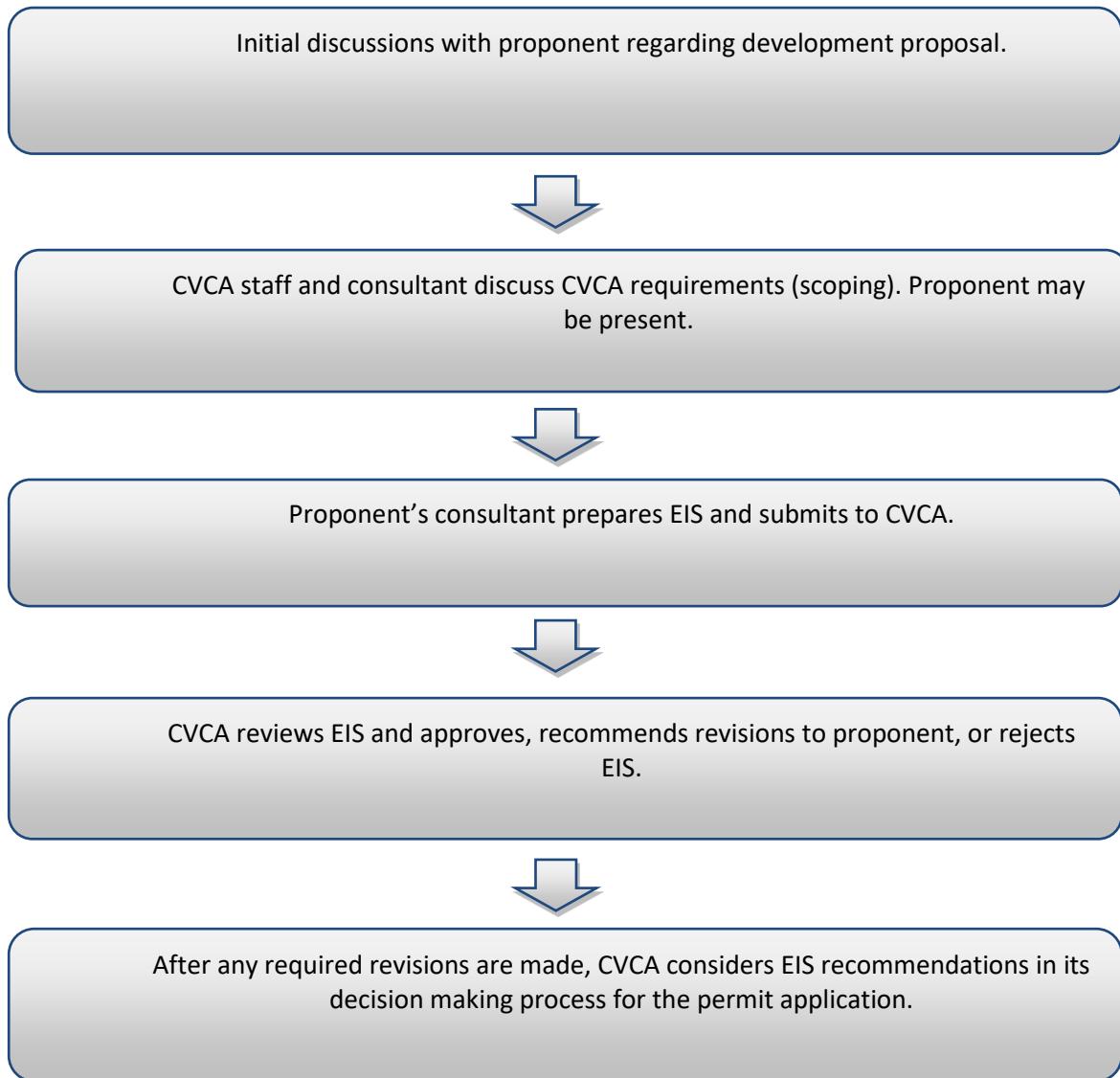


Figure 1b. Overview of Environmental Impact Study process for permit applications under the *Conservation Authorities Act Ontario Regulation 163/06, Development, Interference with Wetlands & Alterations to Shorelines & Watercourses*.



1.2 Environmental Impact Study – What Is It?

An EIS assesses potential impacts of a development proposal within or adjacent to a natural heritage feature or area. This EIS Terms of Reference and Submission Standards document sets out the process for undertaking an EIS when required as part of planning and permit applications. The purpose of the EIS is to ensure the protection of significant¹⁵ natural heritage features and areas, and their functions, including, but not limited to the list below.

- Wetlands, including coastal wetlands
- Habitat of Threatened and Endangered Species
- Areas of Natural and Scientific Interest
- Woodlands
- Valleylands
- Fish Habitat
- Wildlife Habitat

¹⁵ Significant, as defined by the 2014 Provincial Policy Statement means:

- a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources; and
- c) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system.

An EIS may also be requested for proposed development in or adjacent to watercourses and/or wetlands that are not designated as provincially significant, since regard for CVCA Regulations needs to be considered at the planning stage.

An EIS identifies and assesses potential impacts of a proposed development on environmentally sensitive features, adjacent lands and ecological functions, specifying appropriate mitigation measures. It should be based on: a detailed literature review, field investigations, as well as modeling (where appropriate). An EIS may be coordinated with other technical studies (e.g. hydrological, hydrogeological, stormwater management). Lastly, an EIS should provide recommendations for natural heritage protection and ecological enhancement.

1.3 Pre-Consultation – Before Submitting an Application

Pre-consultation is an opportunity for the proponent, municipality and CVCA to discuss the development proposal and identify the issues and concerns surrounding the protection of natural heritage on the subject site. Pre-consultation should occur prior to circulation of the development application to ensure a complete application is submitted under the Planning Act, or under the *Conservation Authorities Act Ontario Regulation 41/24, Prohibited Activities, Exemptions and Permits*.

