



NOTICE OF ANNUAL MEETING

DATE: February 20, 2025

TIME: 4:00 pm

LOCATION: Hybrid Meeting
(Boardroom & Zoom)

AGENDA

MEETING:

BOARD OF DIRECTORS

MEMBERS:

Randy Barber, Bruce Buttar, Mark Lovshin, Vicki Mink, Miriam Mutton, Lance Nachoff, Adam Pearson, Tracy Richardson, Joan Stover, Willie Woo, Margaret Zwart

1. Welcome, Land Acknowledgement and Call to Order

Land Acknowledgement

The Ganaraska Region Conservation Authority respectfully acknowledges that the land on which we gather is situated within the traditional and treaty territory of the Mississauga's and Chippewa's of the Anishinabek, known today as the Williams Treaties First Nations. Our work on these lands acknowledges their resilience and their longstanding contribution to the area. We are thankful for the opportunity to live, learn and share with mutual respect and appreciation.

2. Disclosure of Pecuniary Interest
3. Minutes of 2024 Annual Meeting – **February 15, 2024 – attached**
4. Reports:
 - a) Presentation of 2024 Annual Report - Chair, Vicki Mink
 - b) Presentation of CAO/Secretary-Treasurer's Report
 - c) Presentation of 2024 Financial Statements - **confidential staff report attached**
 - Glenn Tozer, Lynch Rutherford Tozer
 - Linda Laliberte, GRCA, CAO/Secretary-Treasurer
5. Conclusion of 2024 Business

2025 Business:

1. Election of Officers for 2025
 - Appointment of Election Chair and Scrutineers
 - Election of Chair
 - Election of Vice Chair
2. Appointment of Banking Institution and Signing Officers - **attached**
 - Bank of Montreal
3. Appointment of Borrowing Resolution - **attached**
4. Appointment of Authority Solicitors
 - Mann McCracken & Associates, Port Hope
5. Appointment of Authority Auditor
 - Lynch Rutherford Tozer, Port Hope
6. Appointment of CO Voting Delegate and Alternate - **staff report attached**
7. Appointment of Board Member to the Recreational Users Committee – **staff report attached**
8. 2025 Meeting Schedule - **staff report attached**
9. Other Business
 - a) Policies & Guidelines for the Administration & Implementation of the Conservations Authorities Act and Ontario Regulation 41/24 – **staff report attached**
10. In Camera:
 - None.
11. Adjourn



GANARASKA REGION CONSERVATION AUTHORITY

MINUTES OF THE ANNUAL MEETING

FEBRUARY 15, 2024

The Chair called the 2023 annual meeting to order at 4:00 p.m. and welcomed all in attendance.

MEMBERS PRESENT:

Mark Lovshin, Chair – Township of Hamilton
Randy Barber - Town of Cobourg
Bruce Buttar – Agricultural Representative
Lance Nachoff – Township of Cavan Monaghan
Vicki Mink – Municipality of Port Hope
Miriam Mutton - Town of Cobourg
Adam Pearson – Municipality of Port Hope
Tracy Richardson – City of Kawartha Lakes
Joan Stover – Township of Alnwick/Haldimand
Willie Woo – Municipality of Clarington
Margaret Zwart – Municipality of Clarington

ALSO PRESENT: STAFF:

Linda Laliberte, CAO/Secretary-Treasurer
Cory Harris, Watershed Services Coordinator
Ken Thajer, Planning & Regulations Coordinator
Pam Lancaster Tregunno, Conservation Lands Coordinator

OTHERS PRESENT:

Glenn Tozer, Lynch Rutherford Tozer

ABSENT WITH REGRETS:

ALSO ABSENT:

Land Acknowledgement

The Ganaraska Region Conservation Authority respectfully acknowledges that the land on which we gather is situated within the traditional and treaty territory of the Mississauga's and Chippewa's of the Anishinabek, known today as the Williams Treaties First Nations. Our work on these lands acknowledges their resilience and their longstanding contribution to the area. We are thankful for the opportunity to live, learn and share with mutual respect and appreciation.

2. Disclosure of Interest:

Mark Lovshin declared a conflict of interest on item 9.

3. Minutes of 2023 Annual Meeting:

MOVED BY: Tracy Richardson

SECONDED BY: Joan Stover

THAT the minutes of the February 16, 2023 Annual Meeting be approved as circulated.

CARRIED.

4. Reports:

i) Presentation of the 2023 Annual Report

Mark Lovshin presented the 2023 Annual Report.

MOVED BY: Vicki Mink

SECONDED BY: Randy Barber

THAT the Chair's report on the 2023 Annual Report be adopted as presented.

CARRIED.

ii) Presentation of the CAO/Secretary-Treasurer's Report

Linda Laliberte, CAO/Secretary-Treasurer, presented her report to the members. She thanked staff for their continued hard work and dedication. She thanked the members and Chair on behalf of the staff for their support and encouragement throughout the year.

MOVED BY: Randy Barber

SECONDED BY: Tracy Richardson

THAT the CAO/Secretary-Treasurer's report be received as presented and,

FURTHER THAT all action by staff be approved.

CARRIED.

iii) Presentation of 2023 Financial Statements

Glenn Tozer representing Lynch Rutherford Tozer accounting firm and Linda Laliberte, CAO/Secretary-Treasurer presented the 2023 Financial Statements. Chair Mark Lovshin asked some questions that had been previously sent in via email that questioned when the auditors name goes on the statements, which is after they are approved, if monies were deferred which there are deferred funds that will be shown in the 2024 budget as well as the municipalities access to the reserves which was explained the reserves are GRCA dedicated monies.

MOVED BY: Lance Nachoff

SECONDED BY: Vicki Mink

THAT the 2023 Financial Statements be adopted as presented.

CARRIED.

Conclusion of 2023 Business

MOVED BY: Joan Stover

SECONDED BY: Willie Woo

THAT the 2023 business of the Ganaraska Region Conservation Authority be concluded and that the meeting adjourn.

CARRIED.

2024 Business

5. Election of Officers for 2024

MOVED BY: Lance Nachoff

SECONDED BY: Randy Barber

THAT Glenn Tozer be appointed the Election Chair.

CARRIED.

MOVED BY: Mark Lovshin

SECONDED BY: Lance Nachoff

THAT in the event of an election, Linda Laliberte be appointed as scrutineer for on line ballots, a confidential poll will be conducted by the CAO/Secretary-Treasurer.

CARRIED.

MOVED BY: Mark Lovshin

SECONDED BY: Tracy Richardson

THAT Vicki Mink be nominated for the office of Chair of the Ganaraska Region Conservation Authority for 2024.

Vicki Mink accepted the nomination.

Nominations were called for second, third and final time.

MOVED BY: Randy Barber

SECONDED BY: Joan Stover

THAT nominations for the position of Chair be closed.

CARRIED.

Vicki Mink was declared Chair of the Ganaraska Region Conservation Authority for 2024.

MOVED BY: Vicki Mink

SECONDED BY: Mark Lovshin

THAT Willie Woo be nominated for the office of Vice-Chair of the Ganaraska Region Conservation Authority for 2024.

Willie Woo accepted the nomination.

Nominations were called for second, third and final time.

MOVED BY: Lance Nachoff
SECONDED BY: Vicki Mink

THAT nominations for the position of Vice-Chair be closed.
CARRIED.

Willie Woo was declared Vice-Chair of the Ganaraska Region Conservation Authority for 2024.

6. Appointment of Banking Institution and Signing Officers:

MOVED BY: Adam Pearson
SECONDED BY: Willie Woo

As attached to the agenda
CARRIED.

7. 2024 Borrowing Resolution - General Operating

MOVED BY: Randy Barber
SECONDED BY: Tracy Richardson

As attached to the agenda
CARRIED.

8. Appointment of Authority Solicitors:

MOVED BY: Lance Nachoff
SECONDED BY: Joan Stover

THAT the firm Mann McCracken & Associates, Port Hope, be appointed as the solicitor for the Ganaraska Region Conservation Authority for 2024 regarding general administrative and land matters.
CARRIED.

9. Appointment of Authority Auditors:

MOVED BY: Tracy Richardson
SECONDED BY: Willie Woo

THAT the firm Lynch Rutherford Tozer, Port Hope, be appointed as the auditor for the Ganaraska Region Conservation Authority for 2024.
CARRIED.

10. Appointment of Conservation Ontario Voting Delegate and Alternate:

MOVED BY: Mark Lovshin
SECONDED BY: Randy Barber

THAT the Chair be appointed the Conservation Ontario voting representative and the CAO/Secretary-Treasurer serve as the alternate.

CARRIED.

11. Appointment of Board Member to the Recreational Users Committee:

MOVED BY: Mark Lovshin

SECONDED BY: Willie Woo

THAT Lance Nachoff be appointed as the Board of Directors representative on the Ganaraska Forest Recreational Users Committee.

CARRIED.

12. 2024 Meeting Schedule

MOVED BY: Tracy Richardson

SECONDED BY: Adam Pearson

THAT the GRCA receive the 2024 Meeting Schedule staff report for information purposes.

CARRIED.

13. Other Business:

None.

14. In Camera:

Motion to go in camera.

MOVED BY: Randy Barber

SECONDED BY: Bruce Buttar

THAT the Ganaraska Region Conservation Authority Board of Directors to go in camera.

CARRIED.

MOVED BY: Mark Lovshin

SECONDED BY: Lance Nachoff

THAT the Ganaraska Region Conservation Authority Board of Directors to go out of camera.

CARRIED.

MOVED BY: Mark Lovshin

SECONDED BY: Tracy Richardson

THAT the Ganaraska Region Conservation Authority Board of Directors direct staff to follow the recommended action.

CARRIED.

15. Adjourn:

MOVED BY: Adam Pearson

THAT the 2024 business of the Annual Meeting be concluded and the meeting adjourn.
CARRIED.

The meeting adjourned at 5:08 p.m.

CHAIR

CAO/SECRETARY-TREASURER

GANARASKA REGION CONSERVATION AUTHORITY
BANKING RESOLUTION

DATE: February 20, 2025

MOVED BY:

SECONDED BY:

1. **THAT** the CAO/Secretary-Treasurer of the Ganaraska Region Conservation Authority **and** one of the Chair or Vice-Chair, are hereby authorized for and in the name of the corporation from time to time and until further notice to the Bank of Montreal (the "Bank"):
 - a) to draw, accept, sign, make, endorse, negotiate and dispose of all or any bills of exchange, promissory notes, evidence of indebtedness, cheques and orders for the payment of money, and
 - b) to pay and receive all monies and given acquittance of the same, and
 - c) to borrow money (whether by way of overdraft or otherwise, howsoever), from the Bank of Montreal and deposit with, convey, transfer, mortgage, pledge, hypothecate, assign, deliver, borrowed all or any of the present or future property and assets of the organization of every kind and whether real or person, movable or immovable, and
 - d) to receive from the Bank any negotiable instruments or property and assets of the organization of every kind and given receipts therefore, and
 - e) to execute any agreement with or authority to the Bank relating to the banking business of the organization either generally or with regard to any particular transaction, and
 - f) to transact generally with the Bank any business he/she may see fit.

2. **ALSO THAT** the CAO/Secretary-Treasurer of the Ganaraska Region Conservation Authority **and** one of the Chair or Vice-Chair are hereby authorized for and in the name of the organization from time to time until further notice to the Bank:
 - a) to discount, negotiate, deposit with or transfer to the Bank (but for credit of the account of the organization only), all or any bills of exchange, promissory notes, cheques or orders for payment of money and other negotiable instruments and for the said purposes to endorse the same or any of them, and
 - b) to receive all paid cheques and other debit vouchers charged to any account of the organization and given receipts therefor.

GANARASKA REGION CONSERVATION AUTHORITY

BORROWING RESOLUTION

GENERAL OPERATING

DATE: February 20, 2025

MOVED BY:

SECONDED BY:

WHEREAS it may be necessary for the Ganaraska Region Conservation Authority (hereinafter called the "Authority") to borrow the sum of two hundred and fifty thousand dollars (\$250,000.00) required for its purpose until the payment to the Authority of any grants and of sums to be paid to the Authority by the participating municipalities designated as such under the Conservation Authorities Act, 1980 as amended.

BE IT THEREFORE RESOLVED:

1. That the Authority do borrow from the Bank of Montreal the sum of two hundred and fifty thousand dollars (\$250,000.00) necessary for its purpose on the promissory note or notes of the Authority until payment to the Authority of any grants and of sums to be paid to the Authority by the participating municipalities at such rate of interest as agreed to by the Authority and the Bank of Montreal.
2. That the Chair or Vice-Chair together with the CAO/Secretary-Treasurer of the Ganaraska Region Conservation Authority be and they are hereby authorized to execute for and on behalf of the Authority a promissory note or notes for the sum to be borrowed under paragraph 1 hereof and to affix thereto the Corporate Seal of the Authority.
3. That the amount borrowed pursuant to this resolution together with interest be a charge upon the whole of the monies received or to be received by the Authority by way of grants as and when such monies are received or to be received by the Authority from the participating municipalities as and when such monies are received.
4. That the Chair or the Vice-Chair or CAO/Secretary-Treasurer of the Ganaraska Region Conservation Authority be and is hereby authorized and directed to apply, in payment of monies borrowed pursuant to this resolution together with interest thereon, all of the monies received by the Authority by way of grants or sums received by the Authority from participating municipalities.

It is hereby certified by the undersigned that the forgoing resolution was duly passed at a meeting of the Ganaraska Region Conservation Authority held on the 20th day of February 2025 which a quorum of the members was present and that such resolution is in full force and effect.

As **WITNESS** the Corporate Seal of the Ganaraska Region Conservation Authority this 20th day of February 2025.

CHAIR

STAFF REPORT – February 20, 2025

TO: Chair and Members of the Ganaraska Region Conservation Authority

RE: Appointment of 2025 Conservation Ontario Representative

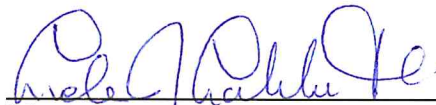
Each conservation authority is requested to appoint a member and alternate member to Conservation Ontario (CO) annually.

The Conservation Ontario member is generally the Chair or Vice-Chair of the Ganaraska Region Conservation Authority with the CAO/Secretary-Treasurer being the alternate. Conservation Ontario meetings for 2025 are held on Monday, April 14; Monday, June 23; Monday, September 22 and Monday, December 8.

RECOMMENDATION:

THAT the Chair be appointed the Conservation Ontario voting representative and the CAO/Secretary-Treasurer serve as the alternate.

Prepared by:



Linda J. Laliberte, CPA, CGA
CAO/Secretary-Treasurer

STAFF REPORT – February 20, 2025

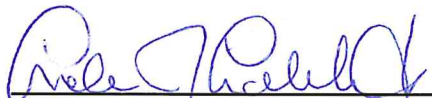
TO: Chair and Members of the GANARASKA Region Conservation Authority

RE: Appointment of Board Member to the Recreational Users Committee

The Terms of Reference (TOR) for the GANARASKA Forest Recreational Users Committee (RUC) makes provision for a member of the Board of Directors to sit on the Committee as an ex-officio, non-voting member. Staff is looking for a Board Member to serve in the capacity as the representative of the Board.

Regular RUC meetings are held, at the GRCA administration office, four times a year on the first Thursday of the following months: April, June, September, and November. Additional meetings may be called at the discretion of the Chair of the committee. Meeting begin at 7 pm for a duration of 1 to 2 hours.

Prepared by:



**Linda J. Laliberte, CPA, CGA
CAO/Secretary-Treasurer**

STAFF REPORT – February 20, 2025

TO: Chair and Members of the Ganaraska Region Conservation Authority

RE: 2025 Meeting Schedule

The 2025 GRCA Board meeting schedule will be presented for information.

Thursday, February 20, 2025 (Annual Meeting)

Thursday, March 20, 2025

Thursday, April 17, 2025

Thursday, May 15, 2025

Thursday, June 26, 2025 (if required)

Thursday, July 17, 2025 (if required)

Thursday, August 21, 2025 (if required)

Thursday, September 18, 2025

Thursday, October 16, 2025

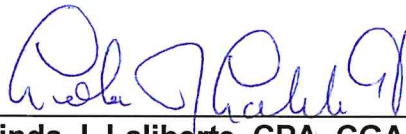
Thursday, November 27, 2025

All GRCA Board meetings begin at 4:00 pm (unless otherwise indicated).

RECOMMENDATION:

THAT the Ganaraska Region Conservation Authority receive the 2025 Meeting Schedule staff report for information purposes.

Prepared by:



**Linda J. Laliberte, CPA, CGA
CAO/Secretary-Treasurer**

STAFF REPORT – February 20, 2025

TO: Chair and Members of the Board of Directors

RE: Policies & Guidelines for the Administration & Implementation of the Conservation Authorities Act and Ontario Regulation 41/24

Ganaraska Region Conservation Authority planning staff have updated the previous Board approved "Policies for the Implementation of Ontario Regulation 168/06" to be consistent with current legislation. The new document is entitled "Policies & Guidelines for the Administration & Implementation of the *Conservation Authorities Act* and Ontario Regulation 41/24". The revised document includes a new procedural section as required by section 12 of Ontario Regulation 41/24. The individual policies have generally remained the same except those required to be changed to conform with applicable legislation. Future updates to the GRCA policy and procedure document will require consultation with stakeholders and the public.

RECOMMENDATION:

THAT the Policies & Guidelines for the Administration & Implementation of the Conservation Authorities Act and Ontario Regulation 41/24 be approved by the Ganaraska Region Conservation Authority board.

Prepared by:



**Ken Thajer, MCIP, RPP
Planning & Regulations Coordinator**

Recommended by:



**Linda J. Laliberte, CPA, CGA
CAO / Secretary-Treasurer**



Policies & Guidelines for the Administration & Implementation of the *Conservation Authorities Act* and Ontario Regulation 41/24

Made pursuant to Section 12 of Ontario Regulation 41/24

February 2025
Board Resolution: _____

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PART A
PREAMBLE



1.0 PURPOSE

On April 1, 2024, Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits) and Part VI of the *Conservation Authorities Act* came into effect. This regulation replaces Ontario Regulation 168/06, GRCA's previous "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses".

The proclamation of the new legislative and regulatory framework necessitates updates to existing GRCA policies and procedures, including GRCA's "Policies for the Implementation of Ontario Regulation 168/06" (January 2014).

As of April 1, 2024, the Ganaraska Region Conservation Authority will review and make decision on applications for permits in accordance with Part VI of the *Conservation Authorities Act* and Ontario Regulation 41/24. Amendments to the "Policy Guidelines for the Administration and Implementation of Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits)" will be forthcoming to reflect this new framework. Per section 12 of O. Reg. 41/24, the Ganaraska Region Conservation Authority will consult with stakeholders and the public during the review and update process as the authority considers advisable. Where discrepancies exist between the text of the legislation or regulation and the information provided within the "Policy Guidelines for the Administration and Implementation of Ontario Regulation 41/24" and these Policy Guidelines, the text of the legislation and regulation will prevail.

