



# LOWER TRENT CONSERVATION

714 Murray Street, R.R. 1, Trenton, Ontario K8V 0N1

■ Tel: 613-394-4829 ■ Fax: 613-394-5226 ■ Website: [www.ltc.on.ca](http://www.ltc.on.ca) ■ Email: [information@ltc.on.ca](mailto:information@ltc.on.ca)

Registered Charitable Organization No. 107646598RR0001

## NOTICE OF HEARING BOARD MEETING LOWER TRENT CONSERVATION TO BE HELD AT

Administration Office, 714 Murray Street, Trenton / Virtually [Join the Meeting](#)

On

Thursday, June 8, 2023, at 1:00 PM

For

O. Reg. 163/06 Permit Application #RP-21-203

**APPLICANT:** Jim Carlisle

**LOCATION:** 111 March Street, Frankford Ward, City of Quinte West, Geographic Township of Sidney, Concession 5, Part of Lot 2

## AGENDA

1. Meeting called to order by the Chair
2. Motion for the Board of Directors to sit as the Hearing Board
3. Opening Remarks by Chair
4. Disclosure of pecuniary interests
5. Staff Report and Presentation
6. Applicant Presentation
7. Additional Information Sharing
  - a. Additional Questions from the Board
  - b. Comments or Question from the Applicant
  - c. Comments or Questions from Staff
8. Deliberation (In-Camera if required)
9. Motion on the Hearing Board Decision
10. Motion to adjourn the Hearing Board

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**PLEASE CONTACT THE OFFICE IF YOU WILL BE UNABLE TO ATTEND THIS MEETING**

**Kelly Vandette 613-394-3915 ext. #215**

[kelly.vandette@ltc.on.ca](mailto:kelly.vandette@ltc.on.ca)



## STAFF REPORT

**Date:** May 29, 2023  
**To:** Lower Trent Conservation Hearing Board  
**Re:** Ontario Regulation 163/06 application for permission RP-21-203 to develop within the Cold Creek floodplain  
**Prepared by:** Gage Comeau, Manager, Watershed Management, Planning and Regulations

<b>DATE</b>	May 29, 2023
<b>DATE RECEIVED</b>	Permit application received July 8, 2021 Permit application submission deemed complete – May 4, 2023 Request for Hearing received May 12, 2023
<b>APPLICANT</b>	Jim Carlisle (Property Owner) (Copy of application, Site and Design plans, and Site elevations with as-built drawings for the 2005 LTC permit and Three Hills Engineering Report <a href="#">Appendices 1-4</a> )
<b>LOCATION</b>	111 March Street City of Quinte West Geographic Township of Sidney, Concession 5, Lot 2 (Map attached, see <a href="#">Appendix 5</a> )
<b>OVERVIEW</b>	Lower Trent Region Conservation Authority (LTC) received an application for the construction of two additions onto the existing single-family residence; (1) 25'4" by 26' addition to increase the size of the existing attached garage, and (2) 17' by 40' addition to increase the living space and kitchen within the regulated area associated with the Cold Creek floodplain. The proposed development is considered major development within the floodplain and does not comply with LTC's Ontario Regulation 163/06 Policy Document (February 2022) and therefore, a permit cannot be issued by staff.
<b>PROPOSAL</b>	The proponent is seeking approval from LTC to construct two additions onto the existing single-family residence in the Cold Creek floodplain on the subject property. The site plans and elevation survey ( <a href="#">Appendices 2-3</a> ) shows the structure fully within the floodplain (111.03 metres CGVD1928).

**SUMMARY**

LTC is responsible for the administration of Ontario Regulation 163/06 – *Lower Trent Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. In order to guide the implementation of Ontario Regulation 163/06 made pursuant to Section 28 of the *Conservation Authorities Act*, the LTC Board of Directors has approved policies, most recently updated in February 2022. Where a proposal for development or alteration follows the approved policies or is not a significant deviation from the approved policies, designated authority staff may grant permission.

The existing structure is located within the Cold Creek floodplain and the current proposal is to construct two additions onto the existing single-family residence. The additions are noted below:

- (1) 25'4" by 26' addition to increase the size of the existing attached garage; and,
- (2) 17' by 40' addition to increase the living space and kitchen

The gross square footage of the proposed additions is 86.40 m<sup>2</sup> (930 ft<sup>2</sup>). The proposal is considered to be major development in the floodplain and triggers the below noted policies with respect to development in the Two Zone Regulatory Floodplain for Cold Creek, specifically, within the floodway. Designated staff are not in a position to grant approval of the Ontario Regulation 163/06 permit application as it does not conform with the policies.

In 2005, LTC issued a permit for the reconstruction of the single-family residence at 111 March Street due to a total loss by a fire. The issued permit required that the reconstructed dwelling be floodproofed and a floodplain analysis and assessment was completed to determine the potential flood impacts at the time (refer to [Appendix 6 - F065-05 Permit and Information](#)). No information was found that noted the dwelling met the required floodproofing elevation at the time; however, LTC staff surveyed the floor elevation using a local benchmark in 2022 and confirmed the final floor elevation for the garage and dwelling met the required floodproofing elevation.

Key issue: A permit from LTC is required for the proposed development as they are to take place within a regulated area as described in Ontario Regulation 163/06. Specifically, within the Cold Creek floodplain (Section 2 (1) (c) of the Regulation, refer to [Appendix 7](#) for a copy of O. Reg. 163/06).

From the information available to LTC, the "Floodplain Assessment &

Policy Formulation for a Two Zone Concept Application in the Village of Frankford” by Totten Sims Hubicki (1983, refer to [Appendix 8](#) for full report) notes the following:

- No development is permitted in the floodway where the risk of flooding is the greatest.
- Development, redevelopment or alteration to existing buildings can be undertaken in the most parts of the flood fringe under certain conditions, which are intended to protect the structure from potential flood damage.
- The two-zone policy can apply to the entire flood fringe in the village of Frankford, except for:
  - The lands fronting on Trent Street from Cold Creek to approximately 39 metres southerly; and,
  - The lands fronting on March Street west of the C.N.R.

Additionally, the report notes,

“On March Street, west of the C.N.R., the flood fringe is caused by spill from Cold Creek towards Batawa, when the Cold Creek flow is subjected to a 100-year flood or greater... Any alteration in the flood fringe along March Street would reduce the spill to Batawa and increase the flow and flooding problems in Frankford. No obstruction of the spill watercourse can be permitted without a very careful analysis of the effect on flood levels in Frankford... It is important to note that the obstruction of the spill on March Street will not aggravate flood levels in Frankford for flows less severe than the 100-year storm, because floodwaters would not spill across March Street with floods less severe than a 100-year storm.”

**Lower Trent Region Conservation Authority  
Ontario Regulation 163/06 Policy Document (February 2022)**

Below are the applicable policies that are relevant to this permit application:

**General Policies**

- c) Susceptibility to natural hazards is not increased nor new hazards created (e.g., there will be no impacts on adjacent properties with respect to natural hazards).
- k) the control of flooding, erosion, dynamic beaches, pollution and/or the conservation of land is not adversely affected during and post development.



### 5.2.1.2 Development within Two-Zone Regulatory Floodplain of River or Stream Valleys

- 6) Development within the floodway of the two-zone regulatory floodplain shall not be permitted.
- 9) Notwithstanding Policy 5.2.1.2 7) development within the floodway of the Regulatory floodplain in the defined NO FILL zone along March Street west of the rail trail (Former CNR train track) shall not be permitted.

(LTC's 2022 Policies attached, see [Appendix 9](#) – Relevant sections only).

The applicant was notified that staff could not approve the permit application and of their right to a Hearing before the Authority's Board of Directors (see LTC Letter of Denial, May 10, 2023– [Appendix 10](#)).

The proponent requested LTC staff to proceed with the necessary arrangements for a Hearing (May 23, 2023 Notice of Hearing scheduled for June 8, 2023 – [Appendix 11](#)).

The proponent was provided the Hearing Guidelines.  
(LTC's 2022 Hearing Guidelines attached, see [Appendix 12](#)).

#### DEVELOPMENT WITHIN HAZARD LANDS

The proposed works would involve the construction of two additions within hazard lands, specifically the Cold Creek floodplain. This development activity is considered "development" pursuant to the *Conservation Authorities Act*. Section 2 (1) c. of Ontario Regulation 163/06, made under the authority of Section 28 of the *Conservation Authorities Act* states that no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are hazard lands. The Authority may grant permission for development in or on the areas described in subsection 2 (1) (c) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.

This development proposal shows the construction of two additions onto the existing single-family residence in the Cold Creek floodplain.

The applicant has submitted the requested documentation for a complete application and the submission has been deemed complete.

Based on a review of the relevant policies that are applicable to this proposal, staff are not in a position to support the application as it does not conform with the policies. Additionally, a peer-review of the engineering report completed by Three Hills Engineering has been

completed by Quinte Conservation for LTC to provide comments related to this submission and a portion of the relevant policies (refer to [Appendix 13](#) – 111 March Street Floodplain – QC Comments). These comments reflect the staff's position.

It should be noted that the current proposal does not increase habitation and the number of bedrooms will remain the same.

**STAFF CONCLUSION**

Hazard land management was delegated by the Province to LTC through the administration of Ontario Regulation 163/06 made pursuant to the *Conservation Authorities Act*. Through the administration of this Regulation, LTC staff review development proposals in an effort to limit development and protect people and property in flood susceptible areas. Overall, it is the goal of the Regulation Policy document and staff to minimize or prevent the impact of flooding. Deviation from the policies represents a risk that requires careful consideration.

The proposal requires a permit from LTC pursuant to Ontario Regulation 163/06 and does not conform to LTC's Ontario Regulation 163/06 Regulation Policy Document (see [Appendix 9](#)). Limiting the allowable area for development proposals such as this is intended to minimize the risk of property damage/loss and investment in an area that is susceptible to natural hazards. Therefore, staff are recommending denial of the Ontario Regulation 163/06 permit.



# LOWER TRENT <sup>Page 7</sup>

## CONSERVATION

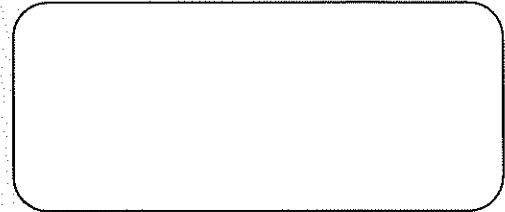
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Registered Charitable Organization No. 107646598RA0001

### Application

**Development, Interference with Wetlands & Alterations to Shorelines & Watercourses  
(Pursuant to Ontario Regulation 163/06)**



*Please read, complete each section as required, date and sign this application*

Project Description		
Project Location (Civic Address): 111 March Street		
Municipality: Frankford		
Nearest Intersection: march street and hwy 33		
Assessment Roll Number*: 414 015 30400 0000		
Lot: part 3	Concession:	Ward: Hasting

\*Note: The Roll Number can be found from your Property Assessment Notice, real estate agent, or online Map Viewer at [www.ltc.on.ca](http://www.ltc.on.ca) (click on Planning & Permits)

Project Details	
Description of Proposed Works: Expanding kitchen, master bedroom adding bathroom and basement space Reroof home in the process to include Garage addition	
Amount & type of fill (m <sup>3</sup> ) to be added/removed/moved: Normal construction waste Slope height which hose is built on to be the same  Note: Fill is defined as earth, sand, gravel, topsoil, building materials, rubble, rubbish, garbage or any other material whether similar to or different from any of the aforementioned materials, whether originating on the site or elsewhere, used or capable of being used to raise, lower, or in any way affect or alter the contours of the ground.	
Proposed Start date (YYYY/MM/DD): summer of 2021	Anticipated Date of Completion: same
Has a previous application to Lower Trent Conservation been filed on this property? If yes, please provide previous permit number.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="text"/>	

Property Owner	
Name: James Carlisle	
Mailing Address: [REDACTED]	
City: [REDACTED]	Postal Code:
Phone #: [REDACTED]	Cell #: [REDACTED]
Email: [REDACTED]	Fax #:

Agent	
<input checked="" type="checkbox"/> Same as Property Owner	
Name:	
Company/Organization:	
Mailing Address:	
City:	Postal Code:
Phone #:	Cell #:
Email:	Fax #:

Note: Correspondence will be sent to agent, when applicable.