Note: In some cases (subdivision or site plan application), a Comprehensive EIS may need to be conducted on a watershed or subwatershed scale to identify natural heritage features for protection, potential development areas, and development setbacks that are ecologically sustainable. The natural heritage or environmental management strategies developed through watershed, subwatershed or secondary plans may fulfill these requirements. Should a Comprehensive EIS be required, CVCA will work with the municipality and/or proponent to develop a Terms of Reference.

The intent of pre-consultation is to:

- Review current policy, discuss existing information, data and recommendations provided in other studies, including subwatershed studies that are relevant to the subject lands and the development proposal;
- Determine the scope of EIS that is required based on the significance and sensitivity of the natural heritage features and areas, and their associated functions of the subject site and adjacent lands, and the scale of the proposal;
- Identify future site visit dates to be conducted by the proponent/consultants and agencies to field review and/or stake the natural feature boundaries (e.g., top of bank, wetlands, woodland drip line), potential locations for watercourse crossings, geotechnical hazards, etc.

Both the proponent and CVCA should provide information at the pre-consultation meeting.

- The proponent may provide:
 - Development proposal
 - Preliminary site plan, if available
 - Existing background information
- CVCA may provide:
 - Natural heritage feature and hazardous area mapping
 - Policy documents relevant to subject property
 - Relevant studies and recommendations
 - Information on regulations affecting the subject property
 - Suggestions for modifying development area, to reduce EIS requirements or avoid the need for an EIS altogether

1.4 Why is an EIS Required?

An EIS is generally required when development or site alteration is proposed within or adjacent to an area identified as a natural heritage feature or area either by the province, the municipality, or CVCA. The PPS does not permit development and site alteration on adjacent lands to a significant natural heritage feature and area, unless the ecological functions of those adjacent lands have been evaluated demonstrating no negative development impacts on the features or their ecological functions. For example, development or site alteration proposed within 120 m of a provincially significant wetland (PSW) will trigger an EIS under the PPS.

CVCA generally prohibits development in all wetlands and adjacent lands under its Regulations, not only those considered significant under the PPS. Since regard for our Regulations needs to be considered at the planning stage, CVCA may request an EIS for development in or adjacent to a wetland that is not significant under the PPS.

It is important to note that the submission of an EIS does not guarantee approval of a development or permit application. In some circumstances, CVCA may require a peer review of the EIS, and, like the EIS, the costs incurred to conduct the peer review will be the responsibility of the proponent.

1.5 Qualifications

The qualifications of the individual(s) tasked to complete an EIS must meet minimum standards as set by CVCA. Fieldwork must be completed by qualified professionals with appropriate training, such as the Ministry of Natural Resources Ontario Wetlands Evaluation System and the Ecological Land Classification system, as well as education and experience in biology, ecology, botany or related fields. Specific expertise may be required for specific surveys.

1.6 EIS Terms of Reference

The specific information requirements needed to complete an EIS are scoped for each application following the pre-consultation meeting. Generally, this will address the following:

- Description of proposed development;
- Study area boundaries;
- Key ecological features, functions, linkages and other natural processes that may be affected, directly or indirectly, by development;
- Information needs and availability of information;
- Potential impacts (direct and indirect) associated with the proposed development;
- Means of avoiding or mitigating anticipated impacts; and
- The nature and extent of additional information or studies that may be required.

An EIS checklist has been prepared (Appendix B) to assist with this EIS Terms of Reference customization process. The purpose of the checklist is to identify EIS parameters that must be addressed in order to support a proposed planning or permit application.

2.0 EIS REPORT REQUIREMENTS

This chapter outlines CVCA's requirements for an EIS report to support municipal planning applications and permit applications. Table 1 summarizes the preferred EIS report Table of Contents. The content requirements of each section are elaborated on in the following pages. The EIS report formatting submission standards are listed in Appendix C.

TABLE 1. Outline of the Environmental Impact Study report preferred Table of Contents.

EIS Report Section	Contents
Introduction	<input type="checkbox"/> Results of pre-consultation
Background	<input type="checkbox"/> Identity of proponent and professional(s) <input type="checkbox"/> Site plan of existing conditions <input type="checkbox"/> Location map <input type="checkbox"/> Land use history <input type="checkbox"/> Relevant policies and regulations
Biophysical description of site	<input type="checkbox"/> Background studies and reports <input type="checkbox"/> Field work dates, methodology and results <input type="checkbox"/> Existing natural heritage elements <input type="checkbox"/> Map of existing natural heritage features and areas and the associated development constraints
Description of proposed development	<input type="checkbox"/> Description of proposed development <input type="checkbox"/> Site plan of proposed site <input type="checkbox"/> Proposed site alterations
Potential impacts assessment	<input type="checkbox"/> Map of development constraints and site plan <input type="checkbox"/> Impacts to physical features <input type="checkbox"/> Impacts to ecosystems <input type="checkbox"/> Impacts to society <input type="checkbox"/> General impacts

Analysis of mitigation measures and compensation options	<input type="checkbox"/> Mitigation measures <input type="checkbox"/> Compensation options
Monitoring	<input type="checkbox"/> Study design to evaluate mitigation and compensation measures, where appropriate
Conclusions and recommendations	<input type="checkbox"/> Summary of impacts <input type="checkbox"/> Summary of mitigation measures and/or compensation options <input type="checkbox"/> Preferred development alternative
References	<input type="checkbox"/> List of reference materials cited
Appendices	<input type="checkbox"/> Maps <input type="checkbox"/> Species lists <input type="checkbox"/> Copies of completed field sheets (ELC, OWES, MMP, etc.) <input type="checkbox"/> Photographs <input type="checkbox"/> CV(s) of professional(s) conducting EIS

2.1 Introduction

This section of the EIS report should summarize the results of the pre-consultation meeting with CVCA and outline the agreed upon EIS Terms of Reference.