Key variances from the processes in the "Policies for the Implementation of Ontario Regulation 168/06" include, but are not limited to:

1. Assessing permit applications made under Section 28.1 of the *Conservation Authorities Act* to determine if the proposed works will affect the control of flooding, erosion, dynamic beaches, and **unstable soil or bedrock**. The tests of pollution and conservation of land have been removed.
2. Assessing applications to determine whether the proposed activity would 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**.
3. Attaching conditions to a permit only if the conditions (1) assist in preventing or mitigating any effects on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock or (2) 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.
4. Reducing the regulated area surrounding provincially significant wetlands and wetland greater than 2 hectares in size from 120m to 30m. The other areas in which development activities are prohibited are within 30m of all wetlands in the Ganaraska Region Conservation Authority jurisdiction.
5. Exceptions from GRCA permit for specific activities outlined in section 5 of O. Reg. 41/24, when carried out in accordance with the regulation.
6. Updated complete application requirements (as outlined in section 7 of O.Reg. 41/24), including requirements for landowner authorization and payment of the applicable fee.
7. A new process for applicants to request an administrative review of an application (circumstances identified in section 8 of O. Reg. 41/24).

8. Updated definition of *watercourse* to a “defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs.”
9. New requirement (as outlined in subsection 7(2) O. Reg. 41/24) to notify the applicant of whether an application is complete within 21 days and provide the applicant notice of a decision within 90 days following confirmation of a complete application (as outlined in 28.1(22) of the *Conservation Authorities Act*).
10. A new process for pre-submission consultation (circumstances outlined in section 6 of O. Reg. 41/24).
11. Enforcement procedures, appeals and hearing processes described in Parts VI and VII of the *Conservation Authorities Act*.

The purpose of this document remains to provide a framework under which applications for permission can be consistently and comprehensively assessed in a timely fashion. Approved by the Ganaraska Region Conservation Authority Board of Directors, this document will act as a tool which will guide staff in making recommendations to the Board of Directors, to approve or refuse applications. This document is intended to provide transparency and consistency in determining whether the control of flooding, erosion, dynamic beaches, unstable soils or bedrock will be affected, or whether an alteration to a watercourse or interference with a wetland is acceptable.

2.0 BACKGROUND

The Province of Ontario enacted *the Conservation Authorities Act* in 1946, enabling a group of municipalities in a watershed or group of watersheds to form a Conservation Authority for the purpose of carrying out programs to conserve the natural resources of the area over which a particular Authority has jurisdiction. The Act was passed in response to flooding and erosion events which had occurred throughout the Province. Since the Act was passed, Conservation Authorities have assumed a key role in watershed planning and water resource management.

On July 31, 1946, the Ganaraska Advisory Board met to discuss and recommend conditions for the establishment of a Conservation Authority. On October 8, 1946, The Ganaraska River Conservation Authority was formed, with jurisdiction over the 280 square kilometer Ganaraska River watershed. Two expansions of the Authority occurred over the years. One in 1962, to include the watersheds of Wilmot Creek and the smaller watercourses flowing into Lake Ontario between the Ganaraska River and Wilmot Creek. The second expansion occurred in 1970 to include the Cobourg Creek watershed and surrounding tributaries. This expansion led to the Authority's present area of jurisdiction which encompasses approximately 935 square kilometers.

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 Content of Conservation Authority Regulations under Subsection 28 (1) of the *Conservation Authorities Act*, Ontario Regulation 97/04 which was followed by each Conservation Authorities’ individual “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” Regulation (GRCA’s O. Reg. 168/06). While

some Conservation Authorities regulated wetlands, shorelines and inter-connecting channels for years, these amendments required all Conservation Authorities to regulate Great Lake shorelines, inter-connecting channels, inland lakes and wetlands, in addition to the areas and features each Conservation Authority historically regulated.

In subsequent years, numerous amendments have been made to Section 28 of the *Conservation Authorities Act* and associated Regulations. Ontario Regulation 686/21, among other provisions, requires that an Authority “shall provide programs and services to ensure that the Authority satisfies its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts.” O. Reg. 686/21, s. 16.

In 2024, a new Regulation was developed, Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits. This regulation replaces the individual Regulations (including GRCA regulation 168/06) approved in 2006.

The current legislative structure includes requirements for the administration of Part VI of the *Conservation Authorities Act* in both the Act and Ontario Regulation 41/24. Conservation Authority staff and their legal counsel must refer to both pieces of legislation to make decisions and develop policies and guidelines related to *Conservation Authorities Act* permit applications.

3.0 LEGISLATIVE CONTEXT

Section 28 of the *Conservation Authorities Act* includes the following section:

28 (1) Subject to subsections (2), (3) and (4) and section 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 within 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:
 - a. Hazardous lands,
 - b. Wetlands,
 - c. River or stream valleys the limits of which shall be determined in accordance with the regulations,
 - d. 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,
 - e. Other areas in which development should be prohibited or regulated, as may be determined by the regulations. 2017, c. 23, Sched. 4, S. 25.

The Province established a legislative framework that includes most of the requirements for the implementation of section 28 of the *Conservation Authorities Act*. This ensures Conservation Authorities, and their legal counsel, can rely on the *Conservation Authorities Act* for any matter that may be challenged.

The Regulations established under the *Conservation Authorities Act* provide further requirements such as: identification of some natural hazard areas and definitions, requirements for Conservation Authority policies, and other actions related to process permit applications etc. Therefore, Conservation Authorities must ensure that they are using both the *Conservation Authorities Act* and Regulation 41/24 to prepare or update their Conservation Authority policies.

4.0 NATURAL HAZARD MANAGEMENT PROGRAM COMPONENTS

The following objectives will be applied when implementing the *Conservation Authorities Act* and Ontario Regulation 41/24.

- To prevent loss of life and/or property damage resulting from flooding and/or erosion on lands subject to the Regulation by minimizing hazardous and unnecessary development of lands within the Regulatory Floodplain;
- To require mitigating measures to be undertaken for works within regulated areas, which singly or cumulatively may cause an increase in flooding or erosion;
- To reduce the necessity for public and private expenditures for emergency operations, evacuation and restoration of properties subject to flooding;
- To regulate uses of floodplains and any development within them which in future years may require emergency operations and expensive protective measures;
- To direct development away from potentially dangerous slopes associated with valleylands and shorelines;
- To manage soil erosion from valley slopes and shorelines;
- To regulate the draining or filling of wetlands which may have a hydrologic impact to the feature.

The management of natural hazards involves a combination of four main program components:

1. *Prevention* – of new development located within areas subject to loss of life and property damage from natural hazards.
2. *Protection* – of existing development from natural hazards through the application of structural and non-structural measures/acquisition.
3. *Emergency Response* – to evacuate and mitigate existing residents through flood forecasting and warning including disaster relief.
4. *Co-ordination* – between natural hazard management, and planning and development.

The guiding principles behind natural hazard management are:

- Proper natural hazard management requires natural hazards (flooding, erosion, leda clay, organic soils, karst bedrock, dynamic beaches) to be simultaneously recognized and addressed in a manner that is integrated with land use planning;
- Effective floodplain management can only occur on a watershed and littoral reach basis with due consideration given to development;
- Local conditions vary along floodplains and shorelines including depth, velocity, littoral drift, seiche, fetch, accretion, deposition, valleyland characteristics etc. and accordingly must be taken into account in the planning and management of natural hazards;
- New development which is susceptible to natural hazards or which will cause or aggravate the hazards to existing and approved land uses must not be permitted to occur unless the natural hazards have been addressed; and,
- Natural hazard management and land use planning are distinct yet related activities that require overall co-ordination on the part of Municipalities, Conservation Authorities, the Ministry of Natural (MNR) and the Ministry of Municipal Affairs and Housing (MMAH).

5.0 EXEMPTIONS

Section 5 of Ontario Regulation 41/24 states Paragraph 2 of subsection 28 (1) of the Act does not apply to:

1. The construction, reconstruction, erection or placement of,
 - a. A seasonal or floating docks that,
 - i. Is 10 square metres or less
 - ii. Does not require permanent support structures, and
 - iii. Can be removed in the event of flooding
 - b. 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,
 - c. 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,
 - d. A non-habitable accessory building or structure that,
 - i. Is incidental or subordinate to the principal building or structure,
 - ii. Is 15 square metres or less, and
 - iii. Is not within a wetland or watercourse, or
 - e. 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;
2. 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;
3. 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) applies;
4. 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;
5. 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
6. 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.

Additionally, it is 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*.

Voluntary compliance with a review process requirement is always a possibility for the Crown and its Agencies. Through their policies, the Conservation Authority may invite them to voluntarily submit proposals for works through the permit review process. Although best practice would suggest that they comply to ensure a sufficient technical review of their activity, they are within their legal rights to refuse to participate in the voluntary review process.

PART B
GENERAL POLICIES



1.0 GENERAL POLICIES

The following sections describe the general policies to be applied in areas regulated by the Ganaraska Region Conservation Authority (GRCA).

1.1 GENERAL POLICIES

Within areas defined by the Regulation (Regulated Area) 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); lands adjacent or close to the shoreline of Lake Ontario and inland lakes and an allowance; watercourses, or hazardous lands, the following general policies will apply:

- 1.1.1** Development, interference or alteration will not be permitted within a Regulated Area, except in accordance with the policies in Part B (General Policies) Part C (Specific Policies) and Part D (Special Policies) and Exemptions;
- 1.1.2** Development, interference or alteration within a Regulated Area may be permitted where it can be demonstrated through appropriate technical studies and/or assessments, site plans and/or other plans as required by the GRCA that:
 - a. There is no feasible alternative location for the development outside of the hazard;
 - b. The risk to public safety is not increased;
 - c. Susceptibility to natural hazards is not increased or new hazards created;
 - d. There are no adverse hydraulic or fluvial impacts on rivers, creeks, streams, or watercourses;
 - e. That adverse impacts on the natural shoreline processes of Lake Ontario are avoided and mitigated to the extent possible;
 - f. Grading (e.g., placing and removing fill) is minimized and maintains stage-storage discharge relationships and floodplain flow regimes for a range of rainfall events, up to and including the Regional Storm;
 - g. Negative or adverse hydrologic impacts on natural features and functions are avoided and mitigated to the fullest extent possible;
 - h. 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;
 - i. Groundwater discharge areas which support hydrologic functions on-site and adjacent to the site are, to the extent possible, avoided;
 - j. Groundwater recharge areas which support hydrologic on-site and adjacent to the site will be maintained or enhanced;
 - k. Access for emergency works and maintenance of flood or erosion control works is available;
 - l. Works are constructed, repaired and/or maintained according to accepted engineering principles and approved engineering standards or to the satisfactions of the GRCA, whichever is applicable based on the scale and scope of the project;

- m. All new buildings must have safe ingress/egress in accordance with the definitions of this policy;
- n. The control of flooding, erosion, dynamic beaches, and unstable soils or bedrock is not adversely affected during and post development, interference or alteration; and,
- o. Development may be permitted within a natural hazard if that development is associated with a use that by its nature must be located in or on the natural hazard.

1.2 TECHNICAL STUDIES REQUIREMENTS

Applications for permission to undertake development, interference or alteration in Regulated Areas must be accompanied by appropriate technical studies and/or assessments, site plans and/or other plans as required by the GRCA. These studies/plans must demonstrate to the satisfaction of the GRCA, how the applicable policies in Parts B, C and D have been met.

1.3 QUALIFIED PROFESSIONAL REQUIREMENTS

Technical studies and/or assessments, site plans and/or other plans submitted as part of an application for permit to undertake development, interference or alteration in Regulated Areas must be completed by a qualified professional to the satisfaction of the GRCA in conformance with the most current technical guidelines approved by the GRCA.

1.4 PROHIBITED USES

- 1.4.1** Notwithstanding Sections 1.1.2 a) - 1.1.2 p) – General Policies, development will not be permitted within a riverine flooding or erosion hazard or wetland where the use is:
- a. an institutional use associated with hospitals, nursing homes, pre-school, nurseries, day care or schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young, or
 - b. an essential emergency service such as fire, police, ambulance or electrical substation, or
 - c. associated with the disposal, manufacture, treatment, transfer or storage of hazardous substances.

1.5 VALIDITY OF PERMITS

- 1.5.1** A permit issued by the Ganaraska Region Conservation Authority will be valid for a period up to and including 60 months (five years)
- 1.5.2** Notwithstanding Section 1.5.1, a permit will typically be issued for a period up to and including 24 months (two years)

PART C
POLICIES



1.0 RIVER AND STREAM VALLEYS

STATUTORY REQUIREMENTS

The *Conservation Authorities Act* and Ontario Regulation 41/24 contain the following provision that establish regulatory boundaries and prohibit development activities in or on river or stream valleys unless permission has been authorized by GRCA after it has been determined that the specified legislative tests have been met:

Prohibited Activities (subsection 28(1) of the *Conservation Authorities Act*)

28(1) "...no person shall carry on the following activities, or permit another person to carry on the following activities, ...

3. Development activities in areas that are...

iii. ... river or streams valleys..."

Permits (subsection **28.1(1)** of the *Conservation Authorities Act*)

28.1(1) "[GRCA] may issue a permit to a person to engage in [a development] activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of [GRCA]

(a) the [development] 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..."

DISCUSSION OF RIVER AND STREAM VALLEYS

In its Technical Guides for River and Stream Systems, the Ministry of Natural Resources characterizes valleys based on two simplified landforms. *Apparent* or *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. *Not Apparent* or *Unconfined* 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.

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 are often linked together. Erosion is essentially the continual loss of earth material (i.e., soil or sediment) over time, due to 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 several 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.

Erosion hazards 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, due to 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.

In Ontario, either storm centered events, observed events, or a flood frequency-based events may be used to determine the extent of the Regulatory floodplain, as prescribed by Conservation Authority Regulation. 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. In these situations, the Conservation Authority shall determine the applicability of the Regulation.

POLICIES – RIVER AND STREAM VALLEYS

1.1 DEVELOPMENT ACTIVITIES WITHIN THE EROSION HAZARD OF AN APPARENT (CONFINED) RIVER OR STREAM VALLEY

In general, development activities shall not be permitted within the erosion hazard of an apparent river or stream valley except in accordance with the policies of 1.1.1 – 1.1.11;

In general, stabilization works within the erosion hazard of an apparent river or stream valley to allow for future/proposed development activities or an increase in development envelope or area shall not be permitted except in accordance with the policies of 1.1.1 – 1.1.11;

In general, development activities within the erosion hazard of an apparent river or stream valley on vacant lots of record shall not be permitted except in accordance with the policies of 1.1.1 – 1.1.11;

In general, storm water management facilities within the erosion hazard of an apparent river or stream valley shall not be permitted except in accordance with the policies of 1.1.1 – 1.1.11;

1.1.1 Development activities shall be prohibited within the erosion hazard of an apparent river or stream valley 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 and/or 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 result of erosion, or any other hazard associated with erosion and/or as a result of failure of protection works/measures, or
- c. uses associated with the disposal, manufacture, treatment or storage of hazardous substances;

1.1.2 Non-habitable development activities (excluding commercial, industrial and institutional uses) may be permitted within the erosion hazard of an apparent river or stream valley if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches and unstable soils or bedrock will not be affected and 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; The submitted plans should demonstrate that:

- a. there is no feasible alternative site outside of the apparent river or stream valley or in the event that there is no feasible alternative site, that the proposed development activity is located in an area of least (and acceptable) risk;
- b. no development activity is located on an unstable slope except for those works that by their nature must be located on an unstable slope such as slope stabilization works;
- c. development activities are protected from the erosion hazard;
- d. there is no impact on existing and future slope stability and bank stabilization, or erosion protection works are not required;
- e. development activities will have no negative impacts on natural stream meandering/fluvial processes;
- f. structural development activities would not be susceptible to stream erosion (100-year planning horizon);
- g. development will not prevent access into and through the valley in order to undertake preventative actions/maintenance or during an emergency;
- h. the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and,
- i. flooding hazards have been adequately addressed;

1.1.3 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 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

- 1.1.4** Development activities 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 if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, beaches, and unstable soils or bedrock will not be affected and 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;
- 1.1.5** 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 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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;
- 1.1.6** Minor removal and placement of fill and site grading within the erosion hazard of an apparent river or stream valley may be permitted if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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;
- 1.1.7** Development activities associated with the construction of a driveway or access way through the erosion hazard of apparent river or stream valley in order to provide access to lands outside of the apparent river or stream valley may be permitted subject to the provision of safe ingress/egress as identified in Appendix 1 (Definitions) and if it has been demonstrated to the satisfaction of the Conservation Authority that there is no viable alternative outside of the regulated area and that the control of flooding, erosion, dynamic beaches and unstable soils or bedrock will not be affected and 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;
- 1.1.8** Development activities associated with existing uses located within the erosion hazard of an apparent river or stream valley such as minor additions, non-habitable accessory buildings, pools, landscaping retaining walls, grading, decks, etc., may be permitted if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that:
- a. there is no feasible alternative site outside of the apparent river or stream valley or in the event that there is no feasible alternative site, that the proposed development activity is located in an area of least (and acceptable) risk;

- b. no development activity is located on an unstable slope except for those works that by their nature must be located on an unstable slope such as slope stabilization works;
- c. development activity is protected from the erosion hazard;
- d. there is no impact on existing and future slope stability and bank stabilization or erosion protection works are not required;
- e. development activity will have no negative impacts on natural stream meandering/fluvial processes;
- f. structural development activities would not be susceptible to stream erosion (100 year planning horizon);
- g. development activities will not prevent access into and through the valley in order to undertake preventative actions/maintenance or during an emergency;
- h. the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and,
- i. flooding hazards have been adequately addressed;

1.1.9 Development activities may be permitted for the reconstruction or relocation of a building within the erosion hazard of an apparent river or stream valley provided that it has not been damaged or destroyed by erosion and if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that the building:

- a. cannot be relocated to an area outside the erosion hazard and if there is no feasible alternative site, that it is located in an area of least (and acceptable) risk;
- b. will be protected from the erosion hazard through incorporation of appropriate building design parameters; and,
- c. will not exceed original habitable floor area nor the original footprint of the previous structure;

1.1.10 Where technical assessment or studies demonstrate that lands within the erosion hazard of an apparent river or stream valley are not subject to an erosion or flooding hazard, development activities may be permitted if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that:

- a. no access through the erosion susceptible area is required;
- b. development will not prevent access into and through the valley in order to undertake preventative actions/maintenance or during an emergency;

- c. the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- d. there is no impact on existing and future slope stability and bank stabilization or erosion protection works are not required; and,
- e. flooding hazards have been adequately addressed;

1.1.11 The replacement of sewage disposal systems may be permitted within the erosion hazard of an apparent river or stream valley if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, unstable soils or bedrock will not be affected and 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. The replacement system should be located outside of the erosion hazard where possible, and only permitted within the erosion hazard subject to being located in the area of lowest risk.