Approved Permit Circulation		
<input checked="" type="checkbox"/> email pdf copy ONLY	<input type="checkbox"/> mail hardcopy ONLY	<input type="checkbox"/> BOTH email and mail

Pre-application Consultation	
<i>A pre-application consultation may be in the form of a phone conversation, a meeting, email message, and/or site visit.</i>	
Have you conducted any pre-application consultation with a Lower Trent Conservation staff member to determine site issues and technical requirements for a "complete" application?	
<input checked="" type="checkbox"/> Yes (please indicate method below)	LTC File Number: GD-21-426
<input type="checkbox"/> by phone <input type="checkbox"/> by meeting <input checked="" type="checkbox"/> by email <input type="checkbox"/> by site visit	
<input type="checkbox"/> No	

<b>Further Considerations</b>	
Is there a violation on this property under Ontario Regulation 163/06?	
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (provide details below) <input type="checkbox"/> Don't know	
If yes, please provide file # - ENF- <span style="border: 1px solid black; display: inline-block; width: 150px; height: 20px; vertical-align: middle;"></span>	
Are <i>Planning Act</i> or Municipal approvals required?	
<input type="checkbox"/> No <input type="checkbox"/> Don't know <input checked="" type="checkbox"/> Yes (check all that apply)	
<input type="checkbox"/> Official Plan Amendment <input type="checkbox"/> Minor Variance <input type="checkbox"/> Zoning <input type="checkbox"/> Consent <input type="checkbox"/> Draft Plan of Subdivision <input checked="" type="checkbox"/> Building Permit <input type="checkbox"/> Site Plan <input type="checkbox"/> Septic <input type="checkbox"/> Other	
Do you authorize LTC to circulate approved permit to Municipal Planning & Building Officials?	
<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Are there any other required Approvals? (e.g. MNRF, Fisheries and Oceans Canada)	
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (please select below) <input type="checkbox"/> Don't know	
<input type="checkbox"/> MNRF <input type="checkbox"/> Parks Canada <input type="checkbox"/> DFO	

Notice of Collection

Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, the personal information contained on this form is collected under the authority of the *Conservation Authorities Act*. This information is used to assess applications and, where approved, issue the Development, Interference with Wetlands & Alterations to Shorelines and Watercourses permit. Information on this form may be disclosed to Government and Municipal agencies for review and comment, or to members of the public through the Freedom of Information process. Questions about the collection of information should be directed to the Chief Administrative Officer, Lower Trent Conservation, 714 Murray Street, Trenton, ON, K8V 5P4, 613-394-4829.

Any false or misleading statement made on this application will render null and void any permission granted.

I, the owner, [Redacted Name] of [Redacted Organization] of \_\_\_\_\_  
Name Organization (if any)

solemnly declare that to my best knowledge and belief, all of the above information, plans and submissions to be true, valid and current. I further accept the aforementioned inclusions, terms, and conditions to be binding upon the registered owner(s) of the property and all assigned agents, contractors, and/or constructors acting on my behalf. My signature acknowledges the right to exercise binding authority.

*Signature of Owner: <span style="background-color: black; color: black;">[Redacted Signature]</span>	Date: <span style="font-family: cursive;">7-8-2021</span>
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\* Signature or written authorization from the property owner is mandatory

Signature of Agent:	Date:
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## **GENERAL CONDITIONS**

1. By signing this application, consent is given to Lower Trent Conservation (herein referred to as LTC), its employees and other persons as required by LTC, to access the property for the purpose of inspection, obtaining information, and/or monitoring any and all works, activities, and/or construction pertaining to the property in addition to the works as approved under cover of any permit issued by LTC.
2. The owner and agent agree:
  - a. To indemnify and save harmless LTC and its officers, employees, or agents, from and against all damages, loss, costs, claims, demands, actions and proceedings, arising out of or resulting from any act or omission of the owner and/or agent or any of their employees or contractors relating to any of the particulars, terms, or conditions of this permission;
  - b. This permission shall not release the owner/agent from any legal liability or obligation and remains in force subject to all limitations, requirements, and liabilities imposed by law; and,
  - c. All complaints arising from the execution of the works authorized under this permission shall be reported immediately by the owner/agent to LTC. The owner/agent shall indicate any action which has been taken, or is planned to be taken, if any, with regard to each complaint.
3. Permits granted by LTC are not transferrable and are issued to the current owner of the property only.
4. The owner/agent agrees that, should the works be carried out contrary to the terms of this permission, LTC may enter onto the property and cause the terms to be satisfied at the expense of the owner.
5. The works shall be carried out as per the approved plans and specifications submitted in support of the application and as amended by the approval of this permission.
6. The owner/agent agrees to install and maintain all sediment controls as directed by LTC staff, until all disturbed areas have been stabilized.
7. All disturbed areas shall be seeded, sodded, or stabilized in a manner acceptable to LTC as soon as possible, and prior to the expiry of this permission.
8. The owner/agent agrees to maintain all existing drainage patterns, and not to obstruct external drainage from other adjacent private or municipal lands.
9. The owner/agent agrees to contact LTC once the development has commenced so an inspection of the development can be undertaken.
10. Permits granted by LTC do not replace building permits or any other permits or approvals issued through Municipal offices and/or other levels of Government. A permit under Ontario Regulation 163/06 does not constitute LTC approval of any related *Planning Act* applications. Separate approval of all related applications must be obtained from their respective agency and LTC.
11. Permits issued by LTC are valid for a period of two (2) years from the date of issue. After a permit has expired, a new application must be submitted. The current fee schedule during submission applies.
12. It is the responsibility of the owner/agent to ensure that a valid permit is in effect at the time the work is occurring.

## **SUBMISSION REQUIREMENTS**

1. Each application must be accompanied by the appropriate fee as noted on the fee schedule (see most recent fee schedule at [www.ltc.on.ca](http://www.ltc.on.ca) or contact Lower Trent Conservation at 613-394-4829).  
Applications will not be processed until the fee is paid in full. **The application fee is non-refundable.**
2. A copy of all plans must be submitted. DIGITAL COPIES are preferred (jpeg or pdf). Digital submissions must be less than 10MB in size if sent via email, otherwise please provide a CD, DVD, USB, or use a link to a file sharing program e.g. Dropbox.

### **Typical submissions include:**

- a. Site Plan showing existing site conditions, property boundaries, and proposed works (e.g. existing and proposed grades, structures, watercourses, etc.)
- b. Erosion and Sediment Control Plans, if applicable.
- c. Post-Construction and Restoration/Landscape Plans, if applicable.

Please note that additional information may be required (e.g. geotechnical study, cross-section details, elevation plans, drainage details before and after development, etc.)

3. If an agent is submitting an application on behalf of the property owner, the Landowner Authorization Form must be completed.
4. If revisions to the design of the project are required subsequent to the issuance of a permit, plans/documents reflecting the changes must be submitted to this office for further review and approval prior to undertaking the redesigned works.

**Applications must be deemed “complete”  
with technical supportive documents before the application is processed.**

**Please return completed form to:**

**LOWER TRENT  
C O N S E R V A T I O N**

714 Murray Street, R.R. 1, Trenton, Ontario K8V 5P4

■ Tel: 613-394-4829 ■ Fax: 613-394-5226 ■ Website: [www.ltc.on.ca](http://www.ltc.on.ca) ■ Email: [information@ltc.on.ca](mailto:information@ltc.on.ca)



**LANDOWNER AUTHORIZATION FORM**

Subject Property		
Civic Address: 111 March Street		
Municipality: Frankford		
Assessment Roll Number: 414 015 30400 0000		
Lot: part 3	Concession:	Ward: Hasting

If an application is to be submitted by a solicitor or agent on behalf of the owner(s), this Landowner Authorization must be completed and signed by the owner(s). If the owner is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

**If the application is to be prepared by a solicitor or agent, authorization should not be given until the application and its attachments have been examined and approved by you, the owner(s).**

I/we \_\_\_\_\_

hereby authorize \_\_\_\_\_

to provide as my agent any required authorization or consents, to submit the enclosed application to Lower Trent Conservation, and to appear on my behalf at any hearing(s) of the application and to provide any information or material required by the Lower Trent Conservation Board of Directors relevant to the application for purposes of obtaining a permit to develop, interfere with a wetland or alter a shoreline or watercourse, in accordance with the requirements of Ontario Regulation 163/06 as amended.

Signature of Owner:  Date: 2-8-2021

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_





1 FRONT ELEVATION  
A3 SCALE: 3/16" = 1'-0"

**NOTES:**  
 DESIGNER IS NOT RESPONSIBLE FOR THE DESIGN OF ANY SPECIAL COMPONENTS INCLUDING POWERED TRUSSES, ICE & RAIN, IN FLOOR HEATING, PROFESSIONALS WHO ARE QUALIFIED TO DESIGN THESE COMPONENTS SHOULD BE USED.  
 THESE PLANS FORM THE BASIS FOR PERMIT SUBMISSION AND DEVIATIONS FROM THESE PLANS AND DETAILS, INCLUDING THE VENTILATION AND HEATING SYSTEMS, WOODSTOVE, FIREPLACES, DECKS, BALCONIES, AND FINISHED BASEMENTS WILL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.  
 THESE PLANS ARE THE PROPERTY OF MACLAN DESIGNS. PLANS AND DETAILS MAY NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT WRITTEN PERMISSION FROM MACLAN DESIGNS. ALL COPIES OF DRAWINGS ARE TO BE RETURNED TO MACLAN DESIGNS UPON COMPLETION OF PROJECT.  
 DESIGNER IS NOT RESPONSIBLE FOR ANY ENGINEERING COSTS. EVERY EFFORT HAS BEEN MADE BY THE DESIGNER TO ENSURE PLANS COMPLY WITH THE LATEST EDITION OF THE ONTARIO BUILDING CODE. ANY ENGINEERING THAT MAY BE REQUIRED DUE TO ISSUES WITH STRUCTURE ARE THE RESPONSIBILITY OF THE CLIENT.

**LUMBER SPANS AS PER 2009 CWC SPAN BOOK**

DO NOT SCALE DRAWINGS. CONTRACTOR TO USE WRITTEN DIMENSIONS ONLY. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO DESIGNER.