2.2 Background

This section should provide details about existing conditions on the subject property. The identity of the proponent, as well as the identity and professional expertise of the proponent's representative(s) (consultant) should be outlined and their curriculum vitae provided as an appendix. This section should also briefly describe the historical and present land uses on the subject property, as well as the current land use policy and regulations on and adjacent to the subject property. A general location map and site map is required.

2.3 Biophysical Description of the Site

This section of the EIS should provide a description of the existing natural environment. It should summarize the relevant background studies and report the results of field work conducted during the current study. The study area, survey dates, and field methodology should be discussed in detail. A discussion of the broader Natural Heritage System within which the site is located should be included where applicable. When available, CVCA will provide information on wetland

mapping, natural heritage features, floodplain mapping, etc. The Ministry of Natural Resources and Forestry (MNRF) district office in Peterborough or Bancroft may also be a source of information on biophysical features of the site.

The biophysical description section can be divided according to six elements including: geology, hydrogeology, hydrology, vegetation, wildlife and fish habitat. The inventory, described below, can be done using primary and secondary information methods, as appropriate.

The required GIS format of maps and coordinates provided to CVCA are UTM Zone 18 NAD 83 in ESRI shape file format. The use of historical aerial photographs for the subject and surrounding lands is encouraged. Photos dating back to 1952 are available at CVCA. Photos of the current land conditions are also required.

The following is a general list of elements to be considered in the biophysical description of the site. All of these elements must be mapped on an existing conditions site plan showing existing structures as well as existing natural heritage features and areas. Constraints to development must be clearly identified. This should be done prior to mapping of the proposed development on the site plan.

1. Geology
 - Landforms
 - Soils
 - Topography
 - Erosion-prone locations
2. Hydrogeology
 - Recharge/discharge zones, including seeps
 - Groundwater quality and quantity
 - Groundwater elevations and flow directions
 - Seasonal groundwater elevation variations
 - Connection between groundwater and surface water at site, and the adjacent natural feature(s)
3. Hydrology
 - Surface water quality and quantity
 - Surface drainage features, including swales
 - Wetlands
 - Floodplain and regulation limits
4. Vegetation (see Appendix D)
 - Onsite vegetation:
 - I. Determine and map all vegetation communities, including dominant species in accordance with the Ecological Land Classification System (ELC), Southern Ontario manual protocol as appropriate. In tabular format, list all species observed by ecosite or vegetation type unit. Provide copies of completed ELC field sheets in an appendix.
 - II. Examine and report on soil samples for communities that may be wetlands.

- III. Describe the location and distribution of all rare or uncommon species based on field surveys and those obtained from the local MNRF district office.
- IV. Map and evaluate wetlands using the latest Ontario Wetland Evaluation System (OWES) Manual. Provide copies of completed OWES field sheets in an appendix.
- Offsite vegetation, adjacent to the subject property:
 - I. Describe the location and distribution of any rare, uncommon or species of conservation concern based on relevant field work and records obtained from the local MNRF district office.

5. Wildlife (see Appendix D)

- Inventory all wildlife species for each ELC ecosite or vegetation type observed during field site visits and in background reviews. Conduct species specific inventories using acceptable methodologies when required.
- Report on observed habitat units as per the ELC protocol (e.g., snags, den trees, hibernacula, nests, etc.).
- Conduct a breeding bird survey (include minimum of two dedicated field site visits) for each habitat type using the Point Count method and provide breeding evidence for each species observed as described in Ontario Breeding Bird Atlas Guide for Participants (2001). Complete field surveys in accordance with the appropriate timing and habitat survey requirements. Please contact the MNRF district office to determine what species specific field surveys are required for Species At Risk (e.g., bobolink, eastern meadowlark, whip-poor-will) for the property. Include owl call play back surveys where appropriate.
- Complete a spring frog and marsh bird survey in accordance with the Marsh Monitoring Program methodology (Bird Studies Canada), as appropriate.
- Identify, map and confirm all candidate significant wildlife habitat both onsite and on adjacent lands using the Significant Wildlife Habitat Technical Guide, 2000 (OMNRF).
- Describe the location and distribution of any rare, uncommon species as well as Species At Risk. Please contact the local MNRF district office to obtain additional records. Please refer to the *Ontario Endangered Species Act* and the federal *Species At Risk Act* to ensure compliance.
- Identify, map and confirm all candidate Significant Habitat of Endangered and Threatened Species both onsite and on adjacent lands, if not already done so by the MNRF. Contact the MNRF district office for information and guidance. Precise configuration of the significant habitat area should be done by an individual with expert knowledge of species requirements.

6. Fish Habitat (see Appendix D)

- Determine and map the location and distribution of fish habitat and species, particularly spawning and other critical habitats (e.g., refuge pools and nursery habitat).
- Define watercourse flow characteristics with particular emphasis on seasonal fish habitat.
- Determine site specific water temperatures.

- If there is no fish habitat onsite, identify contributing functions (e.g., flow and sediment regime, water quality, vegetation as food source).
- Identify channel characteristics using the current Ontario Stream Assessment Protocol (OSAP) (Stanfield, 2013) (e.g., width, depth, substrate, meander patterns).

2.4 Description of Proposed Development

This section of the report should focus on the proposed development and/or site alteration in order to fully assess potential impacts associated with various development alternatives and methods. The level of detail required will be determined during the pre-consultation meeting. The EIS sets out conditions that must be met prior to approving development plans. Details such as stormwater management, erosion and sediment control, and/or landscaping plans may be submitted as part of the detailed site design prior to grading. The final site plan should provide sufficient detail, which may include, but is not limited to, the following:

- a detailed map illustrating proposed building envelope(s), the location of any new building(s) or structure(s), new lot lines, stormwater management areas, drainage features (e.g., swales, culverts, tile beds), septic system areas, driveways and parking lots, utility corridors, maintenance routes, public trails, etc), existing infrastructure (including renewable energy)
- a map of natural heritage features and areas, and applicable development constraints
- erosion and sedimentation control measures
- grading limits and post grading contours
- extent of proposed vegetation removal/retention
- development or land use alternatives
- timing of construction, including phasing of development
- all proposed activities associated with the development that may have environmental impacts, and
- other features as requested through the EIS pre-consultation process

Many of these elements can be discussed or described in a general or conceptual manner within the EIS, with the understanding that further detail will be provided when detailed grading information and building envelope information is available. Impacts can be clearly stated in the EIS with final impacts clarified during detailed design stages.