1.2 DEVELOPMENT ACTIVITIES WITHIN THE ALLOWANCE ADJACENT TO THE EROSION HAZARD OF AN APPARENT (CONFINED) RIVER OR STREAM VALLEYS

1.2.1 Development activities may be permitted within the allowance adjacent to the erosion hazard of an apparent river or stream valley if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that:

- a. development activity does not create or aggravate an erosion hazard;
- b. development activity is set back a sufficient distance from the stable top of bank to avoid increases in loading forces on the top of the slope;
- c. development activity does not change drainage or vegetation patterns that would compromise slope stability or exacerbate erosion of the slope face;
- d. development activity does not prevent access to and along the top of the valley slope;
- e. the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans; and,
- f. flooding hazards have been adequately addressed.

1.3 DEVELOPMENT ACTIVITIES WITHIN THE EROSION HAZARD OF A NOT APPARENT (UNCONFINED) RIVER OR STREAM VALLEYS (MEANDER BELT)

In general, development activities within the meander belt of a not apparent river or stream valley shall not be permitted except in accordance with the policies of 1.3.1 – 1.3.9;

In general, stabilization works within the meander belt of a not apparent river or stream valley to allow for future/proposed development activities or an increase in development envelope or area shall not be permitted except in accordance with the policies of 1.3.1 – 1.3.9;

In general, stormwater management facilities within the meander belt of a not apparent river or stream valley shall not be permitted except in accordance with the policies of 1.3.1 – 1.3.9;

In general, development activities within the meander belt of a not apparent river or stream valley on vacant lots of record shall not be permitted except in accordance with the policies of 1.3.1 – 1.3.9;

1.3.1 Development activities shall be prohibited in the meander belt of a not apparent river or stream valley 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 and/or 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 result of erosion, or any other hazard associated with erosion and/or failure of protection works/measures, or
- c. uses associated with the disposal, manufacture, treatment or storage of hazardous substances;

1.3.2 Non-habitable development activities (excluding commercial, industrial and institutional uses) may be permitted within the meander belt of a not apparent river or stream valley if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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; The submitted plans should demonstrate that:

- a. there is no feasible alternative site outside of the meander belt of a not apparent river or stream valley or in the event that there is no feasible alternative site, that the proposed development activity is located in an area of least (and acceptable) risk;
- b. development activities will not prevent access into and through the meander belt in order to undertake preventative actions/maintenance or during an emergency;
- c. development activity is protected from the erosion hazard;
- d. development activity will have no negative impacts on natural stream meandering/ fluvial processes;
- e. the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- f. flooding hazards have been adequately addressed; and,

- g. structural development activities would not be susceptible to stream erosion (100-year planning horizon);
- 1.3.3** Public infrastructure (e.g., roads, sewers, flood and erosion control works) and various utilities (e.g., pipelines) may be permitted within the meander belt of a not apparent river or stream 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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;
- 1.3.4** Development activities associated with public parks (e.g., passive or low intensity outdoor recreation and education, trail systems) may be permitted within the meander belt of a not apparent river or stream valley if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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;
- 1.3.5** Stream bank stabilization to protect existing development and conservation or restoration projects may be permitted within the meander belt of a not apparent river or stream 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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;
- 1.3.6** Minor fill and site grading within the meander belt of a not apparent river or stream valley may be permitted if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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;
- 1.3.7** Development activities associated with the construction of a driveway or access way through the meander belt of a not apparent river or stream valley in order to provide access to lands outside of the erosion hazard may be permitted subject to the provisions of safe ingress/egress as defined in Appendix 1 (Definitions), and if it has been demonstrated to the satisfaction of the Conservation Authority that there is no viable alternative outside of the regulated area and that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

1.3.8 Development activities associated with existing uses located within the meander belt of a not apparent river or stream valley such as minor additions, non-habitable accessory buildings, pools, landscaping retaining walls, grading, decks, etc., may be permitted if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected. The submitted plans should demonstrate that:

- a. there is no feasible alternative site outside of the meander belt of a not apparent river or stream valley or in the event that there is no feasible alternative site, that the proposed development activity is located in an area of least (and acceptable) risk;
- b. development activities will not prevent access into and through the meander belt in order to undertake preventative actions/maintenance or during an emergency;
- c. development activity is protected from the erosion hazard;
- d. development activities will have no negative impacts on natural stream meandering/ fluvial processes;
- e. the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- f. flooding hazards have been adequately addressed; and,
- g. structural development activities would not be susceptible to stream erosion (100-year planning horizon);

1.3.9 Development activities may be permitted for the reconstruction or relocation of a building within the meander belt of a not apparent river or stream valley, provided that it has not been damaged or destroyed by erosion and if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that the building:

- a. cannot be relocated to an area outside the erosion hazard and if there is no feasible alternative site, that it is located in an area of least (and acceptable) risk;
- b. will be protected from the erosion hazard through incorporation of appropriate building design parameters; and,
- c. will not exceed the original habitable floor area or the original footprint area of the previous structure.

1.4 DEVELOPMENT ACTIVITIES WITHIN THE ALLOWANCE ADJACENT TO THE EROSION HAZARD OF A NOT APPARENT (UNCONFINED) RIVER OR STREAM VALLEYS (MEANDER BELT)

1.4.1 Development activities may be permitted within the allowance adjacent to the meander belt if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that:

- a. development activities will not create or aggravate the erosion hazard;
- b. development activities will not prevent access to and along the meander belt;
- c. the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans; and,
- d. hazards have been adequately addressed.

1.5 DEVELOPMENT ACTIVITIES WITHIN ONE-ZONE REGULATORY FLOODPLAIN OF RIVER OR STREAM VALLEYS

In general, development activities within the Regulatory floodplain, including any high points of land not subject to flooding but surrounded by floodplain or 'flooded land', shall not be permitted except in accordance with the policies of 1.5.1 – 1.5.12;

In general, flood hazard protection and bank stabilization works to allow for future/proposed development activities or an increase in development envelope or area within the Regulatory floodplain shall not be permitted except in accordance with the policies of 1.5.1 – 1.5.12;

In general, development activities associated with new and/or the expansion of existing trailer parks/campgrounds in the Regulatory floodplain shall not be permitted except in accordance with the policies of 1.5.1 – 1.5.12;

In general, stormwater management facilities within the 100 year floodplain shall not be permitted except in accordance with the policies of 1.5.1 – 1.5.12;

In general, development activities within the Regulatory floodplain on vacant lots of record shall not be permitted except in accordance with the policies of 1.5.1 – 1.5.12;

In general, basements within the Regulatory floodplain shall not be permitted except in accordance with the policies of 1.5.1 – 1.5.12;

In general, underground parking within the Regulatory floodplain shall not be permitted except in accordance with the policies of 1.5.1 – 1.5.12;

1.5.1 Development activities shall be prohibited within the Regulatory floodplain where the use is:

- a. an institutional-use, associated with hospitals, nursing homes, 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 during an emergency, due to flooding and/or failure of flood-proofing measures or protection works, 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 result of flooding, the failure of flood-proofing measures and/or protection works, or

- c. uses associated with the disposal, manufacture, treatment or storage of hazardous substances;

1.5.2 Non-habitable development activities (excluding commercial, industrial and institutional-uses) 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

1.5.3 Development activities on a vacant lot of record may be permitted within the Regulatory floodplain if safe ingress/egress is provided and it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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. The submitted plans shall demonstrate to the satisfaction of the Conservation Authority that:

- a. there is no feasible alternative site outside of the Regulatory floodplain for the proposed development activity or in the event that there is no feasible alternative site, that the proposed development activity is located in an area of least (and acceptable) risk;
- b. the proposed works do not create new hazards or aggravate flooding on adjacent or other properties and there are no negative upstream and downstream hydraulic impacts;
- c. the development activity is protected from the flood hazard in accordance with established flood-proofing and protection techniques;
- d. the proposed development activity will not prevent access for emergency works, maintenance, and evacuation;
- e. the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and,
- f. erosion hazards have been adequately addressed;

1.5.4 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

1.5.5 Development activities 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

1.5.6 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, dynamic beaches, and unstable soils or bedrock will not be affected ; and 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

1.5.7 Development & activities associated with existing uses located within the Regulatory floodplain such as minor additions, non-habitable detached accessory buildings, pools, landscaping retaining walls, grading, decks, etc., may be permitted if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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. The submitted plans shall demonstrate to the satisfaction of the Conservation Authority that:

- a. there is no feasible alternative site outside of the Regulatory floodplain for the proposed development or in the event that there is no feasible alternative site, that the proposed development activity is located in an area of least (and acceptable) risk;
- b. the proposed works do not create new hazards or aggravate flooding on adjacent or other properties and there are no negative upstream and downstream hydraulic impacts;
- c. the development activity is protected from the flood hazard in accordance with established flood-proofing and protection techniques;
- d. the proposed development activity will not prevent access for emergency works, maintenance, and evacuation;
- e. the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and,
- f. erosion hazards have been adequately addressed;

1.5.8 Development activities may be permitted for the reconstruction or relocation of a building within the Regulatory floodplain, provided that it has not been damaged or destroyed by flooding and if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that the building:

- a. cannot be relocated to an area outside the flood hazard and if there is no feasible alternative site, that it is located in an area of least (and acceptable) risk;
- b. will be protected from the flood hazard through incorporation of appropriate building design parameters; and,
- c. will not exceed original habitable floor area of the previous structure or the original footprint area of the previous structure;

1.5.9 Development activities 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 safe ingress/egress as identified in Appendix 1 (Definitions) and if it has been demonstrated to the satisfaction of the Conservation Authority that there is no viable alternative outside of the regulated area and that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

1.5.10 Minor fill and site grading 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, unstable soils or bedrock will not be affected and 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;

1.5.11 The replacement of sewage disposal 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, unstable soils or bedrock will not be affected and 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. The replacement system should be located outside of the floodplain where possible, and only permitted within the floodplain subject to being located in the area of lowest risk;

1.5.12 Above ground parking lots 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, unstable soils or bedrock will not be affected and 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 that safe pedestrian and vehicular access is achieved in accordance with provincial guidelines.

1.6 DEVELOPMENT ACTIVITIES WITHIN THE ALLOWANCE ADJACENT TO THE REGULATORY FLOODPLAIN OF RIVER OR STREAM VALLEYS

1.6.1 Development activities may be permitted within the allowance of a Regulatory floodplain if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, unstable soils or bedrock will not be affected and

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. The submitted plans should demonstrate to the satisfaction of the Conservation Authority that:

- a. development activity does not aggravate the flood hazard or create a new one;
- b. development activity does not impede access for emergency works, maintenance and evacuation;
- c. the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans; and,
- d. erosion hazards have been adequately addressed.

1.7 RIPARIAN ZONE POLICIES

1.7.1 To the extent possible, all development activity proposals shall include the retention and or establishment of vegetation in the riparian zone for stream bank stability. Riparian habitat should be retained or re-established where absent. The riparian zone shall be a minimum 15 metres from the bankfull channel of any watercourse;

1.7.2 Any development activity and/or associated site alterations permitted in accordance with Policies as described in Parts B, C or D (with the exception of watercourse alterations), shall generally maintain a minimum setback of 15 metres from the bankfull channel of any watercourse;

1.7.3 Exceptions to Policy 1.7.1 and 1.7.2 may be considered in areas of existing development or within the urban areas, where:

- a. the works will not significantly encroach into the setback any further than the existing building/structure/disturbance;
- b. no other reasonable alternative exists;
- c. a lot would be rendered undevelopable through adherence to the setback; and,
- d. the reduction has been justified / rationalized through the preparation and implementation of a riparian planting plan (which establishes or enhances the existing riparian vegetative zone), as determined to be acceptable by the Conservation Authority.

2.0 SHORELINES

STATUTORY REQUIREMENTS

The *Conservation Authorities Act* and Ontario Regulation 41/24 contain the following provisions which establish regulatory boundaries and prohibit development along Lake Ontario shoreline unless permission is granted by GRCA after it has been determined that the specific legislated tests have been met:

Prohibited Activities (subsection 28(1) of the *Conservation Authorities Act*)

28(1) “ ...no person shall carry on the following activities, or permit another person to carry on the following activities...

1. Development activities in areas that are...
 - iv. ...adjacent or close to the shoreline of [Lake Ontario] and that may be affected by flooding, erosion or dynamic beach hazards...”

Permits (subsection 28.1(1) of the *Conservation Authorities Act*)

28.1(1) “[GRCA] may issue a permit to a person to engage in [a development] activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of [GRCA]

- a) the [development] activity is not likely to affect the control of flooding, erosion, dynamic beaches...;
- b) the [development] 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...”

DISCUSSION OF SHORELINES

In general, flooding is a phenomenon influenced by and sensitive to water level fluctuations. Inundation of low-lying Great Lakes–St. Lawrence River System shorelines in and of itself does not necessarily constitute a significant hazard. The hazard is dependant on the type, design, location and density of any development in or near the flood-inundated shorelines.

However, where flooded lands are coupled with storm events, the cumulative impact can and frequently does pose significant degrees of risk. Of importance in managing a potential flood susceptible shoreline, is the need to understand the interrelationship between pre-storm flooding, storm setup, wave height, wave up rush and other water related hazards (i.e., wave spray, ice). If the area of inundation is a wetland or an undeveloped area, the resultant “damage” caused by a storm event may be minimal if measured in terms of human losses (i.e., property and life).

Indeed, periodic flooding of wetland complexes have been found to be beneficial for the continued maintenance and enhanced diversity of wetland vegetation itself, by helping to eliminate the invasion of water sensitive upland vegetation into low-lying shorelines during periods of low water levels. In terms of human use and occupation of the low-lying Great Lakes–St. Lawrence River System shorelines, development decisions based on or during periods of low water levels can present the most serious problem.

During lower water levels, the potential flood hazard to homes, cottages and other development often goes unrecognized. Consequently, when water levels return to long-term averages or high water levels, flood damages are sustained. These damages are frequently quite significant (MNR, 1996b).

Erosion within the Great Lakes–St. Lawrence River System is a concern, particularly within the lower Great Lakes. Erosion rates are dependent upon a number of lake and land processes as well as the composition and morphology of the shore. In general terms, identification of erosion susceptible shorelines is rather simple in that erosion of bedrock and cohesive shores involves a unidirectional process. In the absence of human intervention and/or the installation of remediation measures, once material is removed, dislodged or

extracted from the shore face and near shore profile it cannot reconstitute with the original material and is essentially lost forever. Even with the installation of remedial measures (i.e., assumed to address the erosion hazard), the natural forces of erosion, storm action/attack and other naturally occurring water and erosion related forces may prove to be such that the remedial measures may only offer a limited measure of protection and may only reduce or address the erosion hazard over a temporary period of time.

Given the naturally complex and dynamic nature of the beach environment, determining hazard susceptibility of a given beach formation requires careful assessment of a wide range of parameters. Over the short term, beach environments, impacted by flood and erosion processes, may undergo alternating periods of erosion and accretion as they attempt to achieve a dynamic equilibrium with the forces acting upon them. Over the long term, beaches experiencing a positive sediment budget (i.e., more sand and gravel is incoming than outgoing) are generally in fact accreting shore forms while those experiencing a negative sediment budget are eroding. As such, the depiction and evaluation of the hazard susceptibility of dynamic beaches should be dependent on the level of information, knowledge and understanding of the beach sediment budget and the cross-profile width over which most of the dynamic profile changes are taking place.

POLICIES - SHORELINES

2.1 DEVELOPMENT ACTIVITIES WITHIN THE SHORELINE FLOOD HAZARD

For the purposes of the following policies, the shoreline flood hazard is the limit of the landward extent of flooding accounting for the 100 year flood elevation, plus an allowance for wave up rush and other water related hazards.

In general development activities within the shoreline flood hazard shall not be permitted except in accordance with the policies of 2.1.1 – 2.1.11;

In general, flood hazard protection and bank stabilization works to allow for future/proposed development activities or an increase in development envelope or area within the shoreline flood hazard shall not be permitted except in accordance with the policies of 2.1.1 – 2.1.11;

In general, storm water management facilities within the shoreline flood hazard shall not be permitted except in accordance with the policies of 2.1.1 – 2.1.11;

2.1.1 Development activities shall be prohibited in the shoreline flood hazard 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 flooding and/or failure of flood-proofing measures or protection works, 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 result of erosion, the failure of flood-proofing measures and/or protection works, or

- c. uses associated with the disposal, manufacture, treatment or storage of hazardous substances;

2.1.2 Infrastructure (e.g., roads, sewers, flood and erosion control works) and various utilities (e.g., pipelines) may be permitted within the shoreline flood hazard 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

2.1.3 Development activities associated with public parks (e.g., passive or low intensity outdoor recreation and education, trail systems) may be permitted within the shoreline flood hazard if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils 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 or safety of persons or result in the damage or destruction of property;

2.1.4 Shoreline bank, and slope stabilization to protect existing development and conservation or restoration projects may be permitted within the shoreline flood hazard 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

2.1.5 A new dwelling/structure on an existing lot of record or a minor addition to an existing dwelling/structure or reconstruction associated with existing uses may be permitted within the shoreline flood hazard if it has been demonstrated to the satisfaction of Conservation Authority that:

- a. the control of flooding, erosion, unstable soils or bedrock will not be affected and 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;
- b. there is no feasible alternative site outside of the shoreline flood hazard for the proposed development;
- c. the proposed development activity does not result in an increase of flooding risk (i.e., flood-proofing measures applied) and is located in an area of least risk (i.e., located furthest possible distance from the lake);
- d. the proposed works do not create new or aggravate flooding on the subject, adjacent or other properties;
- e. the development activity is protected from the shoreline flood hazard in accordance with established flood-proofing and protection techniques. Habitable buildings must be dry-flood-proofed such that the elevation of the building is above the 100-year flood hazard elevation (including wave up rush).