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION	
DESIGNER'S INITIAL	STATUS
NAME	SIGNATURE
	DOB
REGISTRATION INFORMATION	
CANADIAN PROVINCE	STATUS
FIRM NAME	DOB

REVISIONS		
NO.	DETAIL	DATE
1	ISSUED FOR PERMITS	06/01/20



264 COLEMAN ST., BELLEVILLE  
K8P 3H9 613.919.4714

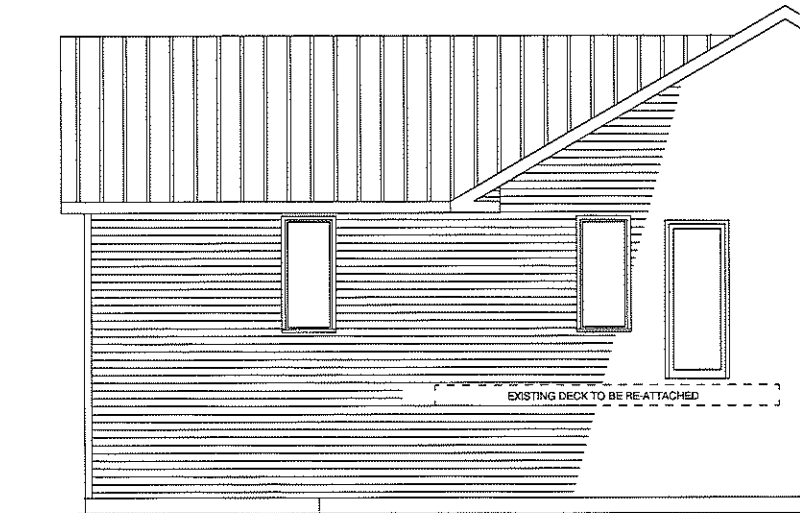
DRAWN BY:	A.D
DATE:	JUNE 1, 2021
SCALE:	AS SHOWN

PROJECT:  
 ADDITION TO SINGLE FAMILY DWELLING  
 111 MARCH ST., FRANKFORD., ON  
 EXISTING AREA = 1178 SQ.FT  
 PROPOSED ADDITION = 490 SQ.FT  
 TOTAL PROPOSED AREA = 1668 SQ.FT

TITLE:	DWG. NO.
FRONT ELEVATION	A3



1 RIGHT ELEVATION  
A4 SCALE: 3/16" = 1' 0"



2 REAR ELEVATION  
A4 SCALE: 3/16" = 1' 0"

**NOTES:**  
DESIGNER IS NOT RESPONSIBLE FOR THE DESIGN OF ANY SPECIAL COMPONENTS INCLUDING ENGINEERED TRUSSES, ICF & REBAR, IN-FLOOR HEATING. PROFESSIONALS WHO ARE QUALIFIED TO DESIGN THESE COMPONENTS SHOULD BE USED.  
THESE PLANS FORM THE BASIS FOR PERMIT ISSUANCE AND ANY DEVIATIONS FROM THESE PLANS AND DETAILS, INCLUDING THE VENTILATION AND HEATING SYSTEMS, WOODSTOVE, FIREPLACES, DECKS, BALCONIES, AND FINISHED BASEMENTS WILL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.  
THESE PLANS ARE THE PROPERTY OF MACLAN DESIGN. PLANS AND DETAILS MAY NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT WRITTEN PERMISSION FROM MACLAN DESIGN. ALL COPIES OF DRAWINGS ARE TO BE RETURNED TO MACLAN DESIGN UPON COMPLETION OF PROJECT.  
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THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN, AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

**QUALIFICATION INFORMATION**

DESIGNER NAME: *A.D.* DESIGNER REG. NO.: *12345*

**REGISTRATION INFORMATION**

FIRM NAME: \_\_\_\_\_ FIRM REG. NO.: \_\_\_\_\_

**REVISIONS**

NO.	DETAIL	DATE
1	ISSUED FOR PERMITS	06/01/2021

**MACLAN DESIGNS**

264 COLEMAN ST., BELLEVILLE  
K8P 3H9 613.919.4714

DRAWN BY:	A.D.
DATE:	JUNE 1, 2021
SCALE:	AS SHOWN

**PROJECT:**  
ADDITION TO SINGLE FAMILY DWELLING  
111 MARCH ST., FRANKFORD, ON

EXISTING AREA = 1178 SQ.FI  
PROPOSED ADDITION = 490 SQ.FI  
TOTAL PROPOSED AREA = 1668 SQ.FI

TITLE:	DWG. NO.
RIGHT & REAR ELEVATIONS	A4

**NOTES:**  
 DESIGNER IS NOT RESPONSIBLE FOR THE DESIGN OF ANY SPECIAL COMPONENTS INCLUDING ENGINEERED TRUSSES, SO-F REBAR, IN-FLOOR HEATING. PROFESSIONALS WHO ARE QUALIFIED TO DESIGN THESE COMPONENTS SHOULD BE USED.  
 THESE PLANS FORM THE BASIS FOR PERMIT ISSUANCE, AND ANY DEVIATIONS FROM THESE PLANS AND DETAILS, INCLUDING THE VENTILATION AND HEATING SYSTEMS, WOODSTOVE FIREPLACES, SINKS, BALCONIES, AND FINISHED BASEMENTS WILL REQUIRE A REVISED DRAWING AND CLEARANCE BY THE BUILDING DEPARTMENT.  
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THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A REGISTERED ARCHITECT.

**QUALIFICATION INFORMATION**  
 NAME: [Signature] DESIGNATION: ARCHITECT

**REGISTRATION INFORMATION**  
 REG. NO.: [Blank] EXPIRES: [Blank]

**REVISIONS**

NO.	DETAIL	DATE
1	ISSUED FOR PERMITS	06/01/20

**MACLAN DESIGNS**

264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.4714

DRAWN BY: A.D.

DATE: JUNE 1, 2021

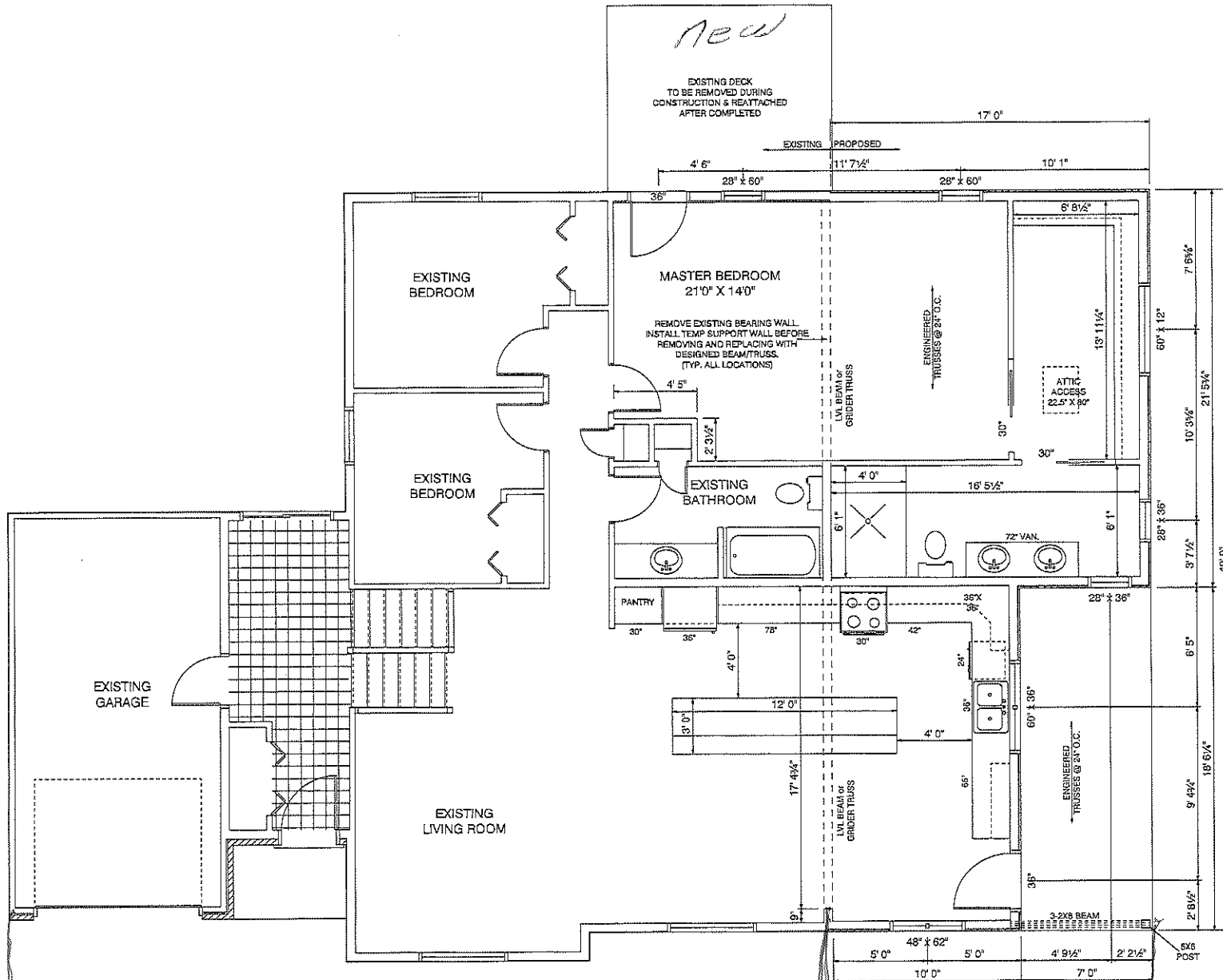
SCALE: AS SHOWN

PROJECT:  
 ADDITION TO  
 SINGLE FAMILY DWELLING  
 111 MARCH ST.,  
 FRANKFORD., ON

EXISTING AREA = 1178 SQ.FT  
 PROPOSED ADDITION = 490 SQ.FT  
 TOTAL PROPOSED AREA = 1668 SQ.FT

TITLE: DWG. NO.