2.5 Potential Impacts Assessment

This section of the report must address impacts that might reasonably be expected to occur as a result of development. Impacts may be direct or indirect and not immediately apparent at the time of initial development. The EIS should consider impacts both onsite and relative to the adjacent lands. The assessment should consider short and long-term cumulative impacts resulting from the development proposal. It is important to note that small-scale development

can contribute to cumulative impacts on the landscape. The EIS should predict cumulative impacts of the proposal including existing and future developments within the surrounding area.

Features and functions of concern may include, but are not limited to:

- Impacts to physical features
 - topography – alteration to grade, filling, retaining walls
 - pre-development floodplain encroachments/alterations
 - watercourse or surface drainage feature alterations
 - sediment and erosion sensitive areas – e.g., grading on steep slopes, adjacent to drainage features, etc.
- Impacts to ecosystems
 - vegetation – loss of, encroachment, modification, etc.
 - wildlife and habitat – loss of, fragmentation, lighting, noise, predation by pets, etc.
 - fish habitat – any permanent alteration to, or destruction of fish habitat
 - habitat linkages – loss, encroachment, modification, etc.
 - other natural features including swales, hedgerows, thickets, meadows, etc.
- Impacts to society
 - activities that occur within or adjacent to the natural features, (walking, swimming, boating, fishing, trapping, hunting, harvesting, use of all terrain vehicles, etc.)
 - recreational amenities – both existing and future trails, access points, etc.

Section 13 of the Natural Heritage Reference Manual (OMNRF 2010) provides a comprehensive list of potential impacts on significant (as defined by the Provincial Policy Statement) natural features and natural heritage systems. A condensed list of potential development impacts can also be found in Appendix E of this Terms of Reference.

2.6 Analysis of Mitigation Measures and Compensation Options

All development has the potential for negative impacts on ecosystems. This section of the EIS report must describe potential mitigation measures and possible compensation, and their effectiveness to eliminate or reduce potential impacts of the proposed development on natural features and areas and their functions.

2.6.1 Mitigation

Mitigation, as defined by the Natural Heritage Reference Manual (OMNRF 2010), involves the prevention, modification or alleviation of impacts on the natural environment and the prevention of any negative impacts. Mitigation can also include any action intended to enhance beneficial effects.

Types of mitigation include, but are not limited to:

- Modifying the proposal
- Salvaging plant material
- Vegetated buffers and setbacks
- Retaining riparian and shoreline vegetation
- Additional plantings
- Removal of non-native and/or invasive species
- Control of invasive species (gardening or landscaping with native species)
- Timing restrictions, including temporary construction setbacks
- Creating wildlife passages to reduce road kill and the barrier effect of roads
- Wildlife appropriate lighting
- Infiltration measures such as Low Impact Development technologies
- Stormwater management
- Sediment control
- Fencing to control human and pet access to natural areas
- Dedication of land, and
- Public and landowner education (e.g., adverse effects of pets, dumping of lawn clippings and yard waste in natural areas, gardening with native instead of non-native and potentially invasive plants)

2.6.2 Compensation

Compensation for loss of natural vegetation cover and wildlife habitat can include restoring, enhancing or creating habitat. Generally, compensation is not considered an acceptable approach. However, for some very small, low diversity natural features, compensation may be considered, at the sole discretion of CVCA, and when all other mitigation options have been determined to be not feasible. It is a last resort and in many cases will not be considered an acceptable solution.

If compensation is being contemplated, potential opportunities on the property at a suitable location should be identified through the EIS. If compensation for loss of habitat is not possible on the subject property, it may be directed off site to suitable restoration and rehabilitation sites within the CVCA watershed region.

Compensation must be designed and undertaken by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of CVCA.

Compensation can be varied and may involve, but is not limited to restoring wetlands, planting of trees, restoring vegetation communities, creating riparian buffers, creating nesting sites, creating hibernacula, etc. It should be noted that generally, through consultation with CVCA, compensation should favour “like for like.”

2.7 Monitoring

As determined during pre-consultation, monitoring may be required in the pre-construction, construction/operation and post construction periods depending on the scale of development. Details of the monitoring program will be specific to the proposal and will be determined through the completion of the EIS and supporting studies submitted for the site plan and detailed design. Monitoring must be able to detect environmental change that can be attributed to work, or an activity related to the development, and for which some anticipated level of mitigation may be employed.

2.8 Conclusions and Recommendations

This section of the EIS report must:

- Identify and provide the rationale for the preferred development alternative
- Summarize any potential impacts to the natural heritage feature(s) on and off the site
- Summarize any mitigation and compensation measures to be implemented
- Indicate if additional plans are expected to be completed after the EIS report is submitted, or if a new, amended EIS is required due to substantial changes to the original proposal

2.9 References

A list of cited materials comprising the literature review is to be provided in this section of the report.

2.10 Appendices

The appendices should include all information gathered while conducting site visits, including species lists of flora and fauna and site photographs. Curriculum vitae of the acting consultant(s) must also be included. Additional information that must be provided if applicable includes:

- Copies of completed field survey sheets (e.g., Ecological Land Classification (ELC), Ontario Wetland Evaluation System (OWES), Marsh Monitoring Program (MMP), etc.)
- Natural heritage feature boundaries and appropriate buffers and/or development setbacks
- Preliminary stormwater management plans
- Preliminary erosion and sediment control plans, and
- Preliminary vegetation planting and management plans for proposed restoration or buffer areas, including species lists

3.0 REFERENCES – EIS Terms of Reference and Submission Standards

Lee, H. T., W. D. Bakowsky, J. Riley, J. Bowles, M. Puddister, P. Uhlig and S. McMurray. 1998. Ecological Land Classification System for Southern Ontario: First Approximation and its application. Ontario Ministry of Natural Resources, Southcentral Science Section, Science Development and Transfer Branch. SCSS Field Guide FG-02.