Specifications for fill materials and compaction procedures must be prepared or approved by a qualified professional engineer at the applicant's expense and the responsible professional engineer shall certify in writing that the design has taken into account regulatory flood (velocity and depth) and site (soil type, bearing capacity, etc.) conditions encountered at the specific location of the development activity and, further, the responsible professional engineer must identify maintenance requirements that might be required over the design life of the structure. Non habitable structures must as a minimum be wet flood proofed whereby the building can be constructed with all electrical above flood elevation and a study to address hydrostatic pressures and wave action;

- f. potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and
- g. the reconstruction is not for a dwelling/structure that was destroyed by flooding and provided the reconstruction does not exceed original habitable floor area nor the original footprint area of the previous structure and contains the same number of dwelling units;

2.1.6 Development activities associated with existing uses located within the shoreline flood hazard such as minor additions, non-habitable accessory buildings (e.g., boat house), pools, landscaping retaining walls, grading, unenclosed decks, etc., may be permitted if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches and unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that:

- a. there is no feasible alternative site outside of the shoreline flood hazard for the proposed development activity 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;
- b. the proposed works do not create new or aggravate flooding on the subject, adjacent or other properties;
- c. development activity is protected from the shoreline flood hazard in accordance with established floodproofing and protection techniques;
- d. proposed development activity will not prevent access for emergency works, maintenance, and evacuation; potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control;
- e. site stabilization/restoration has been addressed; and,
- f. erosion and dynamic beach hazards have been adequately addressed;

2.1.7 Development activities may be permitted for the reconstruction or relocation of a building within the shoreline flood hazard, provided that it has not been damaged or destroyed by flooding or other water related hazards and if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that the building:

- a. cannot be relocated to an area outside the flood hazard and if there is no feasible alternative site, that it is located in an area of least (and acceptable) risk;
- b. will be protected from the flood hazard; and,
- c. will not exceed original habitable floor area nor the original footprint area of the previous structure;

2.1.8 Development activities associated with the construction of a driveway or access way through the shoreline flood hazard in order to provide access to lands outside of the flood hazard may be permitted subject to the Provision of Safe Ingress/Egress as identified in Appendix 1 (Definitions) and if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

2.1.9 Minor placement and removal of fill and site grading within the shoreline flood hazard may be permitted if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

2.1.10 The replacement of sewage disposal systems may be permitted within the shoreline flood hazard if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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. The replacement system should be located outside of the shoreline flood hazard where possible and only permitted within the shoreline flood hazard in the area of lowest risk;

2.1.11 Above ground parking lots may be permitted within the shoreline flood hazard if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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 that safe pedestrian and vehicular access is achieved.

2.2 DEVELOPMENT ACTIVITIES WITHIN THE ALLOWANCE ADJACENT TO THE SHORELINE FLOOD HAZARD

2.2.1 Development activities may be permitted within the allowance adjacent to the shoreline flood hazard if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and

unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that:

- a. development activity does not aggravate the flood hazard or create a new one;
- b. development activity does not impede access for emergency works, maintenance and evacuation;
- c. the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/ restoration plans; and
- d. erosion and dynamic beach hazards have been adequately addressed.

2.3 DEVELOPMENT ACTIVITIES WITHIN THE SHORELINE EROSION HAZARD

For the purpose of the following policy, the shoreline erosion hazard is the limit of the landward extent of the stable slope measured from the existing protected or unprotected toe of slope, plus the 100-year erosion limit.

In general, development activities shall not be permitted within the shoreline erosion hazard except in accordance with the policies of 2.3.1 – 2.3.7;

In general, stabilization works within the shoreline erosion hazard to allow for future/proposed development or an increase in development envelope or area shall not be permitted except in accordance with the policies of 2.3.1 – 2.3.7;

In general, development activities within the shoreline erosion hazard on vacant lots of record shall not be permitted except in accordance with the policies of 2.3.1 – 2.3.7;

In general, storm water management facilities within the shoreline erosion hazard shall not be permitted except in accordance with the policies of 2.3.1 – 2.3.7;

2.3.1 Development activities shall not be permitted in the shoreline erosion hazard 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, due to flooding and/or failure of floodproofing measures or protection works, 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 result of erosion, the failure of flood-proofing measures and/or protection works, or
- c. uses associated with the disposal, manufacture, treatment or storage of hazardous substances;

2.3.2 Public infrastructure (e.g., roads, sewers, flood and erosion control works) and various utilities (e.g., pipelines) may be permitted within the shoreline erosion hazard 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

2.3.3 Development activities associated with public parks (e.g., passive or low intensity outdoor recreation and education, trail systems) may be permitted within the shoreline erosion hazard if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

2.3.4 Shoreline, bank, and slope stabilization to protect existing development and conservation or restoration projects may be permitted within the shoreline erosion hazard 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

2.3.5 Development activities associated with minor additions, non-habitable accessory, buildings and pools may be permitted within the shoreline erosion hazard if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that:

- a. there is no feasible alternative site outside of the shoreline erosion hazard or in the event that there is no feasible alternative site, that the proposed development activity is located in an area of least (and acceptable) risk no development is located within the stable slope allowance;
- b. there is no impact on existing and future slope stability and bank stabilization;
- c. development activity will not prevent access into and along the shoreline erosion hazard in order to undertake preventative actions/maintenance or during an emergency;
- d. development activity will have no negative impacts on natural shoreline processes;
- e. the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and,
- f. dynamic beach hazards have been adequately addressed;

2.3.6 Development activities associated with existing uses located within the shoreline erosion hazard such as landscaping retaining walls, grading, decks, stairs, etc., may be permitted if it has been demonstrated to the satisfaction of the Conservation

Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that:

- a. there is no feasible alternative site outside of the shoreline erosion hazard or in the event that there is no feasible alternative site, that the proposed development activity is located in an area of least (and acceptable) risk;
- b. development activity will not prevent access into and through the shoreline erosion hazard in order to undertake preventative actions/maintenance or during an emergency; there is no impact on existing and future slope stability and bank stabilization;
- c. development activity will have no negative impacts on natural shoreline processes; and,
- d. the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; flooding hazards, dynamic beach, unstable soils or bedrock hazards have been adequately addressed;

2.3.7 Development activities may be permitted for the reconstruction or relocation of a building within the shoreline erosion hazard, provided that it has not been damaged or destroyed by erosion and if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that the building:

- a. cannot be relocated to an area outside the erosion hazard and if there is no feasible alternative site, that it is located in an area of least (and acceptable) risk;
- b. will be protected from the erosion hazard through incorporation of appropriate building design parameters; and
- c. will not exceed original habitable floor area nor the original footprint of the previous structure.

2.4 DEVELOPMENT ACTIVITIES WITHIN THE ALLOWANCE ADJACENT TO THE SHORELINE EROSION HAZARD

2.4.1 Development activities may be permitted within the allowance adjacent to the shoreline erosion hazard if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that:

- a. development activity does not aggravate the erosion hazard or create a new one;
- b. development activity does not impede access for emergency works, maintenance and evacuation;

- c. the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/restoration plans; and
- d. erosion and dynamic beach hazards have been adequately addressed.

2.5 DEVELOPMENT ACTIVITIES WITHIN THE DYNAMIC BEACH HAZARD

For the purpose of the following policies the Dynamic Beach Hazard is the limit of the landward extent of the 100 year flood elevation limit, plus the allowance for wave up rush and other water-related hazards, plus the dynamic beach allowance. The dynamic beach allowance is 30 metres.

In general, development activities shall not be permitted in the dynamic beach hazard except in accordance with the policies of 2.5.1 – 2.5.4;

2.5.1 Development activities shall be prohibited in the dynamic beach hazard, 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 flooding and/or failure of flood-proofing measures or protection works, 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 result of erosion, the failure of flood-proofing measures and/or protection works, or
- c. uses associated with the disposal, manufacture, treatment or storage of hazardous substances;

2.5.2 Underground public infrastructure (i.e., sewers) and various utilities (e.g., pipelines) may be permitted within the dynamic beach hazard 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

2.5.3 Development activities associated with public parks (e.g., passive or low intensity outdoor recreation and education, trail systems) may be permitted within the dynamic beach hazard if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock will not be affected and 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;

2.5.4 Conservation or restoration projects may be permitted within the dynamic beach hazard 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, dynamic beaches, and unstable soils or bedrock will not be affected and 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.

2.6. DEVELOPMENT ACTIVITIES WITHIN THE ALLOWANCE ADJACENT TO THE DYNAMIC BEACH HAZARD

2.6.1 Development activities may be permitted within the allowance adjacent to the dynamic beach hazard if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beach, and unstable soils or bedrock will not be affected and 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. The submitted plans should demonstrate that:

- a. Development activity does not create or aggravate the dynamic beach hazard;
- b. development activity does not prevent access to and along the dynamic beach;
- c. the potential for surficial erosion has been addressed through proper drainage, erosion and sediment control and site stabilization/ restoration plans; and,
- d. flooding and erosion hazards have been adequately addressed.

3.0 WATERCOURSES

LEGISLATIVE CONTEXT

The *Conservation Authorities Act* and Ontario Regulation 41/24 contain the following provisions which establish regulatory boundaries and prohibit development and interference in any way in and around wetlands as well as the straightening, changing, diverting or interference with watercourses unless permission is granted by GRCA after it has been determined that specific legislated tests have been met:

Prohibited Activities (subsection 28(1) of the *Conservation Authorities Act*)

28(1) "... no person shall carry on the following activities, or permit another person to carry on the following activities...

4. Activities to straighten, change, divert or interfere in any way with the existing channel of a...watercourse or to change or interfere in any way with a wetland.
5. Development activities in areas that are...
 - ii. ...wetlands...
 - v. [areas within 30 metres of a wetland]"

Permits (subsection 28.1(1) of the *Conservation Authorities Act*)

28.1(1) "[GRCA] may issue a permit to a person to engage in [a development] activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of [GRCA]

- a) the [development] activity is not likely to affect the control of flooding, erosion, ...;
- b) the [development] 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...”

DISCUSSION OF WATERCOURSES

Watercourses transport both water and sediment from areas of high elevation to areas of low elevation. Watercourses also transfer energy (e.g., temperature), nutrients, pollutants, organic and inorganic materials, and organisms (e.g., movement of mammals, fish, invertebrates, amphibians) and provide habitat for fish and other species either in-stream, near-channel, 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, assimilative capacity for nutrients, 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, flow regime, sediment characteristics (soil type, bedrock, and substrate characteristics), biota, nutrient load, and land-use (including riparian vegetation). 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 (including erosion rates), aquatic biota, and riparian vegetation.

Changes to channel morphology may reduce the ability of the watercourse to process sediment causing erosion and changing the amount or size of bed load being moved. Channel changes also impact the physical habitat of the stream channel influencing the health of the stream and the organisms that require this habitat. 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 overall health of the watercourse.

POLICIES - WATERCOURSES

3.1 ACTIVITIES TO STRAIGHTEN, CHANGE, DIVERT OR INTERFERE WITH A WATERCOURSE

In general, activities to straighten, change, divert or interfere with a watercourse shall not be permitted, except in accordance with the policies of 3.1.1 – 3.1.6;

3.1.1 Infrastructure (e.g., roads, sewers, flood and erosion control works) and various utilities (e.g., pipelines) may be permitted within a watercourse subject to the activity being approved through a satisfactory Environmental Assessment process or through other studies deemed necessary by the Conservation Authority and/ or if the activity to

straighten, change, divert or interfere with the hydrologic functions of the watercourse has been deemed to be acceptable by the Conservation Authority;

- 3.1.2** Stream, bank, and channel stabilization to protect existing development or conservation or restoration projects may be permitted within a watercourse if the activity to straighten, change, divert or interfere with the hydrologic functions of the watercourse has been deemed to be acceptable by the Conservation Authority;
- 3.1.3** Any works that are to be located below the bed of the river within a watercourse shall be located below the long-term scour depth to the satisfaction of the Conservation Authority;
- 3.1.4** Minor interference and/or alteration (e.g., tile outlet) may be permitted within a watercourse if it has been demonstrated to the satisfaction of the Conservation Authority that the activity to straighten, change, divert or interfere is acceptable on the hydrologic functions of the watercourse;
- 3.1.5** Major activity to straighten, change, divert or interfere (e.g., realignment, dredging, dam, enclosure, pond) with a watercourse may be permitted where supported by the recommendations of an Environmental Assessment and if it has been demonstrated to the satisfaction of the Conservation Authority that the interference is acceptable for the hydrologic functions of the watercourse;
- 3.1.6** Watercourse crossings may be permitted if it has been demonstrated to the satisfaction of the Conservation Authority that the activity to straighten, change, divert or interfere on the hydrologic functions of the watercourse has been deemed to be acceptable by the Conservation Authority. At a minimum, the submitted plans should demonstrate the following based on morphological characteristics of the watercourse system.
 - a. crossings have an open bottom where it is feasible, or where it is not feasible, the crossings should be appropriately embedded into the watercourse;
 - b. 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;
 - c. the crossing is sized and located such that there is no increase in upstream or downstream erosion or flooding;
 - d. the design should consider fish and wildlife passage; and,
 - e. consideration for upstream and downstream effects when installing/ replacing a culvert.

4.0 WETLANDS

DISCUSSION OF WETLANDS

A wetland can be defined as an area 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 has been caused by the presence of abundant water; and,
- d. has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water

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 water 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.

4.1 ACTIVITIES TO CHANGE OR INTERFERE WITH A WETLAND

In general, activities to change or interfere within a wetland shall not be permitted in accordance with the policies of 4.1.1 – 4.1.3;

In general, ponds and drains shall not be permitted within wetlands except in accordance with the policies of 4.1.1 – 4.1.3;

In general, stormwater management facilities shall not be permitted within wetlands except in accordance with the policies of 4.1.1 – 4.1.3;

- 4.1.1** Public Infrastructure (e.g., roads, sewers, flood and erosion control works) and various utilities (e.g., pipelines) may be permitted within a wetland 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, unstable soils or bedrock will not be affected and 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 the interference on the hydrologic functions of the wetland has been deemed to be acceptable by the Conservation Authority;

4.1.2 Conservation or restoration projects may be permitted within a wetland if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, unstable soils or bedrock will not be affected and 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 the interference on the hydrologic of the wetland has been deemed to be acceptable by the Conservation Authority;

4.1.3 Development activities associated with public parks (e.g., passive or low intensity outdoor recreation and education, trail system) may be permitted within a wetland if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, and unstable soils or bedrock will not be affected and 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 the interference on the hydrologic functions of the wetland has been deemed to be acceptable by the Conservation Authority.

4.2. DEVELOPMENT WITHIN OTHER AREAS (AREAS OF INTERFERENCE / ADJACENT LANDS WITHIN WHICH DEVELOPMENT MAY INTERFERE WITH THE HYDROLOGIC FUNCTION OF THE WETLAND)

4.2.1 Ontario Regulation 41/24 defines other areas as areas in which development activities are prohibited are areas within 30m of a wetland.

4.3 AREA WITHIN 30 METRES OF THE WETLAND

In general, development shall not be permitted within 30 metres of the boundary of the wetland except in accordance with the policies of 4.3.1 – 4.3.4;

4.3.1 Infrastructure (e.g., roads, sewers, flood and erosion control works) and various utilities (e.g., pipelines) may be permitted within 30 metres of a wetland if the interference on the hydrologic functions of the wetland has been deemed to be acceptable by the Conservation Authority;

4.3.2 Conservation or restoration projects may be permitted within 30 metres of a wetland if the interference on the hydrologic functions of the wetland has been deemed to be acceptable by the Conservation Authority;

4.3.3 Development associated with public parks (e.g., passive or low intensity outdoor recreation and education, trail system) may be permitted within 30 metres of a wetland if the interference on the hydrologic functions of the wetland has been deemed to be acceptable by the Conservation Authority;

4.3.4 Single family buildings or structures may be permitted within 30 metres of a wetland on vacant lots of record if the interference on the hydrologic function of the wetland has been deemed to be acceptable by the Conservation Authority. An Environmental Impact Study to assess the hydrologic impact shall be required if the submitted plans do not demonstrate the following:

- a. all development (including grading) is located so as to maintain as much setback from the wetland as is feasible;
- b. disturbances to natural vegetation communities contributing to the hydrologic function of the wetland are avoided;
- c. the overall existing drainage patterns for the lot will be maintained;
- d. disturbed area and soil compaction is minimized;
- e. development is located above the high water table;
- f. all septic systems are located a minimum of 15 metres from the wetland and a minimum of 0.9 m above the water table;
- g. impervious areas are minimized; and,
- h. best management practices are used to:
 - (i) maintain water balance;
 - (ii) control sediment and erosion; and
 - (iii) buffer wetlands.

PART D
SPECIAL POLICIES



1.0 LARGE FILL SITE POLICY

A large fill site will be considered as any imported fill proposal within a Regulated Area which exceeds 500 cubic metres and will be estimated on the basis of 10 cubic metres per truck delivered.

If approved, following the placement of the volume estimated on that basis, an Ontario Land Surveyor will be required to certify the volumes imported.

LARGE FILL PERMIT APPLICATION REQUIREMENTS

1. Site plan(s) prepared by a certified Ontario Land Surveyor of the existing grades of the property where the fill is proposed to be placed. Contour intervals should be placed at no less than 0.5 metres.
2. Site plan(s) indicating all final grades for the material to be placed or dumped.
3. Information describing timing and quantities (volume and depth) of material to be deposited on site including the proposed phasing of the fill operation.
4. Drainage details before and after development.
5. Mapping of all natural heritage or natural hazard features boundaries and the regulation limit in relation to the proposed fill placement.
6. All materials/structures including quantities needed to be placed to access the fill areas (e.g., road beds, bridges, culverts etc.) and final conditions of these areas.
7. Documentation showing that one or more Qualified Person(s) as defined in the *Environmental Protection Act* has been retained to carry out the work described in the requirements below. This requires that written documentation confirming the name, contact information and qualifications of the retained Qualified Person(s) be submitted and accepted by the GRCA.
8. A procedure, acceptable to the GRCA, whereby the Qualified Person(s) will review written documentation for each source site and confirm in writing that the material being received is acceptable for use at the fill site. All documentation from the source site will be provided to the GRCA office along with the written confirmation from the Qualified Person mentioned above and retained on site, prior to fill being placed.
9. A procedure acceptable to the GRCA whereby the Qualified Person(s), shall collect weekly audit soil samples from trucks that represent each source site that has been accepted to ship soil to the fill site. These soil samples shall be analyzed for metals, soluble chlorides, volatile organic compounds, petroleum hydrocarbons, and benzene, toluene, ethylbenzene, xylenes and semi-volatile organic compounds. Copies of these analysis results shall be provided directly to the GRCA from the reporting laboratory. Should samples indicate levels above the acceptable criteria, additional sampling may be required at the discretion of the GRCA.
10. A plan(s) and procedure for segregating fill material dumped each week, until such time as the weekly audit sample results have demonstrated the material is suitable to remain on site.
11. A plan/procedure acceptable to the GRCA, should any audit sample results indicate levels above Table 2 criteria, for removal of material and grid sampling of the remainder of that weeks material.