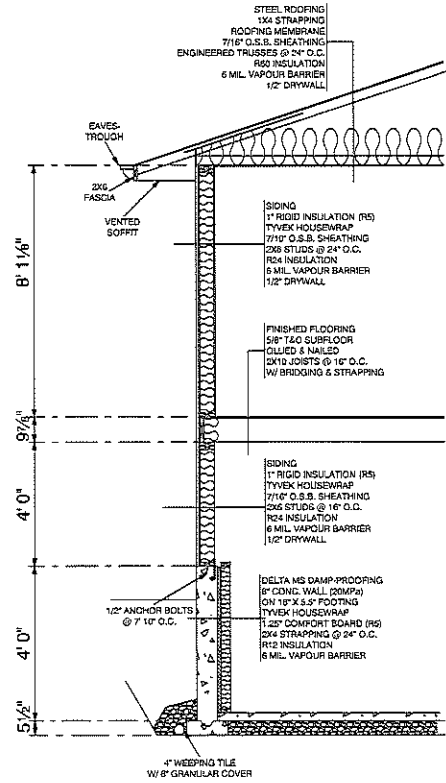
MAIN FLOOR WORKING **A1**



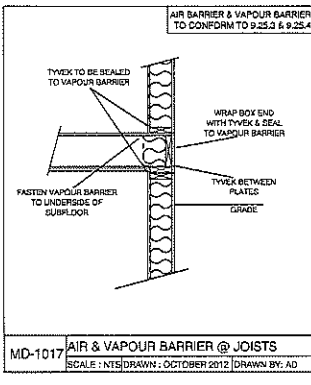
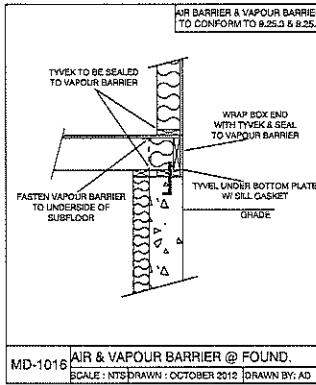
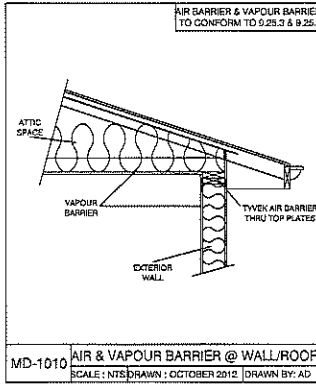
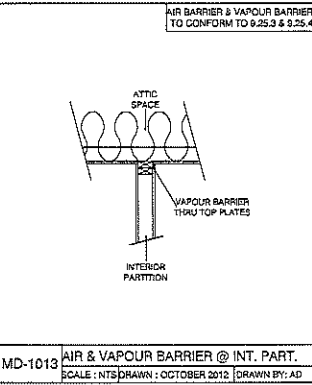
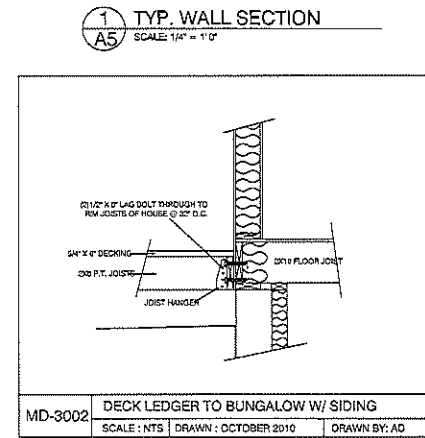
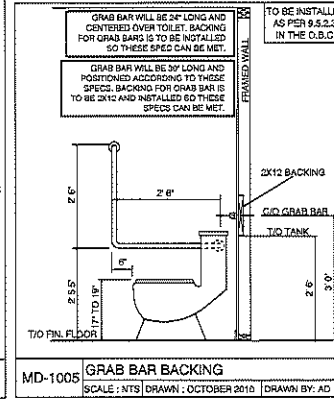
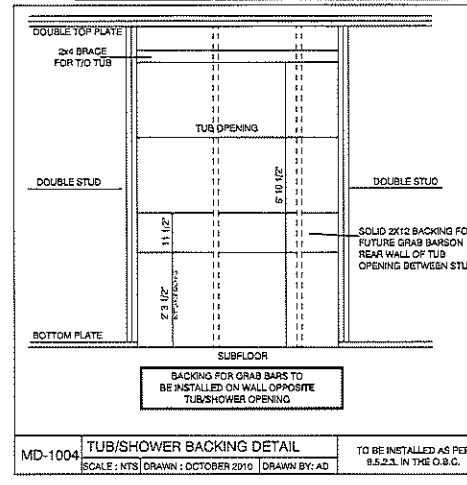
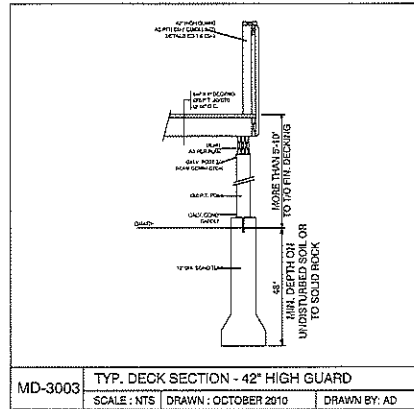
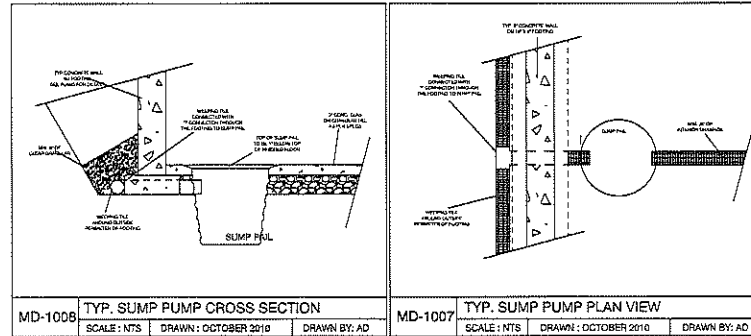
1 MAIN FLOOR - WORKING  
 A1 SCALE: 3/16" = 1" 0"

*Current*

*new*



ALL DIMENSIONS TO BE VERIFIED ON SITE. CONTRACTOR TO ENSURE ALIGNMENT OF EXISTING TOP PLATES & FLOOR SYSTEMS



**NOTES:**  
DESIGNER IS NOT RESPONSIBLE FOR THE DESIGN OF ANY SPECIAL COMPONENTS INCLUDING ENGINEERED TRUSSES, IDF & REMA, IN FLOOR HEATING, PROFESSIONALS WHO ARE QUALIFIED TO DESIGN THESE COMPONENTS SHOULD BE USED.

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**LUMBER SPANS AS PER 2009 CWC SPAN BOOK**

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THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN AND HAS THE QUALIFICATION AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

**QUALIFICATION INFORMATION**

REGISTRATION INFORMATION

**REVISIONS**

1	ISSUED FOR PERMITS	06/01/20
NO.	DETAIL	DATE



264 COLEMAN ST., BELLEVILLE  
K8P 3H9 613.919.4714

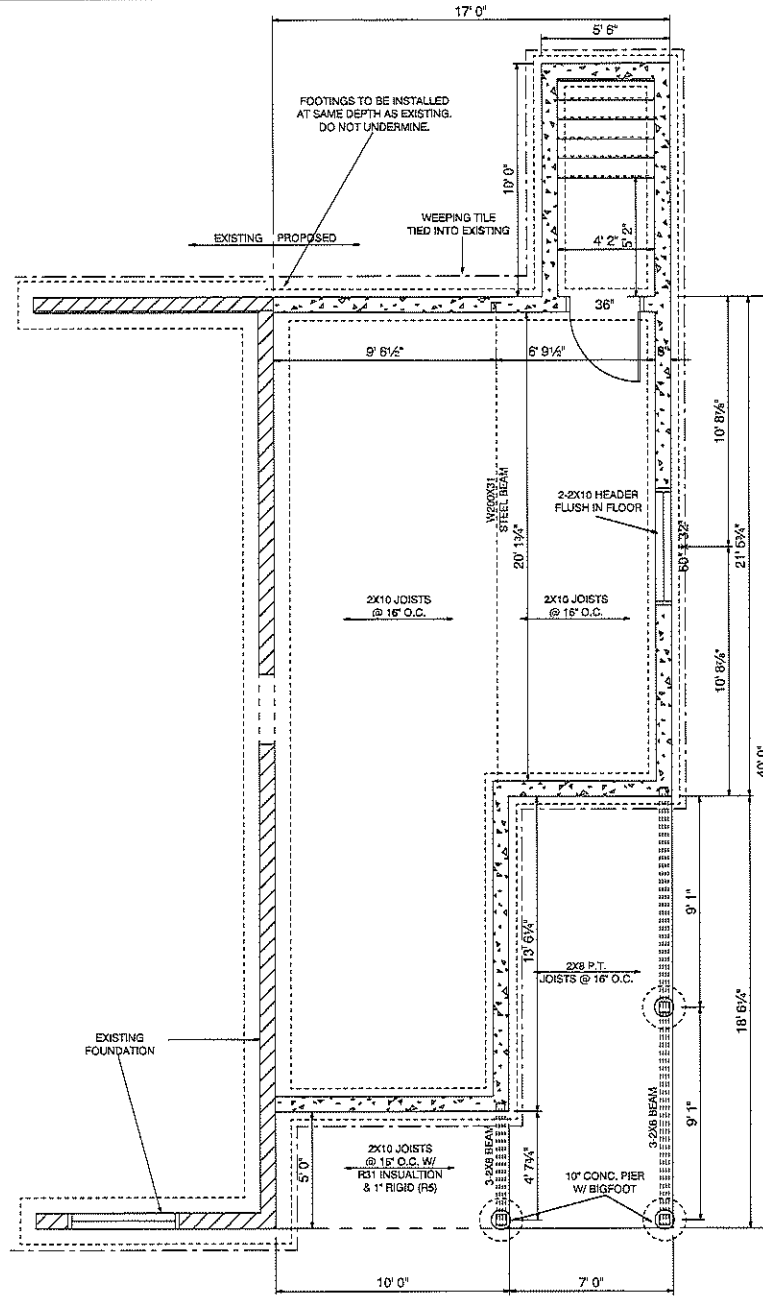
DRAWN BY: A.D  
DATE: JUNE 1, 2020  
SCALE: AS SHOWN

PROJECT:  
ADDITION TO SINGLE FAMILY DWELLING  
111 MARCH ST., FRANKFORD, ON

EXISTING AREA = 1178 SQ.FT  
PROPOSED ADDITION = 490 SQ.FT  
TOTAL PROPOSED AREA = 1668 SQ.FT

TITLE: DWG. NO.

SECTIONS & DETAILS **A5**



1 FOUNDATION - WORKING  
A2 SCALE: 3/16" = 1' 0"

**NOTES:**  
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THIS ENGINEER HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE DESIGN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

QUALIFICATION INFORMATION	
DATE OF DESIGN	31/03/2021
NAME	SIGNATURE
REGISTRATION INFORMATION	
MACLAN DESIGN	3000
FIRM NAME	DDN

REVISIONS		
NO.	DETAIL	DATE
1	ISSUED FOR PERMITS	06/01/21



264 COLEMAN ST., BELLEVILLE  
K8P 3H9 613.919.4714

DRAWN BY:	A.D
DATE:	JUNE 1, 2021
SCALE:	AS SHOWN

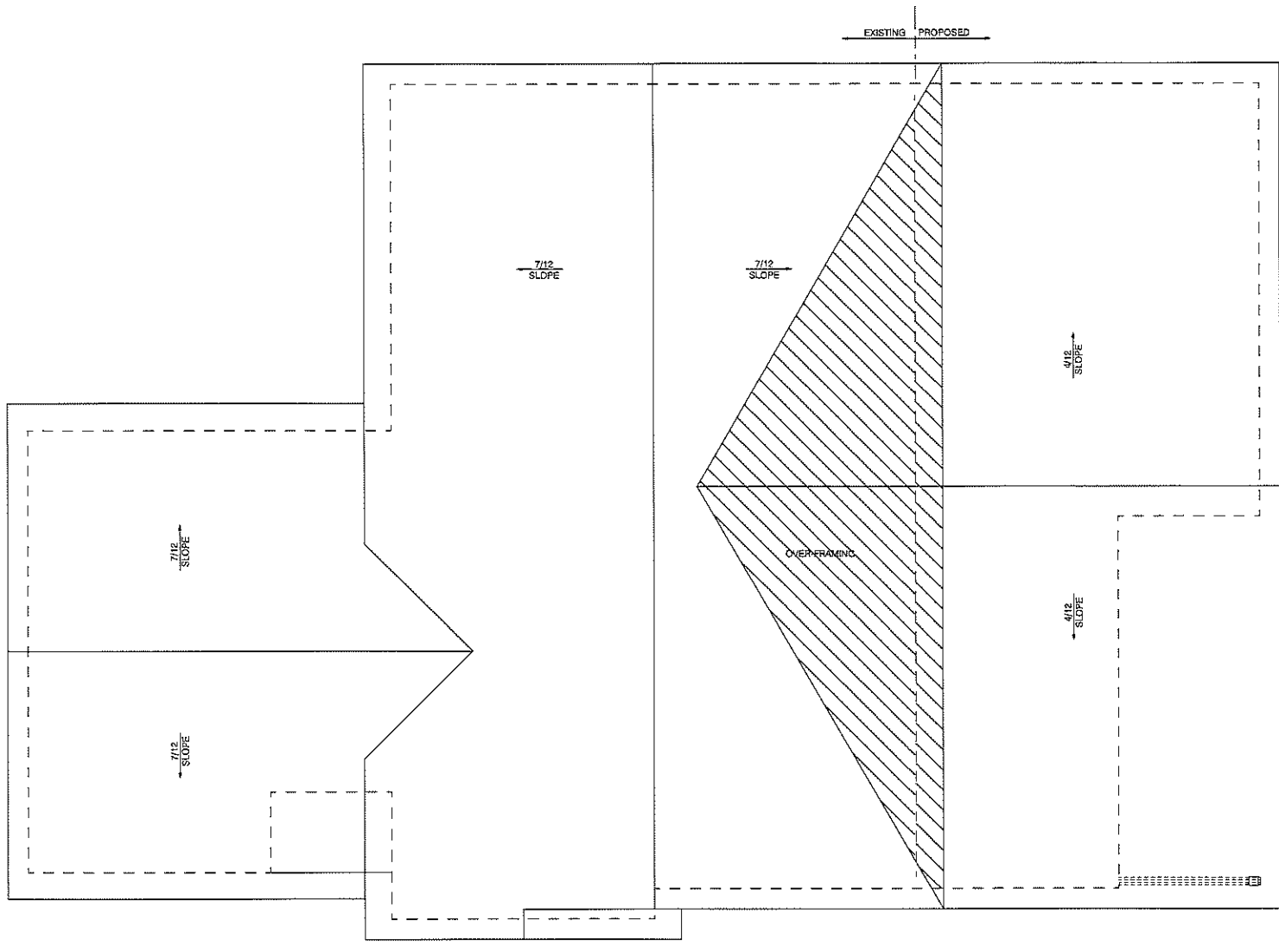
PROJECT:  
 ADDITION TO SINGLE FAMILY DWELLING  
 111 MARCH ST., FRANKFORD, ON

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TITLE: DWG. NO.