Ministry of Municipal Affairs and Housing. 2014. Provincial Policy Statement under the Planning Act.

Ontario Ministry of Natural Resources. 2000. Significant Wildlife Habitat Technical Guide. Fish and Wildlife Branch Wildlife Section. Science Development and Transfer Branch.

Ontario Ministry of Natural Resources. March 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement. 2005. Second edition. Toronto: Queen's Printer for Ontario.

Ontario Ministry of Natural Resources. 2013. Ontario Wetland Evaluation System for Southern Ontario 3rd edition.

Stanfield, L. (editor). 2013. Ontario Stream Assessment Protocol. Version 9.0. Fisheries Policy Section. Ontario Ministry of Natural Resources. Peterborough, Ontario. 505 pages.

4.0 APPENDICES – EIS Terms of Reference and Submission Standards

Appendix A: EIS Scoping Checklist

Date: _____	Completed by: _____
Proponent: _____	
Location: _____	
Type of Application: _____	

Check first box if sufficient information is available; check second box if to be addressed by current EIS

<input type="checkbox"/> <input type="checkbox"/> Natural Heritage Designation and Zoning: <input type="checkbox"/> <input type="checkbox"/> Provincially Significant Wetland <input type="checkbox"/> <input type="checkbox"/> Non-Provincially Significant Wetland <input type="checkbox"/> <input type="checkbox"/> Unevaluated Wetland <input type="checkbox"/> <input type="checkbox"/> Threatened or Endangered Species Habitat <input type="checkbox"/> <input type="checkbox"/> Significant Woodland <input type="checkbox"/> <input type="checkbox"/> Significant Valleyland <input type="checkbox"/> <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> <input type="checkbox"/> Area of Natural and Scientific Interest <input type="checkbox"/> <input type="checkbox"/> Fish Habitat <input type="checkbox"/> <input type="checkbox"/> Other Designations (e.g., SNA, ESA, ORM, Greenlands, etc.)																																																																																																												
<input type="checkbox"/> <input type="checkbox"/> Geology, Hydrogeology, Hydrology: <input type="checkbox"/> <input type="checkbox"/> Subwatershed or Wetland Catchment boundary <input type="checkbox"/> <input type="checkbox"/> Surface Drainage Patterns (incl. all permanent and intermittent watercourses) <input type="checkbox"/> <input type="checkbox"/> Geomorphologic and Topographic features <input type="checkbox"/> <input type="checkbox"/> Soils (surface and subsurface) <input type="checkbox"/> <input type="checkbox"/> Groundwater Recharge/Discharge Areas <input type="checkbox"/> <input type="checkbox"/> Hydogeologic Conditions																																																																																																												
Specify timing of any field studies to be done: <input type="checkbox"/> winter <input type="checkbox"/> spring <input type="checkbox"/> summer <input type="checkbox"/> fall																																																																																																												
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See next page for Significant Wildlife Habitat identification.

- Significant Wildlife Habitat
- Seasonal Concentration Areas of Animals
 - Waterfowl Stopover and Staging Areas -Terrestrial and Aquatic
 - Shorebird Migratory Stopover Area
 - Raptor Wintering Area
 - Bat Hibernacula
 - Bat Maternity Colonies
 - Bat Migratory Stopover Area
 - Turtle Wintering Area
 - Snake Hibernacula
 - Colonially Nesting Bird Breeding Habitat (Bank and Cliff/Tree/Shrub, Ground)
 - Migratory Butterfly Stopover Area
 - Landbird Migratory Stopover Areas
 - Deer Yarding Areas
 - Deer Winter Congregation Area
- Rare Vegetation Communities or Specialized Habitat for Wildlife
 - Cliff and talus slopes
 - Sand Barren
 - Alvar
 - Old Growth Forest
 - Savannah
 - Tallgrass Prairie
 - Other
- Specialized Habitat for Wildlife
 - Waterfowl Nesting Area
 - Bald Eagle and Osprey Nesting, Foraging, Perching Habitat
 - Woodland Raptor Nesting habitat
 - Turtle Nesting Areas
 - Seeps and Springs
 - Amphibian Breeding Habitat - Woodland and Wetland
- Habitat for Species of Conservation Concern (not including End or Thr Species)
 - Marsh/Woodland Area-Sensitive/Open Country/Shrub/Early Successional Bird Breeding Habitat
 - Terrestrial Crayfish
 - Special Concern and Rare Wildlife Species
- Animal Movement Corridors
 - Amphibian Movement Corridors
 - Deer Movement Corridors
- Other
 - Mast producing Areas
 - Lek

Appendix B: EIS Reporting Standards

Please ensure that the following standards are met:

- 2 paper copies of the report and a digital copy, signed by the principal author(s), are submitted to CVCA;
- 8 ½" X 11" paper, doubled sided;
- a title page listing the name of the proponent, address of the subject property, name of consulting firm and consultant, and the date the report was completed;
- maps 11"X17" shall be bound into the report – larger maps shall be inserted in a pocket inside the back cover of the report;
- minimum map size is 8"X11", maximum 36"X60" (folded to 8.5"x11" to fit inside report) and must be in colour where applicable;
- all maps to include a metric scale, north arrow, full legend corresponding to all mapped features
- surveyed site plan and maps showing vegetation community boundaries identified using the Ecological Land Classification System for Southern Ontario (Lee et all. 1998), surveyed wetland boundary and verified by CVCA staff, floodplain lines and regulation limits, existing and proposed land use and property boundaries;
- appendices to include:
 - annotated species checklists with current S ranks and *Endangered Species Act* and *Species At Risk Act* designations
 - CV(s) of consultant(s) carrying out the EIS
 - list of contributors
 - a copy of the approved Terms of Reference

Submitted documents shall remain the property of CVCA.