12. A procedure whereby the GRCA is provided with certification from the Qualified Person(s) that the audit program demonstrates that imported material meets MOE Guidelines Table 2 (Potable Water Designation), unless the characterization report concludes the site is at a Table 1 background condition, in which case only Table 1 soils will be permitted. The written documentation and written confirmation shall be provided to the GRCA office and be available at the fill site.
13. A procedure for monitoring all vehicle activities at the fill site including documenting the vehicle identity including licence plate, and weigh scale tickets for all vehicles depositing material at the fill site, details of the approved source of the material, and the date, time and location where, material was deposited and / or managed. As site security plan will also be required which ensures no vehicles can access the site outside of normal operating hours.
14. A plan detailing how any on-site works (i.e., grading, fill placement, excavation) will be isolated by silt fencing and a description and timing of how the area will be adequately re-vegetated, to prevent the release of sediment from the work areas. This includes any dust soil and erosion control measures to be employed including timing description of how fill material will be contained to the site, (e.g., mudmats, haul routes, and dust control scheme).
15. Confirmation that authorized representatives of the GRCA may at any time enter onto the lands which are described herein, in order to make any surveys, examinations, investigations, take samples or conduct inspections which are required for the purpose of ensuring that the work(s) authorized by this permit are being carried out according to the terms of this permit. At its discretion, the GRCA may retain an independent qualified person to take additional samples at the cost of the proponent.
16. Confirmation that the local Municipality has been consulted with and provision of the details of any municipal requirements under any Site Alteration By-Law, or other requirements relating to noise, dust, traffic, etc.
17. Submission of the large fill site application review fee of \$5,000.00, in addition to \$1.50 per cubic metre, submitted bi-weekly on a schedule agreed to by the GRCA. The GRCA Board of Directors at its discretion may require additional securities, as it deems necessary, depending on the nature and scale of the fill operation.

2.0 SPECIAL POLICY AREA – COBOURG, MIDTOWN & BROOK CREEK

3.12 SPECIAL POLICY AREA

3.12.1 Purpose

The delineation of this area, as originally set forth in the Town of Cobourg Official Plan, approved by Ministry of Municipal Affairs and Housing on August 19, 1986, was subject to the approval of the Ministers of Municipal Affairs and Housing and Natural Resources.

The Special Policy Area designation on Schedule "A" is an overlay designation. The designation applies to areas within the Town that have historically existed in the flood plain and where site specific policies apply which are intended to address the significant social and economic hardships to the community which would result from strict adherence to provincial policies concerning development in the flood plain.

3.12.2 Permitted Uses, Buildings and Structures

The uses, buildings and structures permitted shall be those within the underlying land use designations and shall include new buildings and structures and the renovation, replacement or redevelopment of existing structures in accordance with the relevant flood proofing measures specified in Section 3.12.3.

3.12.3 Land Use Policies

3.12.3.1 Alteration to Watercourses

The placing or removal of fill of any kind, whether originating on the site or elsewhere, or the alteration of any watercourse shall not be permitted within a Special Policy Area without the approval of the Ganaraska Region Conservation Authority and the Town of Cobourg.

3.12.3.2 Building Permit Review

Prior to the issuance of a building permit, the Town of Cobourg shall consult with the Ganaraska Region Conservation Authority regarding the administration of the Authority's fill and construction regulations and to assess any proposed or necessary flood damage reduction measures which may include such matters as:

- i) the design of the structure to withstand hydrostatic forces;
- ii) the strength of structural materials and components to ensure that the materials used will not be subject to deterioration from flooding;
- iii) the elevation of living space and exterior building openings relative to the Regulatory Flood;
- iv) the location and elevation of electrical and heating equipment relative to the Regulatory Flood;
- v) the location, elevation and design of municipal services and public utilities;
- vi) the design of the structure to ensure that the interior ground floor level elevation is as close as possible or above the Regulatory Flood level; and,
- vii) such other additional flood damage reduction measures as may be warranted in the context of the location and nature of the proposed building or structure.

3.12.3.3 Flood Protection Levels

- i) All new buildings and structures or additions to existing buildings or structures, wherever possible, shall be protected from flooding to the level of the Regulatory Flood unless otherwise specified hereunder. However, if it is demonstrated that specified level of protection is not attainable, then a lesser level of protection will be determined by the Town of Cobourg in consultation with the Ganaraska Region Conservation Authority.

In establishing the level of protection, the Ganaraska Region Conservation Authority and the Town of Cobourg shall have regard for the nature and characteristics of development on adjacent lands with specific regard for existing doorway and floor elevations and the elevation of abutting streets and/or sidewalks and the desirability of maintaining a uniform appearance in building elevations.

- ii) For the purposes of this Plan, the minimum level of flood protection for those lands designated as Special Policy Areas shall be:

- a) the Regional Flood level for those areas adjacent to the Brook Creek and within its associated flood plain to the south of the railway corridor;
 - b) the maximum observed 1980 flood elevation which has an estimated return period of 1 in 100 years for the designated Special Policy Areas adjacent to the Cobourg Creek and the associated flood plain and the area adjacent to Elgin Street in the vicinity of Nickerson Drive; and,
 - c) the flood elevation which has an estimated return period of 1 in 100 years for the designated Special Policy Area adjacent the Midtown Creek and the associated flood plain to the south of the railway corridor.
- iii) Accessory buildings, structures and uses which are normally considered incidental and subordinate to a principal permitted use, exclusive of buildings intended for human habitation, may be exempted from certain flood proofing measures subject to the approval of the Ganaraska Region Conservation Authority and the Town of Cobourg.

3.12.3.4 Limitations on Development

- i) Notwithstanding the policies of this section, no new buildings or structures inclusive of additions to existing structures, shall be permitted within a Special Policy Area designation where, after consulting with the Ganaraska Region Conservation Authority, the Town determines that such structures would be subjected to flows which, due to their velocity and/or depth, would result in an unacceptable high risk to human life or major structural damage as a result of a flood less than or equal to the Regulatory Flood or which will result in a significant increase in "off-site" and/or upstream/ downstream risks.
- ii) Where new development occurs within a Special Policy Area by means of a registered plan of subdivision or consent the Municipality, in conjunction with the Ganaraska Region Conservation Authority, may require as a condition of approval that provisions for warning prospective purchasers that the lands in question are located within an area which is susceptible to flooding be placed on the title of any lots or blocks.

3.12.3.5 Zoning Regulations

- i) Where lands designated as a Special Policy Area are vacant and/or undeveloped as of September 30, 1985, such lands shall be zoned within a holding zone in the implementing by-law in accordance with the provisions of the Planning Act. The Town of Cobourg shall not remove the 'H' prefix until such time as it has consulted with the Ganaraska Region Conservation Authority to determine the feasibility and nature of those flood damage reduction measures as may be necessary. Prior to removal of the 'H' prefix, the Town shall give reasonable notice to the Ganaraska Region Conservation Authority of the intent to remove the holding provision.
- ii) The implementing zoning by-law shall contain provisions, where appropriate, relating to building setbacks, maximum lot coverage, minimum exterior opening elevation or such other matters as may be determined by the Town of Cobourg in consultation with the Ganaraska Region Conservation Authority.

3.13 PARK AREA

3.13.1 Purpose

The Park Area designation recognizes parks which serve the Town as a whole and other municipal parks.

3.13.2 Permitted Uses, Buildings and Structures

The permitted uses are open space and outdoor recreation, including related buildings and structures such as swimming pools, arenas, tennis courts, concession stands, bandstands, greenhouses and playground equipment.

3.13.3 Land Use Policies

- i) Parks shall be planned as part of the Greenlands System described in Section 4 of this Plan and in accordance with the policies of this Section.
- ii) The Town shall continue to maintain and, where financially feasible, enhance the open space and recreation facilities in the existing parks.

3.0 SPECIAL POLICY AREA – GANARASKA RIVER & GAGES CREEK

C5. ENVIRONMENT

C5.1 NATURAL HERITAGE AND NATURAL HAZARDS

Sustainable and Balanced The natural heritage policies in this Plan are premised on the belief that a sustainable and healthy environment represents a balance between human activities and natural features and functions. However, nothing in Section C5 is intended to limit the ability of existing agricultural uses to continue.

C5.1.1 Flood Plains

The Flood Plain Areas, including those areas along the Ganaraska River and Gages Creek, subject to the following policies were determined in consultation with the Ganaraska Region Conservation Authority. The general boundaries of the Flood Plain Areas designated on Schedule B reflect the regulatory flood line. In areas where flood information is unavailable, an engineering report in support of a development application proposed within 30 metres of an undesignated stream shall be required to determine the flood plain. Proponents shall consult the Ganaraska Region Conservation Authority for the exact boundary of the flood plain. Revised regulatory flood lines, as a result of new or more accurate information may be incorporated into this Plan without notice or amendment.

C5.1.1.1 Ganaraska River – Urban Area

C5.1.1.1.1 Defined Area

Defined Area Schedule B The Ganaraska River flood plain policy area designation shall apply to those lands within the Regulatory Flood Plain adjacent to the Ganaraska River within the Municipality of Port Hope, as shown on Schedule B1.

C5.1.1.1.2 General Policies

Filling, Construction, Alteration Prior to any filling, construction or alteration to waterways, a permit shall be obtained from the Ganaraska Region Conservation Authority.

Floodproof New Buildings All new buildings where permitted shall be floodproofed to the Regulatory flood level except where it is not technically practical or economically feasible. In these circumstances, the minimum acceptable level of floodproofing shall in no case be less than the 100 Year Flood level plus 0.3 metres, as determined by the Municipality of Port Hope and in consultation with the Ganaraska Region Conservation Authority.

Any new building or structure shall be designed such that its structural integrity is maintained during a Regulatory Flood.

Building Replacement Where a building or structure has been destroyed or demolished by fire or causes other than flooding, the building or structure may be constructed or erected on the footprint of the previous building provided the re-development occurs within two (2) years of the structure's demolition or destruction and, where the opportunity exists, a degree of floodproofing shall be carried out to the replacement structure, as determined by the Municipality and the Conservation Authority.

Replacement Limitation After the said two (2) year period, any such redevelopment shall be considered as new development. The flood plain policies for the Ganaraska River shall then apply. Any change in the use of the building shall require the approval of the Municipality of Port Hope and the Ganaraska Region Conservation Authority prior to construction.

Use Limitation New development associated with the manufacture and storage of substances of a chemical, hazardous or toxic nature which might pose and unacceptable threat to public safety or significant environmental features if damaged as a result of flooding or failure of floodproofing measures, shall not be permitted to locate in the Ganaraska River flood plain policy area.

New nursing homes, hospitals, homes for the aged, senior citizen apartments, group homes, day care centres, schools or other similar institutional facilities for which flooding could pose a significant danger to the inhabitants shall not be permitted to locate in the Ganaraska River flood plain policy area.

Protective services such as police, fire, ambulance and public work yards and major electrical substations shall not be located in the Ganaraska River flood plain policy area. Existing facilities shall not be allowed to expand or extend without approval from the Municipality of Port Hope and the Ganaraska Region Conservation Authority and any major renovation shall meet the Provincial requirements for safe ingress/egress for emergency vehicles.

Building Limitation New building services such as electrical and heating systems should be located above the Regulatory Flood level, but where this is not feasible, building services shall be floodproofed to the Regulatory Flood level. The replacement of existing building services within a building shall be permitted, however, where it is practical, or feasible, the replacement building services should be either located above the Regulatory Flood level, or floodproofed to the Regulatory Flood level.

No new basements or expansion of existing basements shall be permitted.

Continuation of Existing Uses

Existing development within the 100 Year Flood plain, as determined by the Municipality of Port Hope, in consultation with the Ganaraska Region Conservation Authority, may continue in its current form notwithstanding non-compliance with the policies in this section. Minor renovations, as defined in Appendix – Definitions to this Plan, shall comply with dry floodproofing and wet floodproofing requirements, as applicable.

Provincial Policies

All applicable Provincial policies pursuant to the Planning Act shall apply within the Ganaraska River flood plain policy area.

C5.1.1.1.3 Commercial Uses

Commercial Use Limitations

Commercial development, redevelopment and major renovation/addition of new commercial structures shall be permitted in areas so designated provided:

- a) the building is floodproofed to the highest extent practical and the building is designed such that structural damage shall not result in the event of a Regulatory Flood;
- b) the minimum floor level shall be the 100 Year Flood level plus 0.3 metres, as determined by the Municipality of Port Hope, in consultation with the Ganaraska Region Conservation Authority;
- c) new mechanical, electrical, heating and air conditioning equipment shall be located above the Regulatory Flood level or floodproofed to the Regulatory Flood level; and
- d) Commercial uses shall not be permitted where the Flood Plain abuts Agricultural-Prime designated land.

Minor Renovation and Addition

Minor renovations/additions to existing commercial uses shall be permitted subject to floodproofing which shall be to the highest extent possible and to the satisfaction of the Municipality of Port Hope and the Ganaraska Region Conservation Authority and in no case shall the proposed floor level be lower than the existing ground floor level.

New Residential in Commercial Buildings

New residential uses in upper stories shall be permitted provided:

- a) the habitable floor space shall be located above the Regulatory Flood level; and
- b) safe ingress/egress and parking can be achieved, as defined in this Plan.

C5.1.1.1.4 Residential Uses

Cavan Street & Highland Drive

New development shall not be permitted within the Regulatory Flood Plain located north of the existing residential development west of

Cavan Street and north of Highland Drive as identified as Zone 1 in Schedule B1.

Infilling

New residential uses shall be permitted on an infilling basis within the Regulatory Flood Plain, but outside of the 100 Year Flood Plain for that area located south of that area identified above, and north of the foot bridge in the vicinity of the library (Zone 2 in Schedule B1). Where possible any such development shall be floodproofed to Regulatory Flood levels and under no circumstances shall be less than the minimum standard as established (100 year + 0.3 m.).

South of Rotary Bridge

New development shall be permitted south of the Rotary Bridge, to Lake Ontario (Zone 3 in Schedule B1) subject to floodproofing to Regulatory Flood levels as approved by the Municipality of Port Hope and the Ganaraska Region Conservation Authority.

Safe Ingress and Egress

Where permitted, new residential uses considered within the Ganaraska River flood plain policy area (as shown on Schedule B1) must ensure that safe ingress and egress and parking can be achieved, as defined in this Plan.

C5.1.1.1.5 Implementation

Implementation Measures

It is the policy of Council that the Ganaraska River flood plain policies shall be implemented in the following ways:

- a) The Municipality's Zoning By-law shall be amended to add an (f) symbol as a suffix to the zone symbol to identify all the lands below the regulatory flood plain as flood susceptible. The (f) suffix indicates that the lands are subject to the Ganaraska River flood plain policies and the Ganaraska Region Conservation Authority regulations for Fill, Construction and Alteration to Waterways regulations under the Conservation Authorities Act. In addition, for those areas which are below the floodway, a more restrictive zoning category may be applied;
- b) The Municipality's Zoning By-law shall be amended to contain provisions regulating the minimum elevation of doors, windows and other openings or structures, for floodproofing purposes;
- c) Applications for development within the Ganaraska River flood plain policy area shall not be approved until such time as the Municipality of Port Hope has been notified of the approval of the Ganaraska Region Conservation Authority as required under their Fill, Construction and Alteration to Waterway regulation;

- d) The proponent of any new development, redevelopment, or major renovation, shall be required to submit to council for approval, a site plan in accordance with Section E11, Site Plan Control;
- e) Approval of site plans shall conform to the Ganaraska Region Conservation Authority Permit with respect to matters such as lot grading and drainage;
- f) Upon completion of the building or structure, the Municipality or the Ganaraska Region Conservation Authority may require a letter of compliance by a professional engineer verifying that the floodproofing measures have been implemented as required and are in conformity to the policies of this plan;
- g) Building permits within the Ganaraska River flood plain policy area shall not be issued until such time as the Municipality of Port Hope has been notified of the approval of the Ganaraska Region Conservation Authority; and
- h) The Municipality shall continue to maintain the flood emergency plan and to cooperate with the Ganaraska Region Conservation Authority in the operation of the Port Hope flood warning system.

C5.1.1.2 Ganaraska River – Rural Area

C5.1.1.2.1 Defined Area

Defined Area
Schedule B

The Ganaraska River flood plain policy area designation shall apply to those lands within the Regulatory Flood Plain adjacent to the Ganaraska River within the Municipality of Port Hope, as shown on Schedule B.

C5.1.1.2.2 General Policies

Filling,
Construction,
Alteration

Prior to any filling, construction or alteration to waterways, a permit shall be obtained from the Ganaraska Region Conservation Authority.

Any new building or structure shall be designed such that its structural integrity is maintained during a Regulatory Flood.

C5.1.1.3 Gages Creek

C5.1.1.3.1 Defined Area

Defined Area
Schedule B

The Gages Creek flood plain policy area designation shall apply to those lands within the flood fringe and floodway of Gages Creek within the Municipality of Port Hope as shown in Schedule B1 – Development Constraints - Gages Creek.

C5.1.1.3.2 General

Permit Required	Any filling, construction or alteration to waterways proposed within the Gages Creek flood plain policy area shall require a permit from the Conservation Authority prior to the issuance of a building permit.
Existing Development Rights	Notwithstanding Schedule B1, where approvals have been given to a site specific development proposal prior to March 30, 1998 in the form of an Official Plan Amendment, Zoning By-law amendment and Draft Plan of Subdivision, the development rights as defined by the approvals shall be provided. However, the approved development must be designed so as not to increase the flooding of properties adjacent to the development or block the flow of flood waters necessary to safely convey the regulatory flood event. All approved development must be floodproofed to the satisfaction of the Municipality in consultation with the Conservation Authority.

C5.1.1.3.3 Construction

Flood Fringe

Flood Fringe Development	Development shall be allowed to occur within the flood fringe subject to any structure being flood proofed to the Gages Creek 100 Year Flood Level plus 0.3 metre freeboard.
Flood Proofing	Any proposal for flood proofing must be approved by the Municipality in consultation with the Conservation Authority prior to a building permit being issued.
Dry Flood Proofing	For residential structures, dry flood proofing must be carried out. Wet flood proofing shall only be allowed under exceptional circumstances, and only for non-residential uses.
Additions to Structures	Additions can be made to existing structures subject to the above flood proofing requirement. Additions of less than twenty percent (20%) of the first floor area (to a maximum of 30 sq. m.) are exempt from this flood proofing requirement. The addition of up to twenty percent (20%) shall only be allowed once during the life of the building. Any further additions shall be treated as a new structure and shall be required to meet the flood proofing requirements. Additions to existing structures shall not be allowed where there is potential for structural damage associated with flooding, as determined by the Municipality in consultation with the Conservation Authority.
Building Conversions	Conversion of non-residential buildings to residential uses can only take place where the building to be converted is properly flood proofed according to the above standards.