FOUNDATION WORKING **A2**





1 ROOF PLAN  
A6 SCALE: 3/16" = 1' 0"

**NOTES:**  
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**QUALIFICATION INFORMATION**

DESIGNER: *Maclan* 21-001  
 NAME: SIGNATURE: DESIGN NO.:  
**REGISTRATION INFORMATION**  
 MACLAN DESIGN: 20503  
 FIRM NAME: DCN

**REVISIONS**

NO.	DETAIL	DATE
1	ISSUED FOR PERMITS	06/01/2021



264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.4714

DRAWN BY: A.D  
 DATE: JUNE 1, 2021  
 SCALE: AS SHOWN

**PROJECT:**  
 ADDITION TO SINGLE FAMILY DWELLING  
 111 MARCH ST., FRANKFORD, ON  
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 TOTAL PROPOSED AREA = 1668 SQ.FT

TITLE:	DWG. NO.
ROOF PLAN	A6

**NOTES:**  
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**QUALIFICATION INFORMATION**  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C.3.2.1. OF THE ONTARIO BUILDING CODE

ADAM DUTTON 25563  
 NAME SIGNATURE BCIN

**REGISTRATION INFORMATION**  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C.3.2.1. OF THE ONTARIO BUILDING CODE

MACLAN DESIGNS 38919  
 FIRM NAME BCIN

**REVISIONS**

NO.	DETAIL	DATE
1	ISSUED FOR PERMITS	06/01/20



264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.4714

DRAWN BY: A.D.

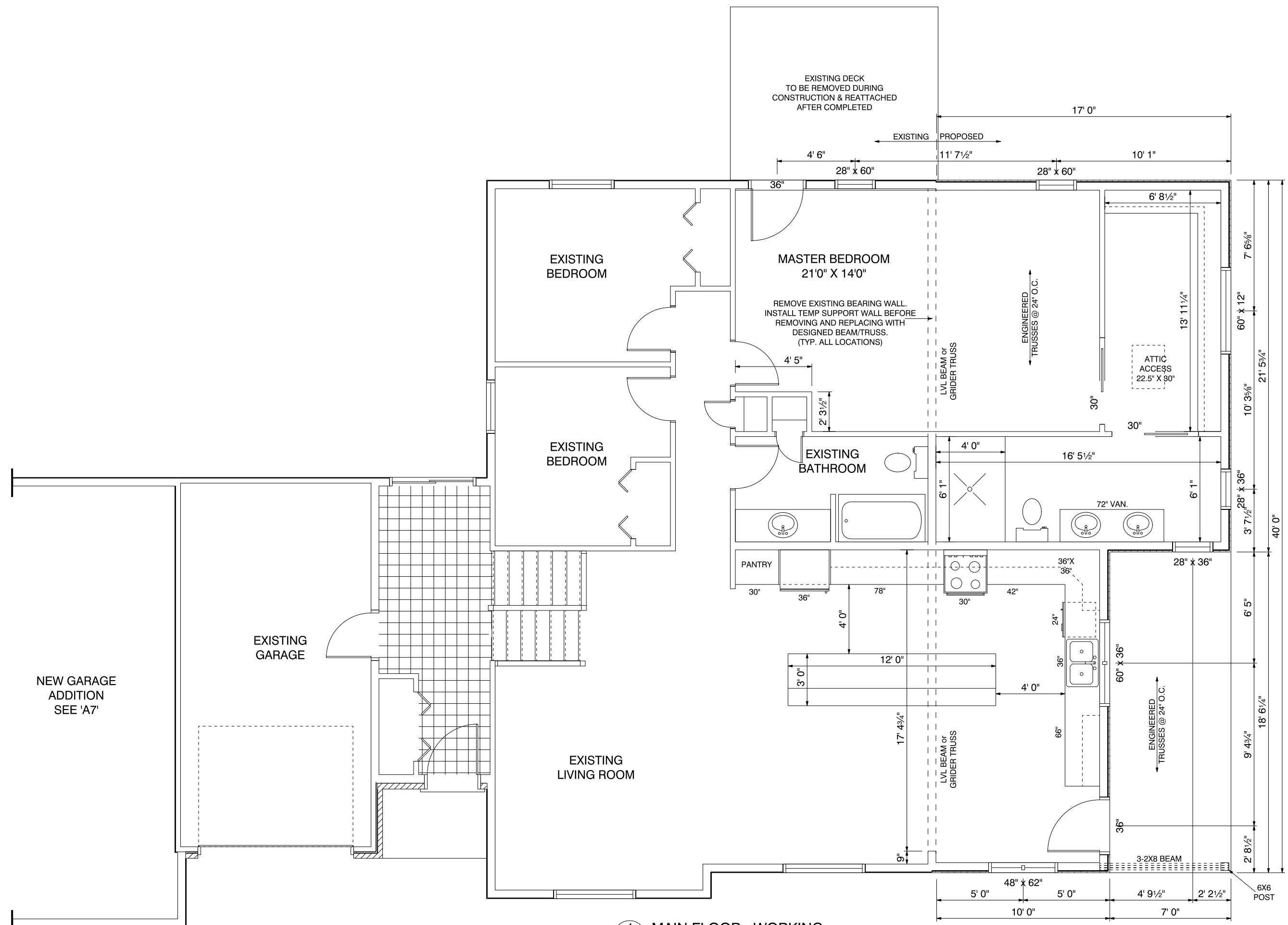
DATE: JUNE 1, 2020

SCALE: AS SHOWN

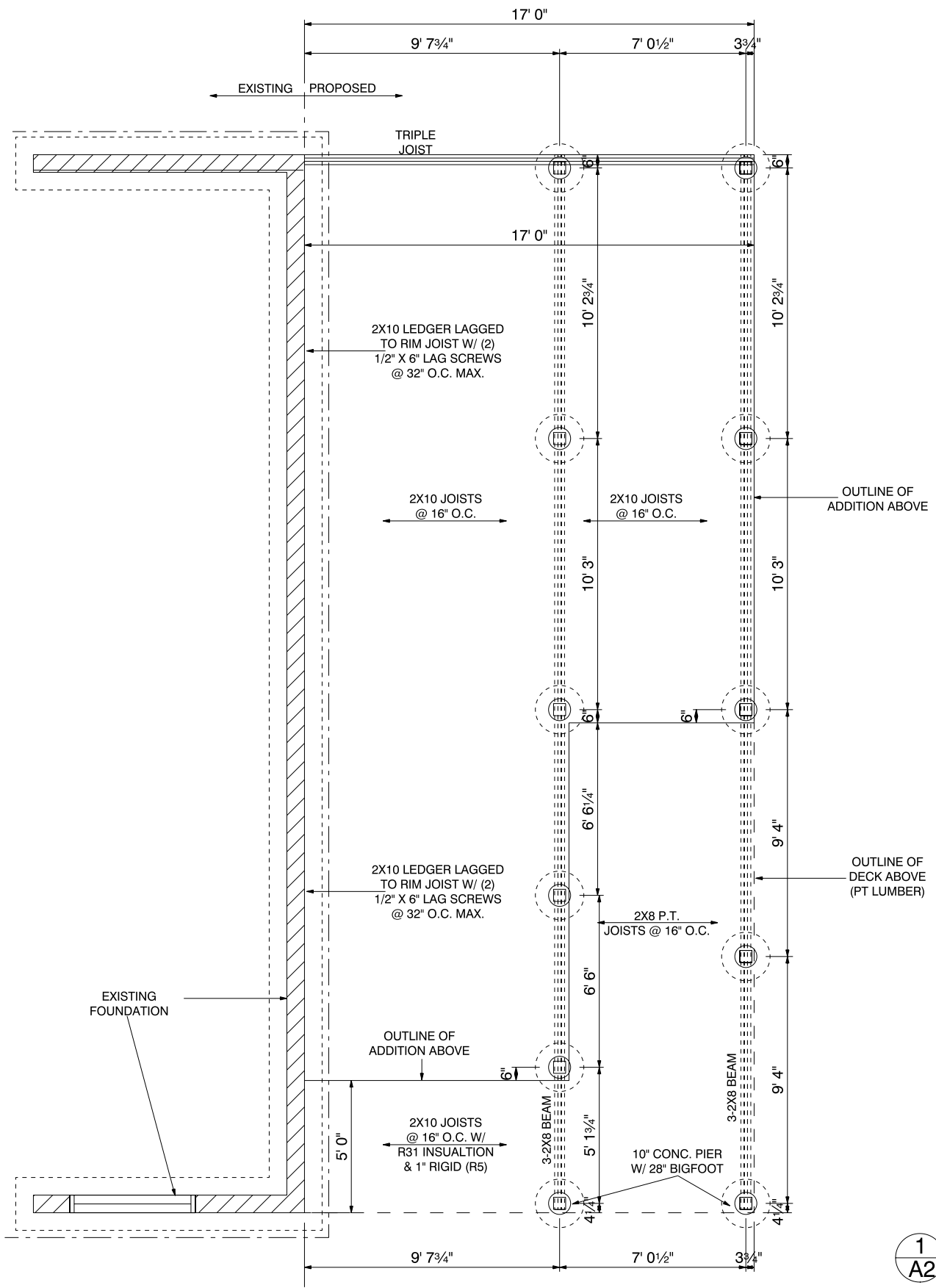
**PROJECT:**  
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EXISTING AREA = 1178 SQ.FT.  
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 TOTAL PROPOSED AREA = 1668 SQ.FT.

**TITLE:** MAIN FLOOR WORKING  
**DWG. NO.:** A1



**1 MAIN FLOOR - WORKING**  
 A1 SCALE: 3/16" = 1' 0"



**1**  
**A2** FOUNDATION - WORKING  
SCALE: 3/16" = 1' 0"

**NOTES:**  
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**QUALIFICATION INFORMATION**  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C.3.2.1. OF THE ONTARIO BUILDING CODE

ADAM DUTTON 25563  
 NAME SIGNATURE BCIN

**REGISTRATION INFORMATION**  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C.3.2.1. OF THE ONTARIO BUILDING CODE

MACLAN DESIGNS 38919  
 FIRM NAME BCIN

**REVISIONS**

NO.	DETAIL	DATE
1	ISSUED FOR PERMITS	06/01/20



264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.4714

DRAWN BY: A.D.  
 DATE: JUNE 1, 2020  
 SCALE: AS SHOWN

PROJECT:  
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 111 MARCH ST., FRANKFORD., ON  
 EXISTING AREA = 1178 SQ.FT.  
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 TOTAL PROPOSED AREA = 1668 SQ.FT.

