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Information to Assist Applicants for Development on Properties located within Hazard Lands

In order to undertake new development (construct a new building, major building addition/renovation or building reconstruction) within a hazard zone in the Province of Ontario, all Provincial and local Conservation Authority policies for new development within hazard lands must be satisfied. The Conservation Authority guidelines and policies are consistent with the following Provincial policies:

- Development and site alteration is carried out in accordance with floodproofing standards, protection works standards/erosion standards, and access standards
- Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies
- New hazards are not created and existing hazards are not aggravated
- No adverse environmental impacts will result.

As with all proposed development in hazard lands, an application for new development must satisfy the following items:

1. Flood Hazard - The submission must identify how the development is being floodproofed. The lowest opening into a new structure must be at or above the minimum floodproofing elevation.
2. Erosion Hazard – Protection structures in this area must provide long term stability for 100 years of protection for new development.
3. Access Standard - The submission must identify how safe access to and from the site during times of flooding, erosion or other emergencies is being addressed. Safe access is prescribed by the ability of a vehicle and or a pedestrian to pass through the flooded area without peril. There are Provincial and Conservation Authority policies/guidelines for depth of water and flow velocity related to safe access.
4. Development Plans - Drawings must be provided including a site plan, drainage plan, building plans, etc.
5. Environmental Issues - The submission must confirm that no new hazards are being created, existing hazards are not being aggravated and that no adverse environmental impacts will result.

To make an application for permit, a proponent is required to submit a completed application for permit, the application fee and all other development related plans to the ERCA office at 360 Fairview Avenue West, Suite 311, Essex, Ontario, N8M 1Y6. If the application satisfies all requirements for development within hazard lands, a permit will be issued under Section 28 of the *Conservation Authorities Act*. If the application does not satisfy minimum requirements for development within hazard lands, ERCA administration will not be in a position to recommend approval of same, and at the applicant's request, the application can be considered by the ERCA Hearing Committee. Members of the ERCA Board of Directors are appointed to sit on the ERCA Hearing Committee. Hearings are conducted in a quasi-judicial forum. Members of the ERCA Hearing Committee are not informed of the applications being considered prior to the hearing. At the hearing, the applicant is asked to present his/her proposal to the Committee. Applicants can be represented by their engineering consultant and/or legal council. Following the applicant's presentation, the ERCA Technical Staff is asked to respond. The ERCA Technical Staff will advise the Committee if the application satisfies all related hazard management requirements and will provide a recommendation to the Committee. The Hearing Committee will then make a decision on whether a permit can or cannot be issued for the proposal. In all cases where a hearing is required, the outcome cannot be predetermined. If a proponent does not agree with the decision of the Hearing Committee, the proponent can appeal the decision to the Ontario Mining and Lands Commissioner.

The above information relates to new development proposals that are required to satisfy all Provincial and Conservation Authority guidelines/policies for new development in hazard zones in Southern Ontario. The following activities require a permit or clearance from the Conservation Authority but in general are not required to satisfy all Provincial and Conservation Authority guidelines/policies for new development in hazard zones.

- Detached structures less than 100 ft² (9.29 m²) in size.
- Building additions, up to 50 percent of the size of the original building, provided that the number of dwelling units is not increased and provided that the floodproofing elevation and the setback from the watercourse or shoreline must be no less than the original building.
- Placement and grading of fill.
- Open decks.
- Minor maintenance, repairs, renovations.
- Landscaping.

In addition to the above, properties in question may not be serviced by municipal sanitary sewers and, as a result, on-site septic systems are required for new development. Sanitary servicing does not fall under the jurisdiction of the Conservation Authority, however, applications for permit must include a site plan showing the location of the septic envelope so that the related placement and grading of fill can be addressed in the Conservation Authority permit. Minimum floodproofing elevations could impact septic system design. Contact should be made with the Municipality's Building Department to determine all municipal requirements, including septic system requirements. Also, please note that in accordance with Part 8 of the Ontario Building Code and as confirmed by the Municipal Building Department, holding tanks are not an acceptable method for dealing with sanitary waste for new development.



For site specific information, we encourage proponents to contact ERCA for information regarding flood and erosion issues. Please note, however, that we cannot provide site specific information to a third party without a letter of permission from the current property owner.