Building Replacement	Replacement of structures, demolished by whatever means, shall be allowed within the flood fringe. However, the new structure shall be required to be flood proofed as recommended above.
Access to New Development	New development where access must occur across the flood plain must have safe ingress and egress. Proposals that require such access, where flood depths exceed 0.3 metres, must demonstrate that safe access can be provided prior to approval. Any such works required to ensure safe access must be approved by the Municipality in consultation with the Conservation Authority and must not adversely affect adjoining properties. New development must not adversely affect adjoining properties or increase the extent of the flood plain.
Parking Lots	Parking lots can occur in the flood fringe without a provision for flood proofing provided that the flood depths do not exceed 0.5 metres.
Open Storage	Open storage shall normally be allowed within the flood fringe, without flood proofing, provided that the material to be stored is not considered hazardous to the environment. Open storage for any materials can take place within the flood fringe provided that the storage site has been flood proofed.
Underlying Land Use Designation	The Official Plan and Zoning By-law shall maintain the underlying land use designation (reflecting the existing or proposed use) but shall incorporate a prefix to identify that the property is flood susceptible and shall specify the minimum requirements for flood proofing (i.e. elevation).

Floodway

Limitations on New Development	No new development shall be allowed within the floodway with the exception of that required for flood and erosion control, essential municipal services or public utilities.
Additions to Structures	<p>Additions to structures presently within the floodway shall only be allowed if under twenty percent (20%) of the existing first floor area (up to a 30 sq. m. maximum). Where this occurs it is suggested that flood proofing be carried out to a reasonable level. No additions shall be allowed greater than twenty percent (20%). This addition shall be allowed to occur once during the life of the structure. No further additions shall be allowed. Additions shall not be allowed where there is potential for structural damages during a flood event.</p> <p>No new lots shall be allowed to be created within the floodway. Individual severances shall be allowed to incorporate a portion of the floodway provided that there is sufficient area outside of the floodway on which to place the proposed development. Where land severance</p>

is proposed via the subdivision process, no lot lines shall be allowed to extend into the floodway.

Existing Lots	An existing lot of record must have sufficient area outside of the floodway to allow any proposed development to take place. Such development must occur outside of the floodway.
Building Replacement	Where a building or structure in the floodway has been destroyed or demolished by fire or causes other than flooding, the building or structure may be constructed or erected on the footprint of the first floor area of the previous building provided the re-development occurs within two (2) years of the structure's demolition or destruction and, where the opportunity exists, a degree of floodproofing shall be carried out to the replacement structure, as determined by the Municipality and the Ganaraska Region Conservation Authority. Where possible, the new structure shall be placed further away from the watercourse and shall be flood proofed to whatever level is possible.
Replacement Limitation	After the said two year period, any such redevelopment shall be considered as new development. The flood plain policies for the Gages Creek shall then apply. Any change in the use of the building shall require the approval of the Municipality of Port Hope and the Ganaraska Region Conservation Authority prior to construction.
Replacement Prohibition	Where flooding has destroyed the structure, reconstruction shall not be allowed to occur.
Parking	Parking may be allowed to occur within the floodway provided that flood depths are less than 0.5 metres and provided that flood plain characteristics are maintained.
Conversion to Residential	No conversion of a non-residential use to a residential use shall be allowed within the floodway.
Parks and Open Space	Parks and open space uses that do not require construction of facilities or large scale modifications to the flood plain shall normally be allowed within the floodway.
Open Storage	Open storage associated with commercial or industrial uses shall not normally be allowed within the floodway.
Underlying Land Use Designation	The floodway shall be designated as Open Space within the Official Plan and Zoning By-law. Existing structural development within the floodway shall be allowed to maintain the underlying land use designation (reflecting the existing use) subject to a prefix being added identifying the lot as being flood susceptible.

4.0 SPECIAL POLICY AREA – PORT BRITAIN DYNAMIC BEACH

Water Management Policies (Revised August 2003)

3.4 Dynamic Beach Policies:

- a) Development will generally be directed to areas outside of: hazardous lands adjacent to the shoreline of Lake Ontario, which are impacted by flooding, erosion, and/or dynamic beach hazards;
- b) ***New development and Site Alteration*** within defined portions of dynamic beach areas (as identified in the Lake Ontario Shoreline Management Study, Sandwell 1990), and as described in the previous section (i.e. section 1.3 - Section E, Lake Ontario Shoreline Management Policy) and Provincial Policy Statements, Natural Hazards Policies, Section 3.1 (Subsections 3.1.1 – 3.1.3) ***will not be permitted.***
- c) The Ganaraska Region Conservation Authority will generally not permit erosion protection works on defined portions of the dynamic beach (as identified in the Lake Ontario Shoreline Management Study, Sandwell 1990);
- d) Notwithstanding the above, existing residences within the Port Britain Area adjacent to the Lake Ontario shoreline (Part Lots 20-24, Concession 1, Municipality of Port Hope) within defined portions of the Dynamic Beach shall be permitted to have one garage and a one-time expansion/addition up to a maximum of twenty percent (20%) of the ground floor living area, provided that:
 - i) the addition/structure is not located in the floodplain area of a stream entering Lake Ontario;
 - ii) the addition is not located within the Lake Ontario Flood Hazard limit [i.e. 100-year Lake Ontario flood level plus allowances for wave uprush and other water related hazards (generally 15 metres measured horizontally from the 100-year flood level)];
 - iii) new or existing hazards or adverse environmental impacts are not created or aggravated;
 - iv) there is no increased risk to life and/or property damage as a result of the expansion/addition;
 - v) every attempt is made to adequately protect the existing and new expansion/addition from the effects of flooding and erosion hazards;
 - vi) vehicles and people have a way of safely entering and existing the area during times of flooding and erosion emergencies.

The attached figure and description outlines the criteria used for defining dynamic beach areas based on Provincial Policy and technical guidelines.

Dynamic Beach Hazard Limit

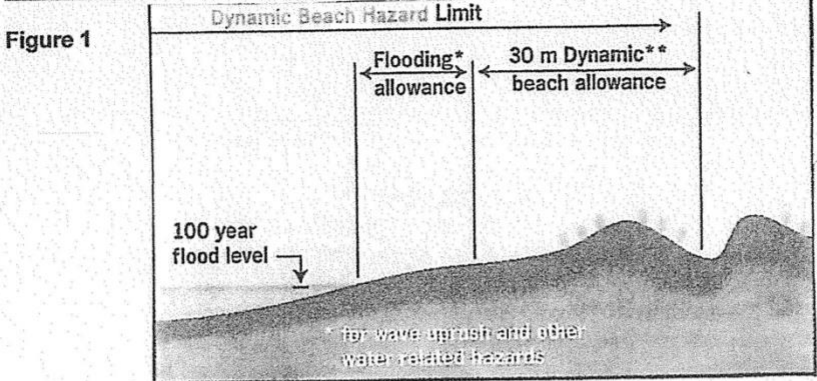


Figure 1

(NOT TO SCALE)
 ** 15 m Dynamic beach allowance for large inland lakes

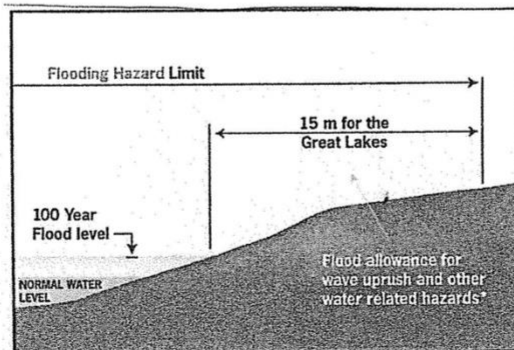
The **dynamic beach hazard limit** is the combined flooding hazard limit* (the 100-year flood level plus an allowance for wave uprush and other water related hazards), **plus the dynamic beach allowance of 30 metres** on the Great Lakes-St. Lawrence River system (See figure above).

If the dynamic beach is subject to erosion or is receding, the **flooding hazard** limit is added to the horizontal distance representing 100 times the average annual recession rate, plus **dynamic beach allowance of 30 metres** on the Great Lakes-St. Lawrence River System.

A planning authority may undertake a study to determine the dynamic beach limit which would be based on **the flooding hazard limit** (the 100-year flood level plus an allowance for wave uprush and other water related hazards) plus **Scientific and engineered dynamic beach allowance** as determined by a valid study.

***Note: Flood Hazard Limit as outlined below**

Figure 2



(NOT TO SCALE)
 * On connecting channels and large inland lakes, the allowance for wave uprush and other water related hazards is 5 m, measured horizontally from the 100 year flood level.

PART E
PROCEDURES



REGULATION PROCEDURES

1.1 PART VI OF THE *CONSERVATION AUTHORITIES ACT*

Part VI of the *Conservation Authorities Act* sets out how various development activities are regulated to protect people, property, and the environment in relation to flooding and erosion hazards.

Reference should be made to the Act and regulations available at ontario.ca/laws for the complete legal text.

In accordance with these requirements, this chapter sets out procedural information.

1.2 PROHIBITED ACTIVITIES AND PERMIT TESTS FOR APPROVAL

Section 28 of the *Conservation Authorities Act* sets out a series of prohibitions, as follows: “No person shall carry on the following activities, or permit another person to carry on the following activities...”

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...
 - I. Hazardous lands,
 - II. Wetlands,
 - III. river or stream valleys...
 - IV. areas that are adjacent or close to the shoreline of [Lake Ontario] and that may be affected by flooding, erosion or dynamic beach hazards...”

“Development Activity” is defined as:

- 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, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- Site grading,
- The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

Section 28.1 of the *Conservation Authorities Act* establishes the legal tests for approval of permit applications. A conservation authority may issue a permit: “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...”

Section 3 of Ontario Regulation 41/24 states 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. These are the standards unless otherwise specified in an exceptional circumstance where a Special Policy Area has been approved.

1.3 EXCEPTIONS

Section 5 of Ontario Regulation 41/24 prescribes exceptions to the regulation of development activities for a list of specific types of development activities under certain conditions. These activities include certain types of docks, fencing, agricultural erosion control structures, non-habitable accessory structures, decks or patios. The specific list may be viewed here: <https://www.ontario.ca/laws/regulation/240041#BK4>

By contacting GRCA staff and/or during the Inquiry/Pre-Consultation process described below, the applicability of certain exceptions to the regulation of certain development activities may be verified.

1.4 MAPPING OF REGULATED AREAS

Section 4 of Ontario Regulation 41/24 prescribes requirements for mapping of areas where development activities are prohibited. This includes requirements for annual review and updating, public access and notification.

Mapping of the approximate regulated area has been undertaken by GRCA in support of Ontario Regulation 41/24 and will be updated annually pursuant to the regulation. The approximate, or conceptual extent, of the regulated area is delineated by mapping and identifies the area where the regulation is expected to apply. The regulated area is not a development setback, land use designation, zone, or a specific development limit. The regulated area includes flooding and erosion hazards associated with riverine systems and the Lake Ontario shoreline, hazard lands, along with wetlands and areas of interference around the wetlands. The regulated area does not mean that development cannot occur and is not to be perceived as a restrictive area for development. It does mean that a development activity may require the authorization from the GRCA consistent with GRCA policies.

General mapping of the regulated areas is provided on the GRCA website.

It is important to note the approximate regulated area mapping is not definitive in terms of identifying areas subject to Ontario Regulation 41/24. There are often features described in Ontario Regulation 41/24 that are not mapped but are still subject to the Regulation or which may be identified differently following site-specific investigation from what is mapped.

Furthermore, in a 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 Ontario Regulation 41/24.

1.5 PERMIT PHASES

Before work/development activity (filling, grading/site alteration, or construction) may proceed in an area regulated by GRCA, a permit must be issued after a pre-consultation, review, application, approval/refusal and hearing processes are followed.

There are five (5) primary phases in the permit application process:

1. Pre-GRCA Permit Approvals
2. Inquiry/Pre-consultation
3. Determination of a “Complete Application”
4. Technical Review, Commenting and Application Refinement
5. Decision: Recommendation for Approval (and Permit Issuance) or Refusal (and Hearing(s))

The phases listed above take place sequentially and are discussed in detail below.

1.6 PRE-GRCA PERMIT APPROVALS

GRCA supports a “planning first” approach to its regulatory mandate, which means that development proposals should be evaluated through up-to-date provincially and municipally approved planning policy and zoning before any implementing regulatory requirements under the *Conservation Authorities Act* are applied. This ensures that the ‘principle of development’ has been determined through the appropriate planning approval and ensures that requirements under the *Conservation Authorities Act* are streamlined and focused on natural hazard concerns.

As part of the “Pre-GRCA Permit Approvals Phase,” applicants are requested to ensure that *Planning Act* approvals or other agency approvals that establish the ‘principle of development’ or other first principles associated with a development proposal, are obtained prior to commencing the permit application process with GRCA

1.7 INQUIRY/PRE-CONSULTATION

Prior to the submission of an application for a permit, all applicants should consult with GRCA staff to assess the proposal and determine application requirements. Section 6 of Ontario Regulation 41/24 sets out the concept of pre-submission consultation and directs

that if an applicant requests a pre-submission consultation, GRCA is required to engage in the pre-submission consultation. The pre-consultation process is intended to:

- determine if an application is required and if the required *Planning Act* approvals are in place prior to the permit application;
- determine the information required to be submitted with the application (e.g. studies, drawings, etc.) to ensure that comprehensive submissions are made that can efficiently lead to complete submissions;
- undertake site visit(s) to verify the presence or absence of features such as valleylands, wetlands and watercourses, as may be required;
- clarify the general process that is required to obtain a permission; and
- identify any concerns that GRCA may have with the proposed undertaking and to provide a preliminary determination of compliance with GRCA policies.

The type, scale and location of the proposal will determine the extent and formality of the pre-consultation process. For complex or major applications, applicants should contact GRCA staff to arrange a formal meeting which could involve a number of internal staff as well as external municipal, agency, provincial and federal representatives who may have an interest in the review of the proposed activity.

Where proposals also require approval under the *Planning Act*, joint pre-consultation meetings with the relevant municipality should be pursued. *Planning Act* approvals should be obtained prior to the submission of permit applications and integrated with GRCA technical input to ensure that most, if not all, matters are addressed proactively prior to the implementing permit process under the *Conservation Authorities Act*.

Pre-submission consultation is a critical value-added service that assists applicants with the application process. After the pre-submission consultation meeting, GRCA will provide the applicant with a written response indicating complete applications and required studies. Pre-consultation meetings should also include input on the terms of references for technical requirements (e.g. Environmental Impact Studies or Slope Stability Studies) to ensure that the matters of interest are sufficiently addressed. A successful pre-submission consultation should result in a quality submission where the GRCA's complete application requirements are met thus reducing the potential for an administrative review request.

1.8 COMPLETE APPLICATION

Once the applicant has completed the pre-submission stage, GRCA staff will provide the applicant with a valid application form. An application for a permit must be made by an owner of the lands or an authorized agent, with the landowner having provided the required landowner authorization.

Where an application has been submitted without pre-consultation, complete application requirements should be communicated to the applicant, in writing, during the 21 days allotted for a complete application decision.

GRCA requests that the following are in place/provided at the time of making a permit application:

- *Planning Act* approvals in place,
- Pre-submission consultation has occurred through GRCA's inquiry/pre-consultation process,
- Required application fee is received,
- GRCA application signed by the landowner (or written landowner authorization),
- Final drawings

GRCA will stamp/E-stamp received and assigned a file number which can be referred to for processing. Applications will not be stamped received and a file will not be opened if *Planning Act* approvals are not in place and/or if the required application fee does not accompany the application. Applications will also not be received if there are outstanding violations of Ontario Regulation 168/06 or Ontario Regulation 41/24 on the subject lands that affect the proposed work/development.

At the time a permit application is received, GRCA staff will determine if the application is considered complete and in accordance with this section and the provisions of Section 7 of Ontario Regulation 41/24, the applicant is to be notified in writing within 21 days, whether or not the application complies with the requirements of subsection 7 (1) of the regulation.

To ensure the application may be appropriately assessed, including the technical aspects of a proposal against the tests set out in subsection 28.1 (1) of the *Conservation Authorities Act*, the submission must include the compulsory information listed below. In addition, there are technical information requirements that may be needed to assess the application. The scale, location, and complexity of a proposal and type of feature and or hazard existing typically determines which information items will apply to an application. The level of detail required for studies and reports can vary widely depending on the property and the proposal. In some situations, a single-page letter from a qualified expert will be sufficient, while in other cases a major study will be necessary. In addition, in the absence of a full set of complete application information, it is not possible for staff to determine if an application may be recommended for approval or considered at a Hearing Board in the case of a recommendation for refusal.

Application Requirements, including prescribed requirements pursuant to subsection 7(1) of Ontario Regulation 41/24:

- In-force *Planning Act* approval(s) – *recommended*
- No outstanding violations of Ontario Regulation 168/06 or Ontario Regulation 41/24 – *if there are outstanding violations of Ontario Regulation 168/06 or Ontario Regulation 41/24 on the subject lands that affect the proposed work/development activity.*
- Completed application form
- Applicable staff-determined application fee in accordance with the Fee Schedule in force and effect
- A description of the works proposed

- Appropriate to-scale plans/drawings including a key map and location of works 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 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 the activity to straighten, change, divert or interfere with the existing channel of a watercourse or to 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
- Drainage details before and after the development activity or other activity
- A complete description of any type of 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 GRCA staff requests including information requested during pre-submission consultations between the authority and the applicant

Potential Technical Requirements (i.e. Other Technical Information, studies or plans per above and clause 7(1)(i) of Ontario Regulation 41/24)

- Legal survey
- Existing and proposed topographic and/or metric geodetic elevations
- Flood line delineation study/hydraulics
- Structural elevations and construction details
- Architectural plans
- Channel crossings assessment
- Erosion and sediment control plans
- Grading plans
- Functional servicing plan
- Geotechnical/slope stability study
- Headwater drainage feature evaluation
- Hydrogeological assessment
- Landscaping/site rehabilitation plan/ecological compensation plans

- Environmental impact study/natural heritage evaluation
- Watercourse erosion analysis stream corridor protection study
- Stormwater management study/design drawings
- Water balance analysis
- Cut and fill analysis
- Construction access and staging plans
- Coastal engineering study
- Soil quality report
- Other reports/studies identified through staff consultation

Works that involve substantial site development should be prepared using the services of professionals. In all cases, it is necessary that the information provided with the application is clear as to the work proposed and is sufficient to allow GRCA staff to complete a technical review and to make recommendations of approval or refusal.

When proposed development activities are also subject to the *Planning Act*, *Planning Act* approvals should be obtained prior to submission of permit applications and integrated with GRCA technical input to ensure that most, if not all, matters are addressed proactively prior to implementing the permit process, under the *Conservation Authorities Act*. Information and study requirements will be co-ordinated with the applicable agency/municipality/ministry, if possible. If GRCA staff are of the opinion that other approvals could result in revisions to description of proposed works/submitted plans/drawings, the application may be deemed incomplete and/or the applicant may be asked to withdraw the application pending the outcome of external or pre-requisite approvals.