TITLE: FOUNDATION WORKING  
 DWG. NO. **A2**

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REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C.3.2.1. OF THE ONTARIO BUILDING CODE  
 NAME: ADAM DUTTON SIGNATURE: [Signature] BCIN: 25563

**REGISTRATION INFORMATION**  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C.3.2.1. OF THE ONTARIO BUILDING CODE  
 MACLAN DESIGNS FIRM NAME: [Signature] BCIN: 38919

**REVISIONS**

NO.	DETAIL	DATE
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264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.4714

DRAWN BY: A.D.  
 DATE: JUNE 1, 2020  
 SCALE: AS SHOWN

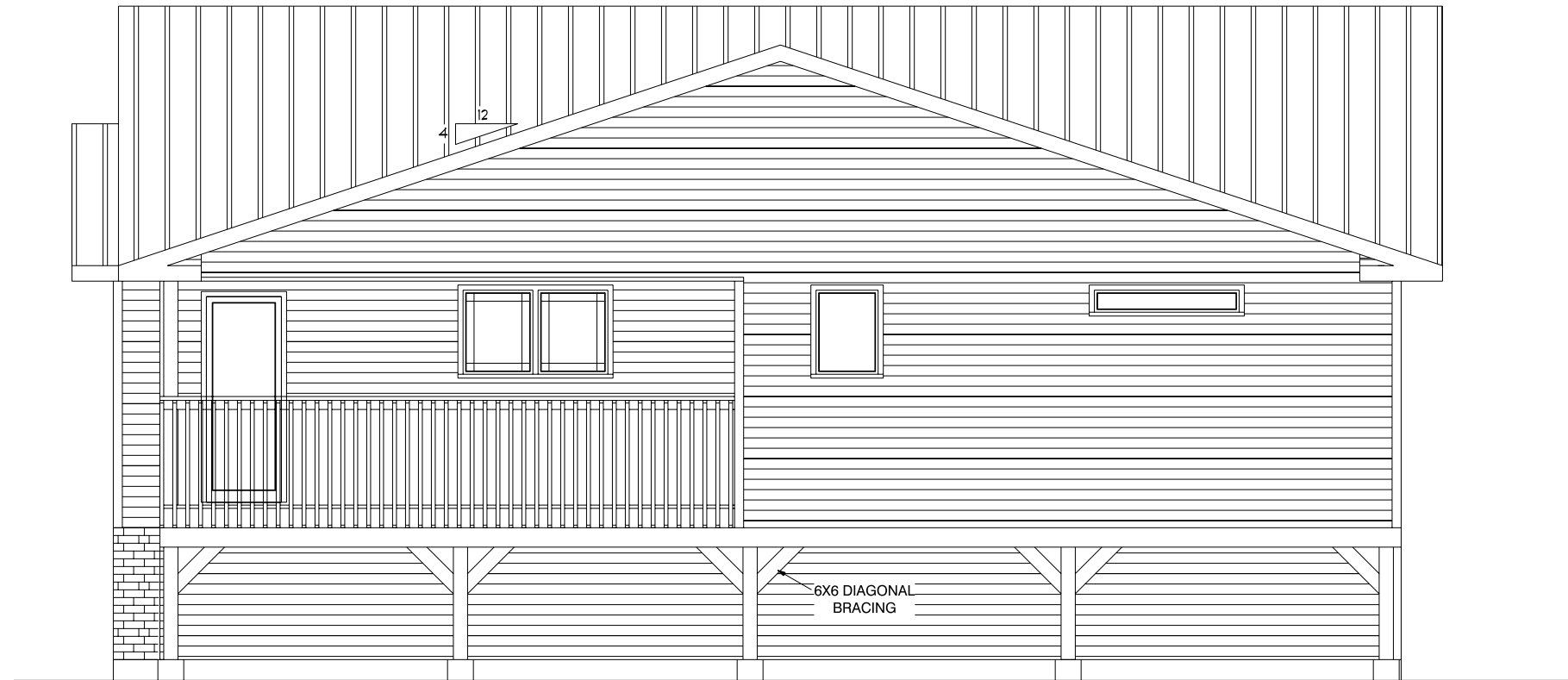
**PROJECT:**  
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 PROPOSED ADDITION = 490 SQ.FT.  
 TOTAL PROPOSED AREA = 1668 SQ.FT.

TITLE: FRONT ELEVATION DWG. NO. **A3**

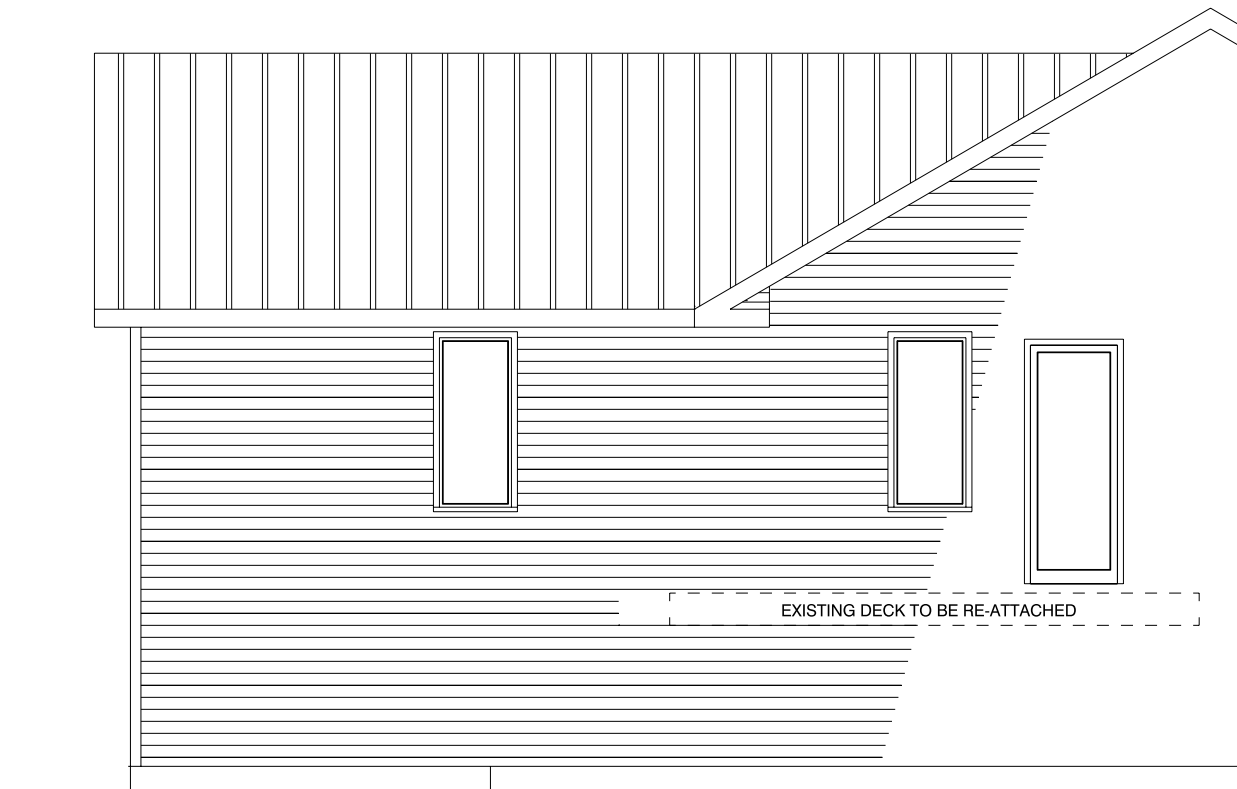


NEW GARAGE ADDITION. SEE 'A7'

**1** FRONT ELEVATION  
**A3** SCALE: 3/16" = 1' 0"



**1** RIGHT ELEVATION  
A4 SCALE: 3/16" = 1' 0"



**2** REAR ELEVATION  
A4 SCALE: 3/16" = 1' 0"

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QUALIFICATION INFORMATION		
<small>REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C.3.2.1. OF THE ONTARIO BUILDING CODE</small>		
NAME	SIGNATURE	BCIN
ADAM DUTTON		25563
REGISTRATION INFORMATION		
<small>REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C.3.2.1. OF THE ONTARIO BUILDING CODE</small>		
FIRM NAME		BCIN
MACLAN DESIGNS		38919

**REVISIONS**

NO.	DETAIL	DATE
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264 COLEMAN ST., BELLEVILLE  
K8P 3H9 613.919.4714

DRAWN BY:	A.D.
DATE:	JUNE 1, 2020
SCALE:	AS SHOWN

PROJECT:  
ADDITION TO  
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FRANKFORD., ON

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TITLE:	DWG. NO.
RIGHT & REAR ELEVATIONS	<b>A4</b>

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ADAM DUTTON *[Signature]* 25563  
 NAME SIGNATURE BCIN

**REGISTRATION INFORMATION**  
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MACLAN DESIGNS 38919  
 FIRM NAME BCIN

**REVISIONS**

NO.	DETAIL	DATE
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**MACLAN DESIGNS**

264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.4714

DRAWN BY: A.D.

DATE: JUNE 1, 2020

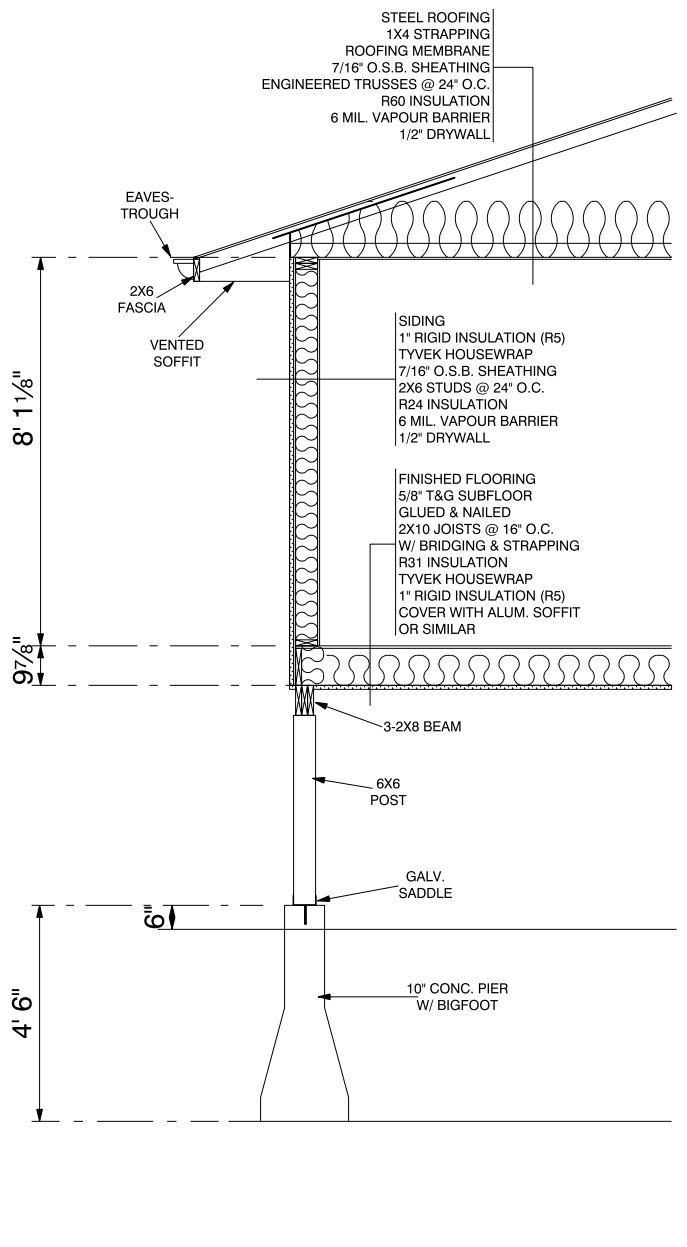
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 PROPOSED ADDITION = 490 SQ.FT.  
 TOTAL PROPOSED AREA = 1668 SQ.FT.