Appendix C: Data Collection Standards

The requirement for multi-season biological inventory will be determined during the pre-consultation meeting with CVCA. A multi-season inventory may be waived or reduced in scale when relatively current data is available for the site. Such studies may include subwatershed studies, biological inventories, wetland evaluations, or site specific biological studies completed for a municipality or in support of other development applications. In most cases, a minimum of three (3) site visits at the appropriate time of year will be required. When older (5 years and older) inventory data is available, it must be updated through the current study. The need to supplement existing data through a single or multi-season inventory will be evaluated on a case by case basis depending on the nature of the development. The appropriate standard inventory protocols must be followed by a trained field biologist. The suggested biological inventory schedule is shown below.

Survey Timing	Target Organisms
Early Spring (Late March / early April)	<ul style="list-style-type: none">• early frogs (wood, spring peeper and chorus frogs)• salamanders• ducks and geese• raptors• owls
Spring (May)	<ul style="list-style-type: none">• frogs• migratory birds• reptiles including turtles and snakes• benthics• ephemeral flora
Early Summer (June)	<ul style="list-style-type: none">• breeding birds• reptiles including turtles and snakes• benthics• fish and fish habitat• vegetation communities including wetlands
Summer (mid-July / early August)	<ul style="list-style-type: none">• breeding birds• wildlife habitat• wetland species

	<ul style="list-style-type: none"> • vegetation communities including wetlands • summer flora • prairie species • insects including butterflies and dragonflies
Fall (September)	<ul style="list-style-type: none"> • migratory birds • late summer plant species • prairie species • butterflies

The following list provides standard surveying protocols for natural heritage identification and fieldwork in Ontario. Please provide copies of completed field sheets for each field methodology used.

1. OWES - Ontario Wetland Evaluation System for Southern Ontario (OMNRF, 2013, or most current version)
2. ELC - Ecological Land Classification System for Southern Ontario (Lee et al. 1998, or most current version)
3. Ontario Breeding Bird Atlas guide for participants (2001 or most current version). (http://www.birdsontario.org/download/atlas_feb03.pdf)
4. MMP - Great Lakes Marsh Monitoring Program (<http://www.bsc-eoc.org/mmpmain.html>)
5. Significant Wildlife Habitat Technical Guide (OMNRF 2000, or most current version)

Appendix D: Potential Impacts

Development activities likely to impact natural heritage features and areas, their functions, and natural heritage systems include: vegetation removal, grading, aggregate extraction, installation of services and utilities, building construction, water crossings, paving, groundwater taking, use of septic systems, human occupation, and recreation (walking, swimming, boating, fishing, hunting, use of all terrain vehicles, etc.).

Vegetation removal and/or site grading can:

- reduce wildlife habitat;
- fragment natural areas stressing forest interior species;

- introduce non-native species;
- cause loss of linkages for animal movement resulting in isolation of populations and ultimately loss of biodiversity;
- disturb sensitive wildlife species;
- result in loss of rare plant species and communities;
- change the soil moisture regime and vegetation communities;
- reduce stability or cause physical alterations to sensitive landforms; and
- affect groundwater recharge.

In riparian areas, vegetation removal and site grading can also:

- increase runoff and stream water temperature negatively affecting aquatic habitats;
- increase inputs of nutrients and contaminants to waterbodies;
- reduce quantity of food supply for aquatic life in the form of leaves, twigs and insects in waterbodies;
- reduce bank stability and increase erosion and sedimentation with resultant impacts on aquatic habitats;
- disrupt riparian corridors; and
- disturb sensitive wildlife species.

In addition, wildlife may be negatively impacted by the following features associated with residential and commercial development:

- lights;
- noise;
- pets; and
- lawns.

Construction of buildings and roads, and installation of services can:

- increase water contamination by oils, gasoline, grease and other materials from parking lots, driveways, and roads;
- increase imperviousness affecting groundwater recharge;
- result in direct loss of wildlife from collisions with buildings or vehicles;
- attract nesting turtles and other wildlife to roadsides increasing roadkills;
- increase nutrient inputs from septic systems;
- result in increased use of pesticides and fertilizers on lawns;
- increase predation of wildlife species by pets and invasion of non-native species;
- increase lighting and noise which may affect sensitive wildlife species; and
- result in loss of linkages between habitats.

Interference with waterways (realignment, stream crossings) can:

- affect fish movement;
- affect water temperature and aquatic habitat; and
- affect channel geomorphology, wetland communities and fish habitat.

Recreational activities and seasonal development can:

- increase harvest of fish and reduce populations;
- improve access to sensitive sites which can result in vandalism and loss of ecosystem integrity;
- increase shoreline alteration which affects fish habitat;
- cause trampling of vegetation and soil compaction which affects vegetation communities and increases runoff to watercourses (impacting aquatic life);
- result in removal of vegetation causing loss of wildlife habitat and reduced biodiversity; and
- disturb sensitive wildlife species.

APPENDIX F – Memorandum of Understanding on Conservation Authority Delegated Responsibility

Appendix 1: CO/MNR/MMAH – DELEGATED RESPONSIBILITIES MOU

CONSERVATION ONTARIO, MINISTRY OF NATURAL RESOURCES & MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

MEMORANDUM OF UNDERSTANDING ON PROCEDURES TO ADDRESS CONSERVATION AUTHORITY DELEGATED RESPONSIBILITY

PURPOSE OF THE MOU

The MOU defines the roles and relationships between Conservation Authorities (CAs), the Ministry of Natural Resources (MNR), and the Ministry of Municipal Affairs and Housing (MMAH) in planning for implementation of CA delegated responsibilities under the Provincial One Window Planning System.