1.9 REQUESTS FOR REVIEW

Pursuant to subsection 8 (1) of Ontario Regulation 41/24, requests for an administrative review apply to applications made under section 28.1 of the *Conservation Authorities Act*. An applicant may request a review by GRCA staff (CAO, Coordinator or delegate) if:

- a. the applicant has not received written confirmation from the Authority within 21 days upon submission of the application and fee in accordance with the Authority's Complete Application Process;
- b. The applicant disagrees with the Authority's determination that the application for a permit is incomplete; and/or,
- c. the applicant is of the view that a request by the authority for other information, studies or plans is not reasonable.

Requests must identify what element is to be reviewed (a, b or c above) and submit the request in writing to planning@grca.on.ca. Requesters should use "Section 8 Review Request" in the subject line.

Pursuant to subsection 8(2) of Ontario Regulation 41/24, a review request shall be completed by GRCA no later than 30 days after it is requested and GRCA shall:

- a. confirm that the application meets the application requirements of subsection 7(1) of the regulation 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) of the regulation is reasonable or withdraw the request for all or some of the information, studies or plans.

The purpose of an administrative review is to provide the applicant with an opportunity to resolve issues specified in ss. 8(1) of the Regulation.

Requests for an administrative review applies to applications made under section 28.1 of the *Conservation Authorities Act*. Administrative reviews undertaken by the GRCA (or its delegate) shall be conducted under the following circumstances:

- a. The applicant has not received written confirmation from the Authority within 21 days upon submission of the application and fee in accordance with the GRCA's Complete Application Policies; or,
- b. The applicant disagrees with the GRCA's determination that the application for a permit is incomplete; and/or,
- c. The applicant is of the view that the request for other information, studies or plans is not reasonable.

The administrative review process is not available where the development activity has commenced without the required GRCA permit(s) in place.

Administrative reviews do not determine whether a permit will be issued, or the scope of conditions proposed to be attached to a permit; these factors will be assessed throughout the permit process, after the administrative review is complete. An applicant will be provided with an opportunity to be heard by the Authority in a hearing should staff recommend refusal of their application or should staff propose permit conditions to which the applicant disagrees.

Additionally, administrative reviews are not intended to be a procedure to settle permit fee disputes. Disputes related to the charging of the Authority's permit fees will be addressed in accordance with the Authority's fee policy at www.grca.on.ca

Subsection 8(2) of Ontario Regulation 41/24 establishes the outcome of an administrative review; being that the GRCA (or delegate) must:

- a. Confirm that the application meets the requirements for a complete application; and/or,
- b. Provide reasons why a request for other information, studies or plans is reasonable or withdraw the request for all or some of the information, studies or plans.

Section 28.4 of the *Conservation Authorities Act* enables GRCA to delegate any of its section 28.1 powers related to the issuance or cancellation of permits or to the holding of hearings in relation to the permits to its executive committee or to any other person or body subject to limitations or requirements prescribed by regulation.

GRCA delegates the above administrative review powers to:
GRCA CAO, GRCA Coordinator or GRCA CAO / Coordinator-selected Delegate

The GRCA (or delegate) shall evaluate the request for administrative review in accordance with the following standards:

1. That the request for review meets the eligibility criteria for an administrative review;
2. That the application and/or the requests for information, studies and plans by the GRCA are consistent with the requirements of the *Conservation Authorities Act* and O. Reg. 41/24.
3. That the applicant has submitted all information detailed herein which includes all applicable fees.
4. To determine if the GRCA's request for other information, plans and studies is reasonable, the request must be made in accordance with the GRCA's Policy & Procedural Document for the proposed project, and the request is consistent with similar application requirements within the watershed.

Decision: The decision for an administrative review is limited to determining a complete application and/or whether the request for all or some of the information, studies or plans is reasonable; it is not a decision as to whether or not to issue a permit, nor a process to settle permit fee disputes. The administrative review decision of the Authority (or its delegate) is final.

Upon completing the administrative review, the Authority (or delegate) will notify the applicant with the decision in writing, which must:

- Confirm that the application meets the Authority's complete application requirements;
- Withdraw the request for all or some of the information, studies or plans (if applicable);
- Provide reasons why the application is incomplete; and/or
- Provide reasons why request for other information, studies or plans are reasonable.

A copy of or link to the GRCA's policy and decision-making framework will be included in the decision notice.

Notice and Communication: The Authority (or delegate) shall provide the following correspondence in writing to the applicant:

- a. Within 1-2 business days, upon receipt of a "Request for Review" form, confirm the receipt of the request, set out the start and end dates of the administrative review period (requests for administrative review shall be completed within 30 days upon receipt of the request, unless and extension is approved by the applicant); and,
- b. Forthwith, upon completion of the review provide notice of decision, with reasons.

1.10 APPLICATION FEES, FEE RECONSIDERATIONS AND FEE APPEALS

In accordance with subsection 21.2(4) of the *Conservation Authorities Act*, GRCA is responsible for setting and collecting fees. Fees are set out in annual fee schedules approved by the GRCA Board of Directors, pursuant to subsection 21.2(6) of the *Conservation Authorities Act* (the Act), for the administration and review of applications and must be paid in full at the time of submitting an application or as part of pre-submission consultation.

Pursuant to subsection 21.2(7) of the Act, GRCA's full Fee Policy has been adopted by the Board of Directors and may be found at grca.on.ca.

Note that the following provisions relate only to permit-related application fees and not to fees for planning services:

- Pursuant to subsection 21.2 (13) of the Act applicants may request to reconsider a permit-related fee to planning@grca.on.ca. Requesters should use "Section 21.2 Review Request" in the subject line. GRCA shall make its decision within 30 days after receiving the request.
- Pursuant to subsection 21.2 (14) of the Act, if GRCA does not reconsider a fee within 30 days of receiving a request for reconsideration, the person who made the request may appeal the amount of the fee directly to the Ontario Land Tribunal.
- Pursuant to subsection 21.2 (15) of the Act, if, after reconsideration of a fee charged for an application for a permit, GRCA orders a person to pay the fee, the person shall pay the fee in accordance with the order.
- Pursuant to subsection 21.2 (16) of the Act, a person who pays a fee under subsection (15) may: (a) when paying the fee, indicate to GRCA in writing that the fee is being paid under protest; and (b) within 30 days after payment of the fee, appeal the amount charged by GRCA upon reconsideration to the Ontario Land Tribunal.

The fee schedule is available at grca.on.ca.

The fee for a technical review is triggered when a technical report(s) is required in order to review the application and deem it complete. The technical review fee is based on the number of technical reports submitted by discipline (e.g. an Environmental Impact Study, Stormwater Management Report, and geotechnical assessment equals three reports). The technical review fee must be paid at the time of submission of technical reports. Examples of technical reports include, but are not limited to, the following:

- environmental impact study
- stormwater management study
- functional servicing report
- flood line delineation study/hydraulics
- geotechnical/slope stability study
- hydrogeological assessment
- watercourse erosion analysis

- channel crossings assessment
- stream corridor protection study
- coastal engineering study

GRCA may undertake an update of the fee schedule annually to ensure that the cost recovery is appropriate and that fee rates are in-line with the prevailing inflation rate.

Permit applications for large fill proposals are also subject to a fee based on the volume of fill to be received. In order to establish the fee, GRCA staff will confirm the application volumes through the review of pre and post elevation drawings prepared by an Ontario Land Surveyor and/or by undertaking a site visit to estimate the volume capacity. In accordance with the large fill policy, the permit holder will monitor the fill volume. If it is determined that fill volumes exceed the permitted amount, the applicant will be responsible for submitting the outstanding fee. Once the fill activity has reached half of the permitted volume there will be no refund of fees if the final volumes are less than originally permitted.

A Fees Implementation Guideline for both Regulation and Plan Review fees can be found at grca.on.ca.

1.11 PROCESSING OF COMPLETE APPLICATIONS

All applications are reviewed to determine if they have the *Planning Act* approvals in place and to ensure that the applications meet the legislative requirements and tests of both the *Conservation Authorities Act* and Ontario Regulation 41/24 and, finally, that they conform to GRCA policies.

Site visits are often conducted in order to confirm on-site or nearby features and application information. Site visits can also be used to determine and/or stake the limits of natural features, natural hazards including wetland limits and the physical top-of-bank of valley systems. Further, a site visit may reveal the need for technical studies that were not identified during the determination of a complete application. Boundaries of Provincially Significant Wetlands (PSW) are most often staked by GRCA staff but will require confirmation by MNR staff once wetland evaluation information has been prepared and submitted to the ministry. Other wetland boundaries may be confirmed by GRCA staff during the growing season (May to September).

In the review of certain technical studies there may be a need for GRCA to retain external expertise to assist in the review (coastal hazards, soil quality/geotechnical). The cost of such a peer review is borne by the applicant.

When both a *Conservation Authorities Act* Section 28.1 permit application and a *Planning Act* application is required, GRCA staff will coordinate the review to ensure that permit technical matters are addressed through the planning process to the fullest extent possible. This approach streamlines and reduces or eliminates duplication of review by ensuring that most, if not all, matters are addressed proactively prior to the implementing permit process under the *Conservation Authorities Act*. To ensure that permissions are given that reflect final design and plans, prior to issuing a permit for development that includes infrastructure works, the applicant should provide proof of all required *Planning Act* approvals before a GRCA permit application will be received.

If an application remains inactive for one year after submission of materials or the issuance of GRCA comments regarding a submission, GRCA will consider the application to be abandoned, and the file will be closed.

Electricity Act, 1998: Renewable energy projects proposed in areas regulated by GRCA pursuant to Section 28.1 of the *Conservation Authorities Act*, require permission to ensure the control of flooding, erosion, dynamic beaches or unstable soil or bedrock are adequately addressed.

1.12 DECISIONS

Upon finishing a review of an application deemed complete, GRCA staff will either:

- Issue a permit, with or without conditions; or
- Recommend approval, with or without conditions to the Authority Board Chair for a decision; or
- Advise the applicant that the application cannot be supported and refer the application to a GRCA Hearing Board with a recommendation for refusal.

Permits must be signed by two authorized GRCA representatives to be valid.

Approval granted by GRCA under Ontario Regulation 41/24 shall not be interpreted as eliminating the need to fulfill the requirements of other federal, provincial and municipal bylaws, statutes, regulations and requirements.

Examples of applications within a hazard include:

- cable and pipeline watercourse crossings
- minor stream bank or valley erosion control works
- storm sewer outfalls
- minor bridge/road crossing work or repair
- any emergency repair work
- any permitted development activity in accordance with the policies contained within the Planning Policy Document (PPD)

Applications referred to the Authority Board for approval will be accompanied by a staff report with rationale for support. The applicant will be notified of the Board meeting date and provided a copy of the staff report. If approved by the Authority Board, staff will issue a permit within 5 working days of the decision. The permit will be delivered electronically and a hard-copy of the permit is sent to the applicant. GRCA retains a digital copy and may retain a physical copy for GRCA's reference.

Decision Timelines and Annual Reporting

Decision timelines are legislated pursuant to subsection 28.1(22) of the *Conservation Authorities Act*, which directs that if GRCA has not provided notice of a decision within 120 days (4 months) of a complete application, an applicant may file an appeal with the Ontario Land Tribunal.

In addition to the legislated timelines, guidance related to service standards for Section 28.1 permit applications are specified in a document from the former Ministry of Natural Resources (MNR) titled *Policies and Procedures for Conservation Authority Plan Review and Permitting Activities* (2010). This guidance addresses administrative matters including determining “complete applications,” and decision timelines for “minor” and “major” applications. Following receipt of a complete set of information or “complete application,” this policy indicates that conservation authorities should aim to render a decision (i.e., complete the review of a complete application) within 30 days for a minor application or 90 days for a major application.

Further to the 2010 provincial guidance, Conservation Ontario created a second document titled Client Service Standards for Conservation Authority Plan and Permit Review. This guidance established a second set of service standards that conservation authorities would strive to meet as a best practice beyond provincial guidance. Under this framework, for applications with complete information, conservation authorities would complete their review and make a decision within 28 days for “major” applications, 21 days for “minor” applications and within 14 days for “routine” applications.

Pursuant to subsection 8.1(1) of Ontario Regulation 686/21, GRCA is required to prepare and publish an annual report that outlines statistics on permits, including reporting on timelines on permit applications, reviews and decision making. This report is published each March at grca.on.ca.

Refusal Decisions

If, in the opinion of GRCA staff, an application cannot be supported, the applicant will be advised of options that may be pursued to either bring the application into conformity, withdraw the application or of steps that can be taken to proceed to a formal Hearing before the Authority Board.

The hearing process is discussed below in Appendix 4.

If the Authority Board disagrees with the recommendation report for approval, the application must be referred to a Board Hearing and notification requirements must be adhered to.

Period of Validity and Extensions

Pursuant to subsection 11(1) of Ontario Regulation 41/24, the maximum period of validity of a permit, including any extensions, is 60 months (5 years), however most standard permits will be issued with a 24-month (2 year) period of validity.

Pursuant to subsection 11(2) of Ontario Regulation 41/24, if a permit is granted for a period of time less than 60 months, the holder of a permit may, at least 60 days before the expiry of the permit, submit an application to GRCA for an extension of the permit.

Pursuant to subsection 11(3) of Ontario Regulation 41/24, GRCA may grant an extension of the permit to a total maximum validity period of 60 months (5 years).

Pursuant to subsection 11(4) of Ontario Regulation 41/24, if GRCA refuses a request for a permit extension, GRCA 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.

Pursuant to subsections 11(5) to (7) of Ontario Regulation 41/24, 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 GRCA. GRCA will then hold a hearing within a reasonable time and shall give the holder at least five (5) days’ notice of the date of the hearing. After holding a hearing, GRCA may (a) confirm the refusal of the extension or (b) grant an extension for such period of time that it deems appropriate, as long as the total period of validity of the permit does not exceed 60 months (5 years).

1.13 AMENDING/REVISING PERMITS

If a proposal is revised after the issuance of a permit but prior to completion of works, the permit may be amended/revised. An application to amend the permission along with any required information and the required fee must be submitted. Amendments can include changes to the proposal and/or changes to the conditions of approval. All revisions to a proposal that are not in keeping with the permission shall require approval from GRCA. If approved, the permit shall be amended to reflect the revised permission.

For example, if changes are made to drawing to reflect requirements of a municipal building department that change drawings approved by GRCA under the *Conservation Authorities Act*, then the GRCA permit will need to be amended/revised. However, new development will require a new permit application. For example, if a detached garage is being proposed whereas the previous drawing indicated only a house, a new permit must be made for the detached garage.

Typically, such amendments will be addressed by staff without the need for a specific referral to the Authority Board. However, if it is deemed to be a significant revision that results in a new or changed activity that is considered a significant departure from GRCA policy, the amending application may be referred to the Authority Board with a staff report or the applicant will be required to file a new permit application.

1.14 HEARING

The applicant has the right to a hearing before a GRCA Hearing Board/Officer when:

- staff is recommending refusal of an application or the GRCA Board of Directors cannot support a permit application (subsection 28.1(5) of the *Conservation Authorities Act*);
- The applicant objects to the conditions of approval (subsection 28.1(5) of the *Conservation Authorities Act*);
- GRCA cannot support a request for an extension of a permit (subsection 11(5) of Ontario Regulation 41/24); or,
- GRCA intends to cancel a permit (subsection 28.3(2) of the *Conservation Authorities Act*)

GRCA staff shall, by personal service, by registered mail or as deemed reasonable, give appropriate written notice of the time and place of the hearing of the application, together with a brief explanation of the nature of the application to: the applicant or their designated agent and will advise the Members of the GRCA Hearing Board or Officer of an upcoming hearing event.

Upon hearing evidence submitted by the applicant or their designated agent and GRCA staff in turn submitted in support or rejection of the application or request for extension, the GRCA Hearing Board or Officer, as the case may be, shall approve (with or without conditions) or refuse the application or request for extension. Upon refusal of the application or if permission is granted subject to conditions, the GRCA Hearing Board or Officer, as the case may be, shall give written response to the applicant, including reasons, for its decision pursuant to subsection 28.1 (7) of the *Conservation Authorities Act*.

Detailed Hearing Procedures are included in Appendix 4.

1.15 REQUEST FOR MINISTER'S REVIEW

Pursuant to subsection 28.1(8) of the *Conservation Authorities Act*, if, after a hearing by the GRCA Hearing Board or Officer, as the case may be, and a permit is refused or there are conditions on a permit to which the applicant objects, the applicant may, within 15 days of receiving reasons for the refusal, submit a request to the Minister responsible for the *Conservation Authorities Act* (currently the Minister of Natural Resources) to review the decision. Subsections 28.1(9) to (19) of the *Conservation Authorities Act* set out the further process for a Minister's Review once a request has been made.

1.16 CANCELLATION OF PERMITS AND CANCELLATION APPEALS

Subsection 28.3(1) of the *Conservation Authorities Act* provides that GRCA may, at any time, cancel a permit if it is of the opinion that the conditions of the permit have not been met.

Pursuant to Subsections 28.3(2) to (6) of the *Conservation Authorities Act*, before cancelling a permit, GRCA staff shall give "notice of intent to cancel a permit" to the holder of the permit indicating that the permission will be cancelled on a date specified unless the holder requests a Hearing by submitting a written request to GRCA within 15 days of receiving a "notice of intent to cancel a permit." GRCA will then set a date and hold a Hearing by the GRCA Hearing Board or Officer, as the case may be. After a Hearing, a decision may be made to confirm, rescind or vary the decision to cancel a permit. If the permit holder objects to the decision/order of the GRCA Hearing Board or Officer, as the case may be, an appeal of the decision can be made to the Ontario Land Tribunal.

1.17 APPEALS

An applicant who has been refused permit or is not in agreement with conditions of an approval may, within thirty (30) days of the receipt of the reasons for the decision, submit a request to the Minister of Natural Resources as discussed above at Section 2.14 in this document.

Pursuant to subsection 28.1(20) of the *Conservation Authorities Act*, within 90 days after receiving the reasons of decision to refuse a permit from the GRCA Hearing Board or Officer,

as the case may be, the applicant may appeal the decision to the Ontario Land Tribunal except in instances where a request for Minister's review has been made (see subsection 28.1(21) of the *Conservation Authorities Act*).

Finally, pursuant to subsection 28.1(22) of the *Conservation Authorities Act*, an applicant may appeal an application directly to the Ontario Land Tribunal if no decision has been made 120 days (4 months) after a complete application is made. The Minister may refuse the permit or may order GRCA to issue the permit, with or without conditions.

1.18 ENFORCEMENT

Enforcement is a component of GRCA's mandate to ensure the integrity of the legislation and the protection of people and property in relation to flooding and erosion of natural hazards. Pursuant to section 30.1 of the *Conservation Authorities Act*, GRCA has appointed Officers for the purpose of ensuring compliance with the Act and the regulations. These officers have the responsibility of liaising with applicants and inspecting properties. Responsibilities also include investigating and monitoring violation situations as well as undertaking all other enforcement work under the Act and Ontario Regulation 41/24. Regulation officers carry identification for inspection purposes.