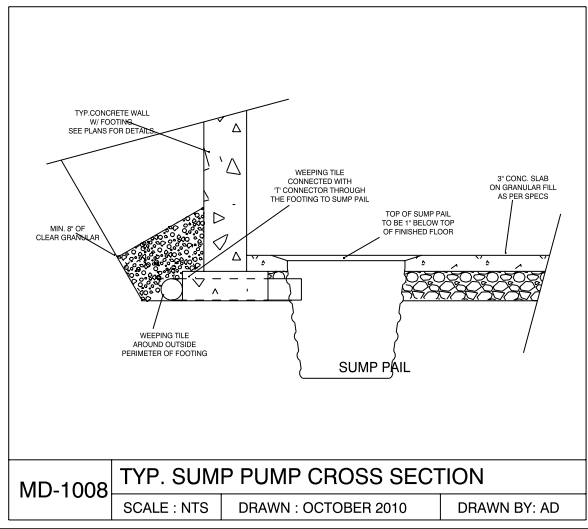
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SECTIONS & DETAILS **A5**

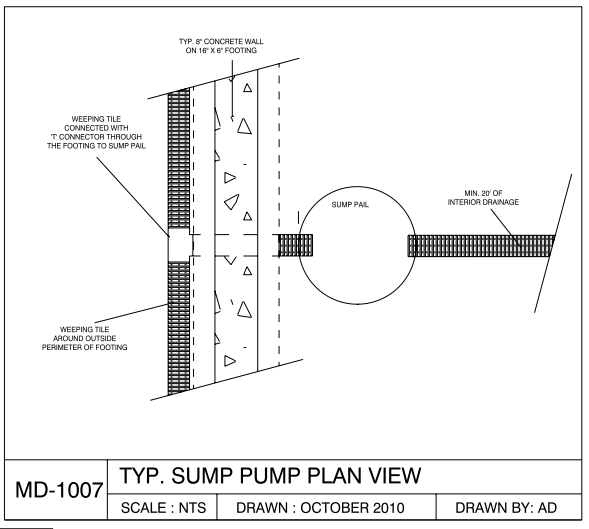


**1 TYP. WALL SECTION**  
 A5 SCALE: 1/4" = 1' 0"

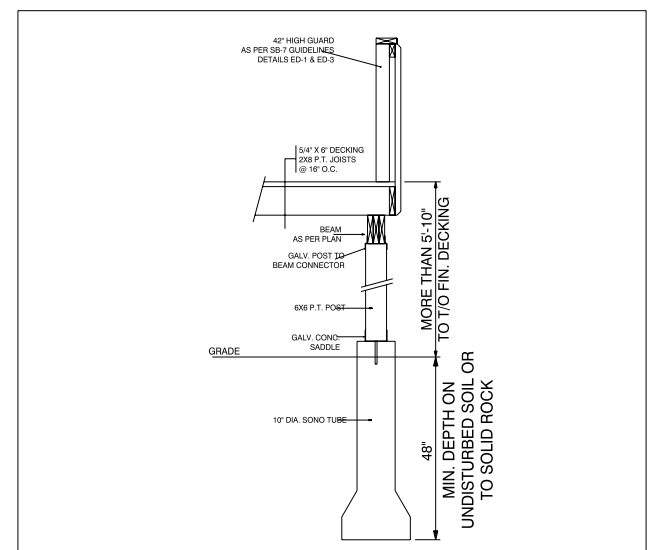
ALL DIMENSIONS TO BE VERIFIED ON SITE. CONTRACTOR TO ENSURE ALIGNMENT OF EXISTING TOP PLATES & FLOOR SYSTEMS



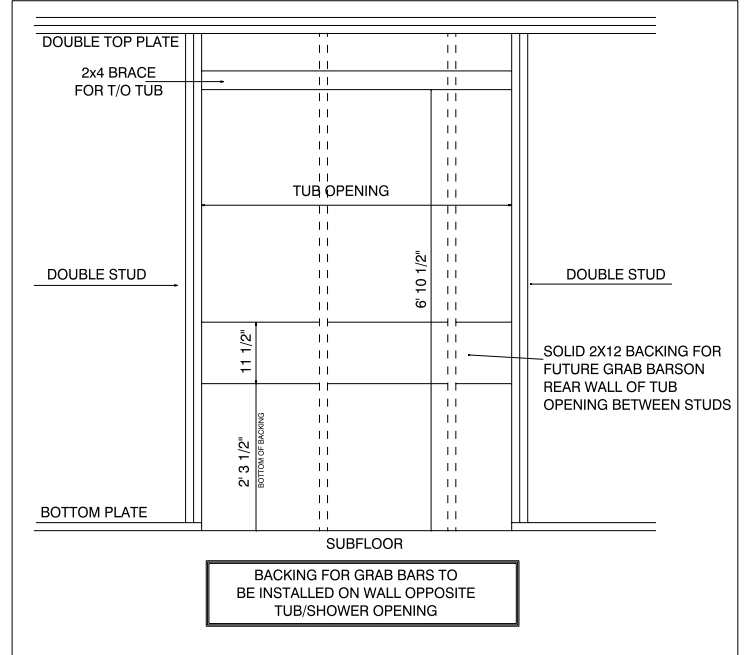
**MD-1008 TYP. SUMP PUMP CROSS SECTION**  
 SCALE: NTS DRAWN: OCTOBER 2010 DRAWN BY: AD



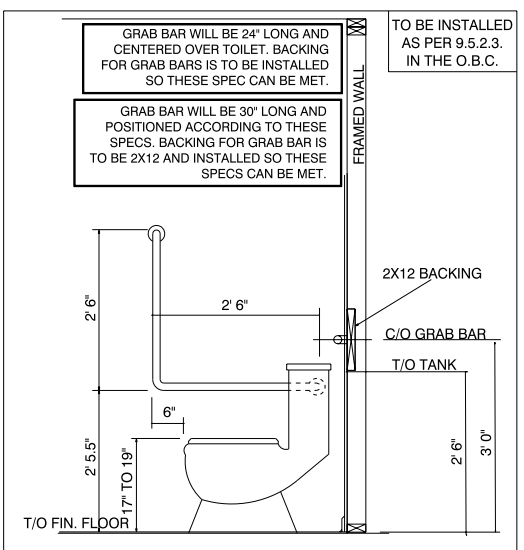
**MD-1007 TYP. SUMP PUMP PLAN VIEW**  
 SCALE: NTS DRAWN: OCTOBER 2010 DRAWN BY: AD



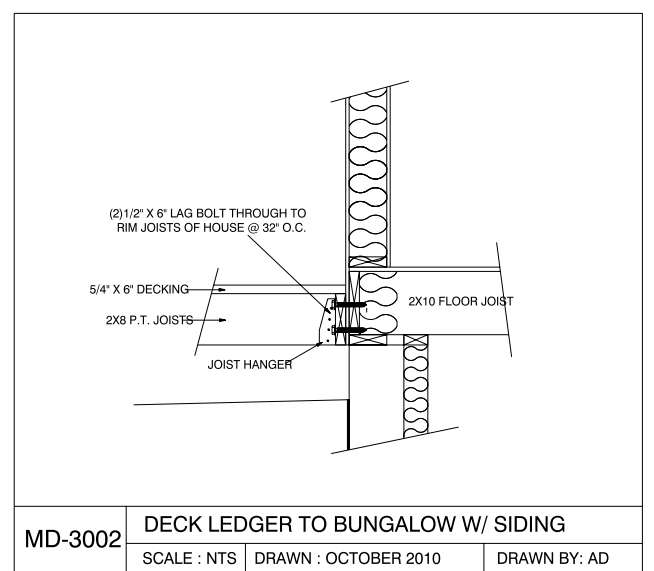
**MD-3003 TYP. DECK SECTION - 42" HIGH GUARD**  
 SCALE: NTS DRAWN: OCTOBER 2010 DRAWN BY: AD



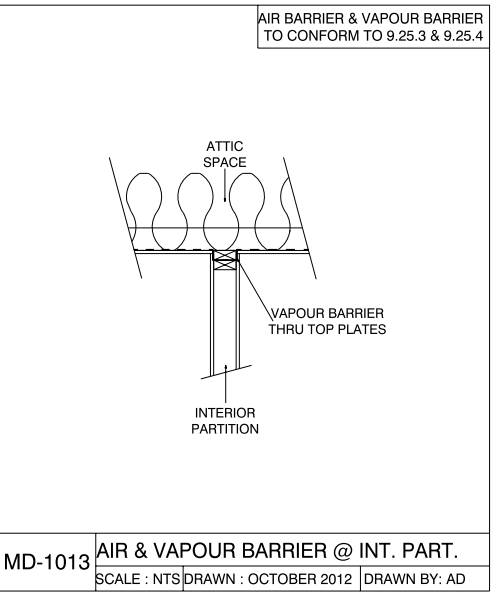
**MD-1004 TUB/SHOWER BACKING DETAIL**  
 SCALE: NTS DRAWN: OCTOBER 2010 DRAWN BY: AD TO BE INSTALLED AS PER 9.5.2.3. IN THE O.B.C.



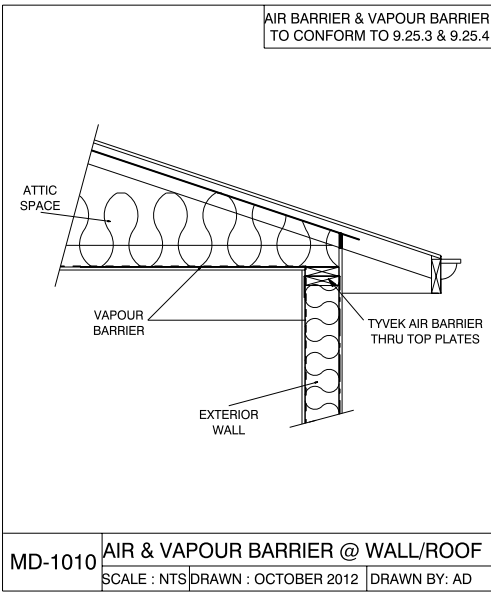
**MD-1005 GRAB BAR BACKING**  
 SCALE: NTS DRAWN: OCTOBER 2010 DRAWN BY: AD



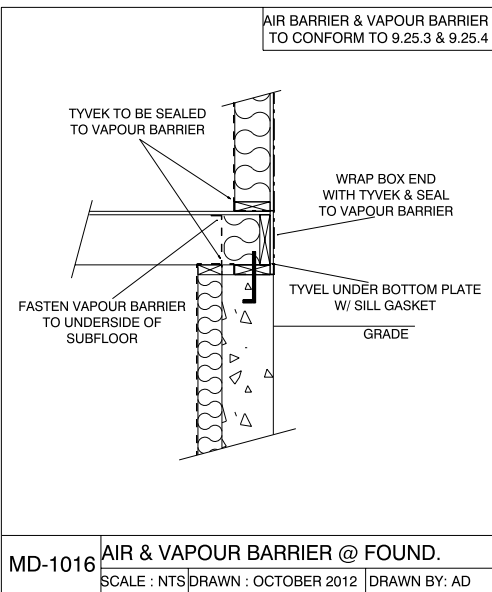
**MD-3002 DECK LEDGER TO BUNGALOW W/ SIDING**  
 SCALE: NTS DRAWN: OCTOBER 2010 DRAWN BY: AD