BENEFITS TO SIGNATORY PARTIES

It is beneficial for all parties to enter into this agreement because it clarifies the roles of CAs and the unique status of CAs in relationship to the Provincial One Window Planning System.

DELEGATED RESPONSIBILITY FOR NATURAL HAZARDS

CAs were delegated natural hazard responsibilities by the Minister of Natural Resources. A copy of the delegation letter is attached. This letter (dated April 1995) went to all CAs and summarizes delegations from the MNR including flood plain management, hazardous slopes, Great Lakes shorelines, unstable soils and erosion which are now encompassed by Section 3.1 "Natural Hazards" of the Provincial Policy Statement (1997). In this delegated role, the CA is responsible for representing the "Provincial Interest" on these matters in planning exercises where the Province is not involved.

This role does not extend to other portions of the PPS unless specifically delegated or assigned in writing by the Province.

ROLES AND RESPONSIBILITIES

Ministry of Natural Resources

- a) MNR retains the provincial responsibility for the development of flood, erosion and hazard land management policies, programs and standards on behalf of the province pursuant to the *Ministry of Natural Resources Act*.
- b) Where no conservation authorities exist, MNR provides technical support to the

Ministry of Municipal Affairs and Housing on matters related to Section 3.1 of the Provincial Policy Statement in accordance with the "Protocol Framework – One Window Plan Input, Review and Appeals".

- c) MNR, in conjunction with MMAH, co-ordinates the provincial review of applications for Special Policy Area approval under Section 3.1 of the PPS.

Ministry of Municipal Affairs and Housing

- a) MMAH coordinates provincial input, review and approval of policy documents, and development proposals and appeals to the Ontario Municipal Board in accordance with the "Protocol Framework One Window Plan Input Review and Appeals".
- b) Where appropriate, MMAH will consult conservation authorities as part of its review of policy documents and development proposals to seek input on whether there was "regard to" Section 3.1 of the PPS.
- c) Where there may be a potential conflict regarding a Conservation Authority's comments on a planning application with respect to Section 3.1 of the PPS and comments from provincial ministries regarding other Sections of the PPS, the Ministry of Municipal Affairs and Housing will facilitate discussions amongst the affected ministries and the Conservation Authority so that a single integrated position can be reached.
- d) Where appropriate, MMAH will initiate or support appeals to the OMB on planning matters where there is an issue as to whether there was "regard to" Section 3.1 of the PPS.
- e) MMAH, in conjunction with MNR, coordinates the provincial review of application for Special Policy Area approval under Section 3.1 of the PPS.

Conservation Authorities (CAs)

- a) The CAs will review policy documents and development proposals processed under the *Planning Act* to ensure that the application has appropriate regard to Section 3.1 of the PPS.
- b) Upon request from MMAH, CAs will provide comments directly to MMAH on planning matters related to Section 3.1 of the PPS as part of the provincial one window review process.
- c) Where there may be a potential conflict regarding a Conservation Authority's comments on a planning application with respect to Section 3.1 of the PPS and comments from provincial ministries regarding other Sections of the PPS, the Ministry of Municipal Affairs and Housing will facilitate discussions amongst the

affected ministries and the Conservation Authority so that a single integrated position can be reached.

- d) CAs will apprise MMAH of planning matters where there is an issue as to whether there has been "regard to" Section 3.1 of the PPS to determine whether or not direct involvement by the province is required.
- e) Where appropriate, CAs will initiate an appeal to the OMB to address planning matters where there is an issue as to whether there has been "regard to" Section 3.1 of the PPS is at issue. CAs may request MMAH to support the appeal.
- f) CAs will participate in provincial review of applications for Special Policy Area approval.
- g) CAs will work with MMAH, to develop screening and streamlining procedures that eliminate unnecessary delays and duplication of effort.

FURTHER CA ROLES IN PLAN INPUT, PLAN REVIEW AND APPEALS

CAs also undertake further roles in planning under which they may provide plan input or plan review comments or make appeals.

1. Watershed Based Resource Management Agency

CAs are corporate bodies created by the province at the request of two or more municipalities in accordance with the requirements of the *Conservation Authorities Act* (CA Act). Section 20 of the CA Act provides the mandate for an Authority to offer a broad resources management program. Section 21 of the CA Act provides the mandate to have watershed-based resource management programs and/or policies that are approved by the Board of Directors.

CAs operating under the authority of the CA Act, and in conjunction with municipalities, develop business plans, watershed plans and natural resource management plans within their jurisdictions (watersheds). These plans may recommend specific approaches to land use and resource planning and management that should be incorporated into municipal planning documents and related development applications in order to be implemented. CAs may become involved in the review of municipal planning documents (e.g., Official Plans (OPs), zoning by-laws) and development applications under the *Planning Act* to ensure that program interests developed and defined under Section 20 and 21 of the CA Act are addressed in land use decisions made by municipal planning authorities. In this role, the CA is responsible to represent its program and policy interests as a watershed based resource management agency.

2. Planning Advisory Service to Municipalities

The provision of planning advisory services to municipalities is implemented through a service agreement with participating municipalities or as part of a CAs approved program activity (i.e., service provided through existing levy). Under a service agreement, a Board approved fee schedule is used and these fee schedules are coordinated between CAs that "share" a participating municipality. The "Policies and Procedures for the Charging of CA Fees" (MNR, June 13, 1997) identifies "plan review" activities as being eligible for charging CA administrative fees.

The CA is essentially set up as a technical advisor to municipalities. The agreements cover the Authority's areas of technical expertise, e.g., natural hazards and other resource management programs. The provision of planning advisory services for the review of *Planning Act* applications is a means of implementing a comprehensive resource management program on a watershed basis.

In this role, the CA is responsible to provide advice on the interpretation of the Provincial Policy Statement (PPS) under the terms of its planning advisory service agreement with the municipality. Beyond those for Section 3.1 "Natural Hazards" where CAs have delegated responsibility, these comments should not be construed by any party as representing the provincial position.