Whenever necessary, each permit issued by GRCA may be inspected by GRCA staff prior to commencement of the activity, during the development activity and following completion of the development activity.

1.19 VIOLATIONS

A violation of Ontario Regulation 41/24 generally occurs in two ways:

- i. when development or interference activities have taken place in an area regulated by the GRCA pursuant to Ontario Regulation 41/24 without written approval;
- ii. when development or interference activities have been undertaken contrary to the conditions stipulated in a permit issued by the GRCA.

GRCA enforcement staff, in coordination with municipal building and/or by-law enforcement staff, may carry out an initial investigation where the activity is clearly visible from a public road or property where access to private property is not required or permitted. Photographs and field notes of the activity taking place are taken and landowner contact is initiated. If the activity is not clearly visible from a public location, GRCA staff will attempt to contact the landowner to arrange a site visit to discuss the matter. Subsequent to this, a determination regarding whether or not an offence has occurred is made and the appropriate action is taken.

Part VII of the *Conservation Authorities Act*, sets out enforcement powers and offences including provisions related to appointment of officers, entry without warrant, searches, stop work orders, offences, a limitation period and rehabilitation orders.

The provisions of the *Conservation Authorities Act* and the *Provincial Offences Act* direct GRCA staff when investigating a violation. It is normal that in addition to any penalty levied by the court upon conviction, GRCA will seek an order for rehabilitation of the site and/or removal of any buildings, structures, fill material and/or any other development activity ruled in contravention of Ontario Regulation 41/24.

1.20 COURT/LEGAL ACTION

Penalties available to a Court under the *Conservation Authorities Act* are identified under subsection 30.5(2), which states that a person who commits an offence under the *Conservation Authorities Act* is liable on conviction, (a) in the case of an individual, (i) to a fine of not more than \$50,000 or to a term of imprisonment of not more than three months, or to both, and (ii) to an additional fine of not more than \$10,000 for each day or part of a day on which the offence occurs or continues; and (b) in the case of a corporation, (i) to a fine of not more than \$1,000,000, and (ii) to an additional fine of not more than \$200,000 for each day or part of a day on which the offence occurs or continues.

Despite the maximum fines contained in subsection 30.5(2) of the Act, pursuant to subsection 30.5(3) a court that convicts a person of certain offences under the Act may increase the fine it imposes on the person by an amount “equal to the amount of the monetary benefit that was acquired by the person, or that accrued to the person, as a result of the commission of the offence.”

1.21 TRANSITION PROVISIONS

It is recognized that there may be historic planning approvals that were made in the absence of current technical information or approvals that pre-date the approval of GRCA’s policies which could now be considered to be contrary to the requirements of the *Conservation Authorities Act* and Ontario Regulation 41/24. Under such circumstances, GRCA shall ensure that prior to the issuance of a permission all tests are satisfied. Where possible, if an issue remains unresolved, GRCA will work with the proponent and the municipality to pursue a resolution.

1.22 REVISIONS AND UPDATES TO POLICY AND PROCEDURES

GRCA’s policies will be reviewed and revised to keep in conformity with provincial natural hazard management policy and/or regulatory directions and not to exceed a period 5 years after being updated. A draft document will be posted for public review and comment prior to adoption. Staff will be available to discuss the draft revisions upon request.

PART F
APPENDICES



APPENDIX 1 – DEFINITIONS

Area of Interference: those 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.

Authority: Ganaraska Region Conservation Authority

Basement: one or more storeys of a building located below the first storey (Building Code). A crawl space or cellar shall be considered as a basement if it is:

- a) more than 1,800 millimetres high between the lowest part of the floor assembly and the ground or other surface below, or
- b) used for any occupancy.

Breakwall/Breakwater: object (especially a groyne or pier) resisting force of waves.

Development Activity:

- 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.

Dwelling Unit: 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: an embankment or wall, usually along a watercourse or floodplain, to prevent overflow on to adjacent land. Also spelled dike.

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.

Erosion: continual loss of earth material (i.e., soil or sediment) over time as a result of the influence of water or wind.

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), and an allowance for slope stability.

Flooding Hazard: in Ontario, either storm-centred events, flood frequency-based events, or an observed event may be used to determine the extent of the flooding hazard. These events are:

- a) A storm-centred event, either Hurricane Hazel storm (1954) or Timmins storm (1961). A storm-centred event refers to a major storm of record which is used for land use planning purposes. The rainfall actually experienced during a major storm event can be transposed over another watershed and when combined with the local conditions, Regulatory floodplains can be determined. This centring concept is considered acceptable where the evidence suggests that the storm event could have potentially occurred over other watershed 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 jams, and which has been approved as the standard for that specific area by the Minister of Natural Resources.

Gabions: stone-filled steel wire baskets which can be assembled or stacked to act as retaining walls or provide slope and erosion protection.

Habitable: suitable to live in, or on, or means, that can be inhabited. Inhabit means to dwell in or occupy.

Hazardous Land: land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock.

Hydrologic Function: the functions of the hydrological cycle that include 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.

Interference 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.

Jetty: pile or mole running out to protect harbour or coast.

Large Inland Lakes: waterbody that have a surface area equal to or greater than 100 square kilometers where there is no measurable or predictable response to a single runoff event.

Major Applications: may include those that are highly complex, requiring full technical review, and need to be supported by comprehensive analysis or do not conform to existing Conservation Authority Board approved, Section 28 policies.

Minor Addition: A minor addition is defined as 50% of the total floor area for riverine flooding and erosion hazards and shoreline flood hazards or 30% for shoreline erosion hazards. This also includes:

- a) the permissible area increase and cap to all additions shall be calculated from the time of the approval of the first Conservation Authority regulation in the municipality; and
- b) there shall be no increase in the number of dwelling units.

Regulatory Floodplain: see definition of flooding hazard.

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.

Riprap: a layer of stone to prevent the erosion of soil.

Rubble: waste fragments of stone, brick etc. from old houses; pieces of undressed stone used especially as filling-in, for walls; loose angular stones as covering of some rocks; water worn stones.

Safe Ingress/Egress: The ability for people, vehicles and equipment to gain safe access to and from areas of hazardous lands. In the absence of a site-specific detailed analysis, depths for safe access to not exceed 0.3 metres and velocities to not exceed 1.7 metres per second. Additionally, the produce of velocity times depth shall not exceed 0.84 metres square per second (3-foot x 3-foot rule).

Scour: local lowering of a stream bed by the erosive action of flowing water.

Sedimentation: The deposition of detached soil particles.

Significant Wetland: 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.

Still Water Line: the 100-year peak or flood level with a one chance in one hundred of occurring in any given year, without the influences of wave uprush, seche, ship-generated waves, ice-piling or other water-related hazards.

Storey: the portion of a building:

- a) that is situated between the top of any floor and the top of the floor next above it, or
- b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

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

Top-of-bank: the point at which the slope of a valley or shoreline meets the horizontal plain of the adjacent table-land.

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

Watershed: an area that is drained by a river and its tributaries.

Wetland: 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 has been caused by the presence of abundant water, and
- d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water

ONTARIO REGULATION 41/24

made under the

**CONSERVATION AUTHORITIES ACT
PROHIBITED ACTIVITIES, EXEMPTIONS AND PERMITS**

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, due to 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 REGARDING 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**

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



CONSERVATION AUTHORITIES ACT

**GANARASKA REGION CONSERVATION AUTHORITY
HEARING GUIDELINES**

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1.0 DEFINITIONS

“Act” and “CAA” mean 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 Ganaraska Region 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 Ganaraska Region 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 *Conservation Authorities Act* (CAA) requires that the applicant be party to a hearing for an application to be refused or approved with conditions to which the applicant objects. Further, a permit may be refused if, in the opinion of GRCA, the proposal does not meet the necessary tests for permit issuance. It is the purpose of the Hearing Board to evaluate the information presented at the hearing by both the GRCA staff and the applicant, to decide whether the application will be approved with or without conditions, or, refused.

The Hearing Procedures 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. 41/24¹

Hearing Scenario	Legislative or Regulatory Reference	Party	Hearing Intent	Appeal
Refusal Section 28.1 Permit	CAA, ss. 28.1 (5)	Applicant	Intent to refuse	Minister's Review – Within 15 days of receiving reasons for the Authority's decision
Attaching Conditions Section 28.1 Permit	CAA, ss. 28.1 (5)	Applicant	Intent to attach conditions	
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

¹ 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. A final decision shall not be made until such time as a hearing is held.

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. To ensure that reasonable notice is given, prior to sending the Notice of Hearing, the applicant shall be consulted to determine an agreeable date and time based on GRCA'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.
- (d) Reasons for the decision / Staff recommendation / action. Reasons shall be specifically stated. Written reasons should be clear and concise and contain sufficient detail to enable the applicant 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 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. Except in extreme circumstances, it is recommended that the hearing not proceed in the absence of the applicant.
- (f) Reminder that the Party is entitled to be represented at the hearing by a representative such as legal counsel, if desired. GRCA may also be represented at the hearing by counsel and/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.

The Notice of Hearing shall be directed to the applicant and/or landowner by registered mail and/or electronic mail.

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.

The applicant shall be provided with all reports from staff that will be provided to the Authority Hearing Board. The applicant shall be given 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 *Statutory Powers Procedure Act* (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.

While the hearings will be held in public and are open to attendance by the press, filming of the hearing or taking of pictures will not be permitted during the hearing by any person or persons.

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. If quorum cannot be maintained, the hearing must be adjourned and resumed when quorum is met.

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.

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. This information should be provided to the applicant as part of the Notice of Hearing.

- (b) Information is not presented under oath or affirmation. It is not a legal requirement. The Party must be informed of this prior to 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.

4.7.3 Presentation of Staff Information

GRCA 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.

In general, one GRCA Staff member or legal counsel will coordinate the presentation of information and asks questions on behalf of all Staff. Additional GRCA staff may participate as required (e.g., technical Staff).

GRCA staff and/or legal counsel for staff may not submit new information at the hearing, as the applicant will not have had time to review and provide a professional opinion to the Hearing Board.

4.7.4 Presentation of Applicant Information

The applicant 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 applicant 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 applicant may be represented by legal counsel or agent, if desired.
- The applicant may present information to the Hearing Board and/or have invited advisors to present information to the Board.
- The applicant's presentation may include technical Witnesses, such as an engineer, ecologist, hydrogeologist, etc.

The applicant may not submit new information at the hearing, as GRCA staff will not have had time to review and provide a professional opinion to the Hearing Board.

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. It must be noted that 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.

A resolution advising of the Hearing Board's decision and the particulars of the decision will then be adopted.

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.

The person who requested the hearing must have a clear understanding of the decision, as well as the applicant's right to appeal the decision to the Ontario Land Tribunal, the Minister, or other prescribed body (as appropriate and in accordance with the *Conservation Authorities Act* and Ontario Regulation 41/24).

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 Mechanisms²

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))

² 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

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 validity of the Permit does not exceed the applicable maximum period specified in O. Reg. 41/24.	No appeal mechanism.
Considering Stop Order (Section 30.4)	(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. 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).

The written Notice of Decision shall be forwarded to the applicant by registered mail and/or electronic mail, as determined advisable.

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
GANARASKA REGION CONSERVATION AUTHORITY

Pursuant to section 28.1, subsection 5 of the said Act

TAKE NOTICE THAT a Hearing before the Board of Directors of the Ganaraska Region 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 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 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 effect 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 Board of Directors of the
Ganaraska Region *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
GANARASKA REGION CONSERVATION AUTHORITY
Pursuant to section 28.1.2, subsection 7 of the said Act

TAKE NOTICE THAT a Hearing before the Board of Directors of the Ganaraska Region 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 effect 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
GANARASKA REGION 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 Ganaraska Region 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 effect 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
GANARASKA REGION 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 effect 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
GANARASKA REGION 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 effect 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 applicant and/or their agent (through the Chair) if reasonably required for a full and fair disclosure of matters presented at the Hearing.³
8. The Party and/or their agent may question the Ganaraska Region Conservation Authority Staff and/or their agent (through the Chair) if reasonably required for full and fair disclosure of matters presented at the Hearing.⁴
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 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.

³ 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.

⁴ 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. The Chairperson or Acting Chairperson will advise the applicant of the Hearing Board decision.
15. The Chairperson or Acting Chairperson shall notify the applicant 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)

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 Ganaraska Region 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 Ken Thajer, Planning and Regulations Coordinator, or the undersigned.

Yours truly,

[Chair of Hearing Board / Chief Administrative Officer / Secretary-Treasurer]
Enclosure

Appendix M

Sample Notice of Decision (Attaching Conditions, Minister's Zoning Order Permits)

(Date)

BY REGISTERED MAIL

(name)

(address)

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 Ganaraska Region 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
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 Ken Thajer, Planning and Regulations Coordinator 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)

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 Ganaraska Region 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 Ken Thajer, Planning and Regulations Coordinator 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)

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 Ganaraska Region 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 Ken Thajer, Planning and Regulations Coordinator 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)

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 Ganaraska Region Conservation Authority 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*.

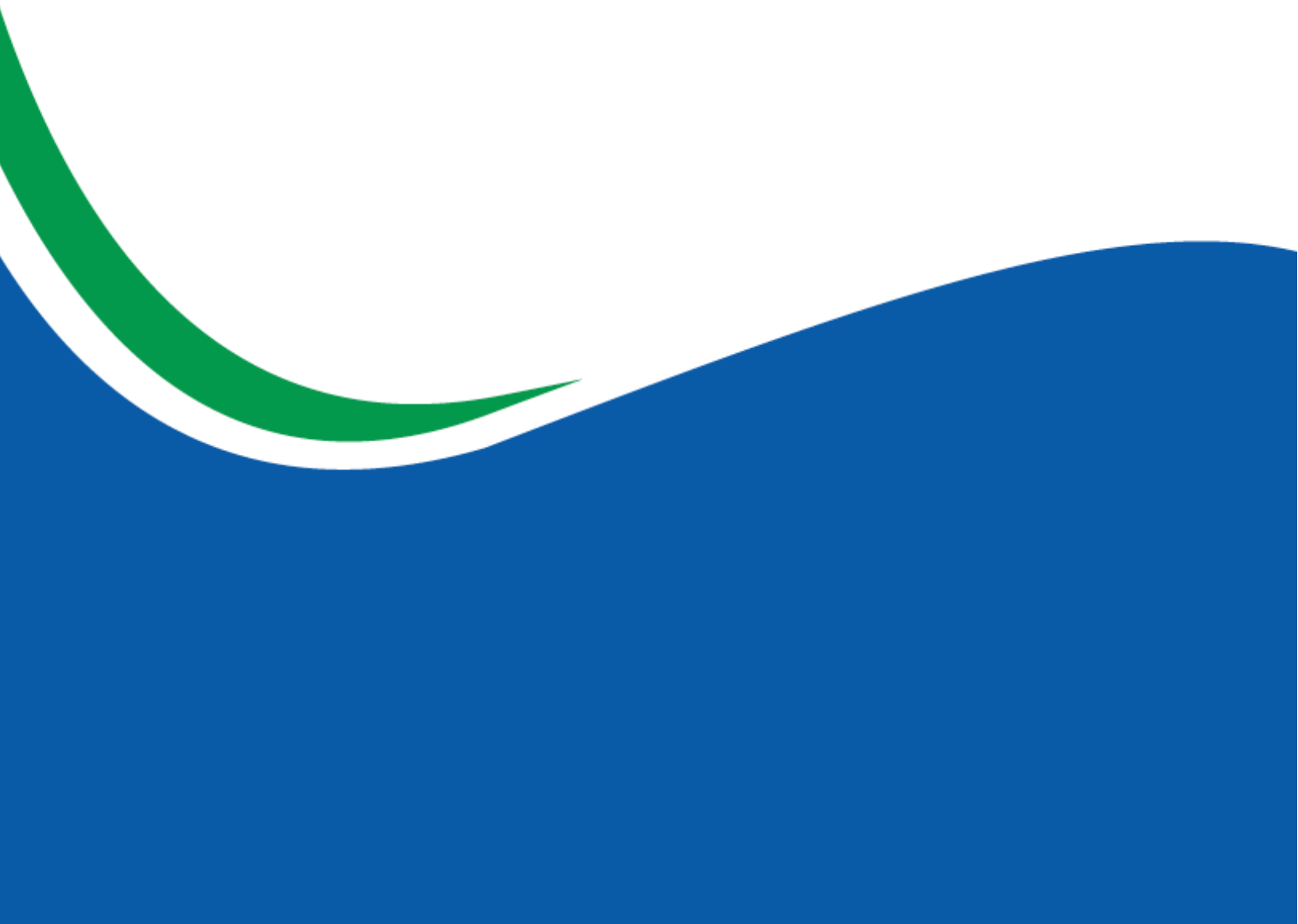
Should you require any further information, please do not hesitate to contact Ken Thajer, Planning and Regulations Coordinator or the undersigned.

Yours truly,

[Chair of Hearing Board / Chief Administrative Officer / Secretary-Treasurer]

Enclosure

PART G
REFERENCES



REFERENCES

- Stream Corridors Project Management Team. (2001). *Adaptive Management of Stream Corridors in Ontario*.¹¹
- Ministry of Natural Resources (MNR) and Conservation Ontario. (2005). *Guidelines for Developing Schedules of Regulated Areas*.
- MNR. (2002a). *River and Stream Systems: Flooding Hazard Limit Technical Guide*.¹¹
- MNR (2002b). *River and Stream Systems: Erosion Hazard Limit Technical Guide*.¹¹
- MNR. (2001). *Understanding Natural Hazards*.¹¹
- MNR (1996a). *Hazardous Sites Technical Guide*.^{11 12}
- MNR (1996b). *Technical Guide for Great Lakes – St. Lawrence River System*.¹²
- MNR (1996c). *Technical Guide for Large Inland Lakes*.¹²
- MNR. (1993a). *Ontario Wetland Evaluation System: Northern Manual*.
- MNR. (1993b). *Ontario Wetland Evaluation System: Southern Manual*.
- MNR. (1987). *Guidelines for Developing Great Lakes Shoreline Management Plans*.
- Prent & J. Parish. (2001). *Belt Width Delineation Procedures*.
- Terraprobe Limited and Aqua Solutions (for MNR). (1998). *Geotechnical Principles for Stable Slope, Great Lakes – St. Lawrence River System: Physical features and Processes*, part #1 pp 38-49.¹²

¹¹ Available within the MNR and Watershed Science Centre (2002) disk *Adaptive Management of Stream Corridors in Ontario including Natural Hazards Technical Guide*.

¹² Available within the Watershed Science Centre and MNR (2001) disk *Great Lakes – St. Lawrence River System and Large Inland Lakes: Technical Guides for flooding, erosion, and dynamic beaches is support of natural hazards policies 3.1 of the Provincial Policy Statement*.