3. CAs as Landowner

CAs are landowners and as such, may become involved in the planning process as a proponent or adjacent landowner. Planning Service Agreements with municipalities have anticipated that this may lead to a conflict with our advisory role and this is addressed by establishing a mechanism for either party to identify a conflict and implement an alternative review mechanism.

4. Regulatory Responsibilities

a) CA Act Regulations

In participating in the review of development applications under the *Planning Act*, CAs will (i) ensure that the applicant and municipal planning authority are aware of the Section 28 regulations and requirements under the *CA Act*, and, (ii) assist in the coordination of applications under the *Planning Act* and the *CA Act* to eliminate unnecessary delay or duplication in the process.

b) Other Delegated or Assigned Regulatory/Approval Responsibility

Federal and provincial ministries and municipalities often enter agreements to transfer regulatory/approval responsibilities to individual CAs (e.g., Section 35 Fisheries Act/DFO; Ontario Building Code/septic tank approvals). In carrying out these responsibilities and in participating in the review of development applications under the *Planning Act*, CAs will (i) ensure that the applicant and municipality are aware of the requirements under these other pieces of legislation and how they may affect the application; and, (ii) assist in the coordination of applications under the *Planning Act* and those other Acts to eliminate unnecessary delays or duplication in the process.

CANCELLATION OR REVIEW OF THE MOU

The terms and conditions of this MOU can be cancelled within 90 days upon written notice from any of the signing parties. In any event, this document should be reviewed at least once every two years to assess its effectiveness, its relevance and its appropriateness in the context the needs of the affected parties. "Ed. Note: 90 days is to provide time for the parties to reach a resolution other than cancellation".

APPENDIX G – Specific Application Requirements

Development Regulated due to a Flood Hazard:

- Elevation Survey
 - the CVCA will inform the applicant if elevation survey is required
 - completed by a certified Ontario Land Surveyor
 - must be prepared using the applicable vertical datum
 - the elevation survey must:
 - plot the 1:100-year flood elevation on the subject property
 - plot a 6m setback from the extent of the 1:100-year flood elevation
 - show elevations of the proposed build footprint in an “X” pattern (four corners and centre)
 - show that elevations of the proposed structure meet minimum dry floodproofing requirements (unless wet floodproofing is deemed appropriate):

Opening into structures	Regulatory flood elevation +0.3m
Basement Floor	Regulatory flood elevation -1.0m
Fill placed around buildings and structures	Regulatory flood elevation
Electrical and Heating circuits	Regulatory flood elevation +0.3m
1 st floor (main) on raised buildings and structures	Regulatory flood elevation +0.3m
Access roads, parking areas	Regulatory flood elevation -0.3m
Pedestrian Access	Regulatory flood elevation -0.8m
Septic system, bottom of filter bed runs	Regulatory flood elevation

- Fill Placement and Grading Plans
 - development proposals within the floodplain will require fill placement and grading plans, which must:
 - show pre-development and post-development grades / drainage patterns
 - show and calculate fill amounts within the floodplain
 - demonstrate proposed fill and grading that may be required by the CVCA
- Site Plan
 - must show distances from proposed development to the extent of the floodplain and high water mark, all other CVCA regulated features, as well as other relevant structures on the property (deck(s), dwelling, septic system, etc.)

- must show the location of required erosion and sediment control structures (e.g. sediment fencing).
- Engineered Plans
 - CVCA will identify any engineering that may be required for components of the proposed development (foundation design, wet floodproofing, septic tank anchoring, etc.)

Development Regulated due to an Erosion Hazard:

- Geotechnical study
 - the CVCA will inform applicant if geotechnical study is required
 - completed by a qualified professional
 - the geotechnical report must include:
 - Toe erosion allowance
 - Stable slope allowance
 - Erosion access allowance. A minimum erosion access allowance of 6 metres is used from the top of stable slope (after accounting for toe erosion).
 - A cross section showing the top of slope (after accounting for toe erosion)
 - Completion of a slope inspection record and a slope stability rating chart (Tables 4.1 and 4.2 from the MNR Technical Guide – River & Stream Systems: Erosion Hazard Limit (2002). The results of these findings will determine the level of investigation required.
 - Long-term stable slope crest position and inclination
 - Potential for settlement
 - Potential causes of instability
 - Relation of hazards to proposed development
 - Potential impacts of the proposed development on neighbouring properties
 - the geotechnical report may be required to include:
 - Design bearing values
 - Caisson/pile/foundation designs
 - Safe slopes of banks and excavation walls
 - Soil stabilization methods and comparison of benefits
 - Factor of safety
 - Failure surfaces
 - Methods for soil erosion/sedimentation control
 - Methods for minimizing impacts on vegetation and root systems
- Fill Placement and Grading Plans
 - development proposals within the floodplain will require fill placement and grading plans, which must:

- show pre-development and post-development grades / drainage patterns.
 - show and calculate fill amounts within the floodplain.
 - demonstrate proposed fill and grading that may be required by the CVCA.
- Site plan
 - must show distance from stable top of slope to the proposed development (after taking into account toe erosion and slope stability). The site plan should also show setbacks to the high water mark, all other CVCA regulated features, as well as other relevant structures on the property (deck(s), dwelling, septic system, etc.).
 - must show the location of required sediment and erosion control structures (e.g. sediment fencing).
- Engineered Plans
 - CVCA will identify any engineering that may be required for components of the proposed development (foundation design and anchoring).

Development Regulated due to a Wetland:

- Environmental Impact Study
 - the CVCA will inform applicant if environmental impact study is required.
 - the CVCA will provide a terms of reference.
 - completed by a qualified professional (Ontario Wetland Evaluation System certification).
- Site Plan
 - must show the location of the wetland
 - must show distance of all proposed development to the wetland boundary, and other CVCA regulated features.
 - must show the location of any applicable mitigation measures from an Environmental Impact Study.
 - must show the location of required erosion and sediment control structures (e.g. sediment fencing).