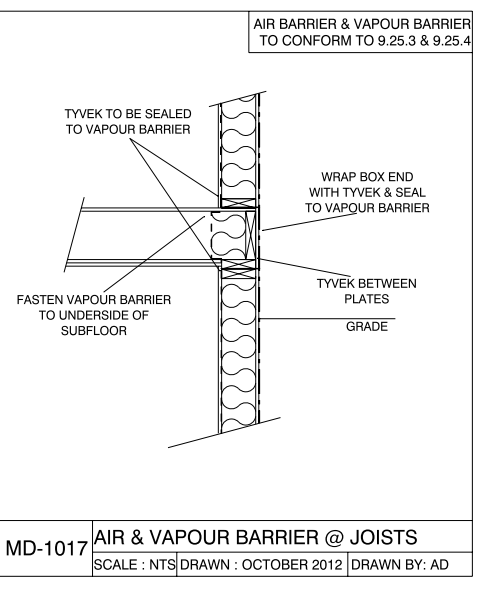
**MD-1013 AIR & VAPOUR BARRIER @ INT. PART.**  
 SCALE: NTS DRAWN: OCTOBER 2012 DRAWN BY: AD



**MD-1010 AIR & VAPOUR BARRIER @ WALL/ROOF**  
 SCALE: NTS DRAWN: OCTOBER 2012 DRAWN BY: AD

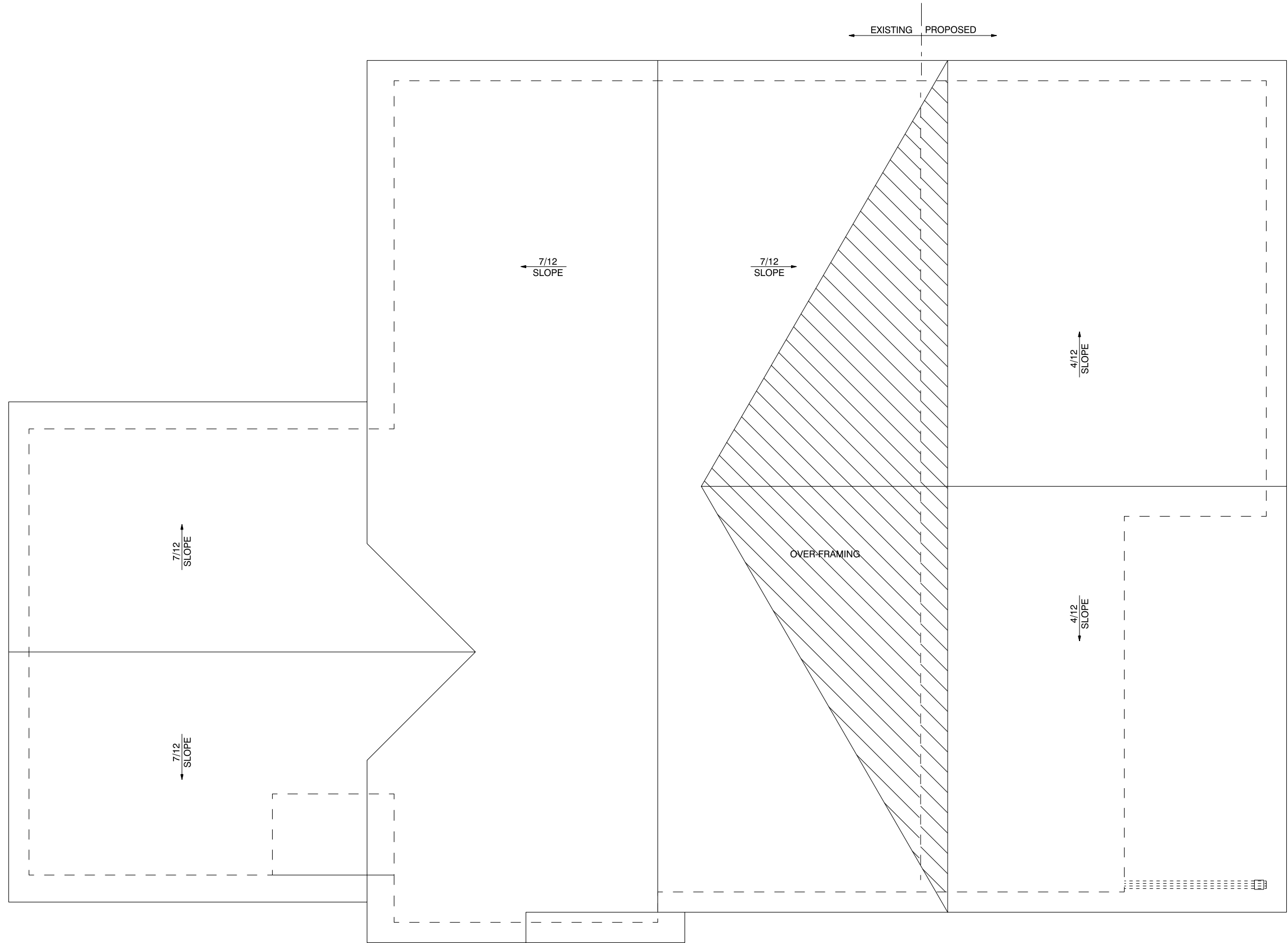


**MD-1016 AIR & VAPOUR BARRIER @ FOUND.**  
 SCALE: NTS DRAWN: OCTOBER 2012 DRAWN BY: AD



**MD-1017 AIR & VAPOUR BARRIER @ JOISTS**  
 SCALE: NTS DRAWN: OCTOBER 2012 DRAWN BY: AD





**1** ROOF PLAN  
**A6** SCALE: 3/16" = 1' 0"

**NOTES:**  
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**LUMBER SPANS AS PER 2009 CWC SPAN BOOK**

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**QUALIFICATION INFORMATION**  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C.3.2.1. OF THE ONTARIO BUILDING CODE

ADAM DUTTON 25563  
 NAME SIGNATURE BCIN

**REGISTRATION INFORMATION**  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C.3.2.1. OF THE ONTARIO BUILDING CODE

MACLAN DESIGNS 38919  
 FIRM NAME BCIN

**REVISIONS**

NO.	DETAIL	DATE
1	ISSUED FOR PERMITS	06/01/20



264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.4714

DRAWN BY: A.D.  
 DATE: JUNE 1, 2020  
 SCALE: AS SHOWN

**PROJECT:**  
 ADDITION TO  
 SINGLE FAMILY DWELLING  
 111 MARCH ST.,  
 FRANKFORD., ON

EXISTING AREA = 1178 SQ.FT.  
 PROPOSED ADDITION = 490 SQ.FT.  
 TOTAL PROPOSED AREA = 1668 SQ.FT.

**TITLE:** ROOF PLAN  
**DWG. NO.:** A6



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ADAM DUTTON 25563  
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MACLAN DESIGNS 38919  
 FIRM NAME BCIN

**REVISIONS**

NO.	DETAIL	DATE
2	REVISION	07/27/22
1	ISSUED FOR PERMITS	06/01/20



264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.4714

DRAWN BY: A.D.

DATE: JUNE 1, 2020

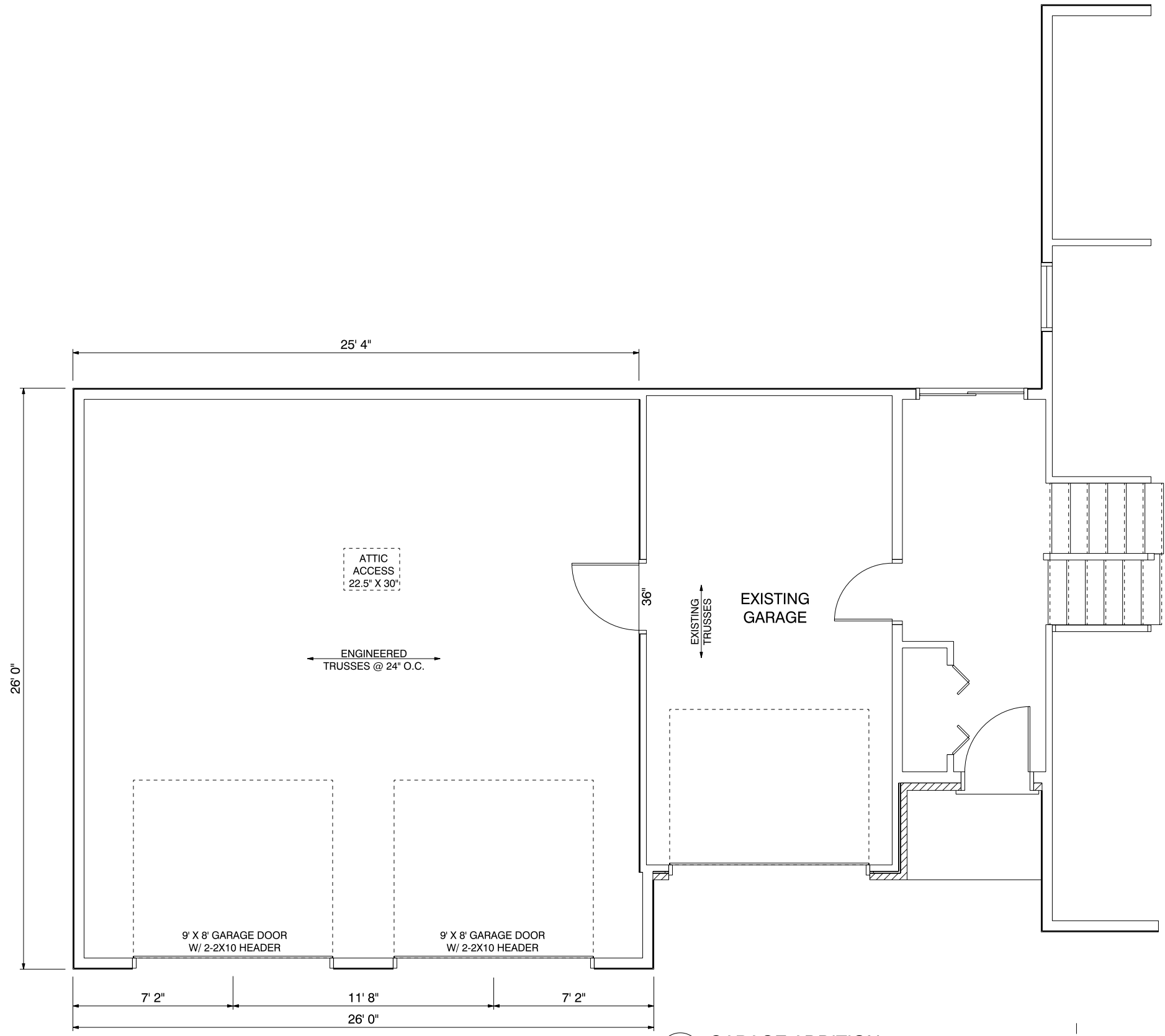
SCALE: AS SHOWN

PROJECT:  
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 PROPOSED ADDITION = 490 SQ.FT.  
 TOTAL PROPOSED AREA = 1668 SQ.FT.

TITLE: DWG. NO.

MAIN FLOOR WORKING **A7**



**1 GARAGE ADDITION**  
 SCALE: 3/16" = 1' 0"  
**A7**

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ADAM DUTTON 25563  
 NAME SIGNATURE BCIN

**REGISTRATION INFORMATION**  
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MACLAN DESIGNS 38919  
 FIRM NAME BCIN

**REVISIONS**

NO.	DETAIL	DATE
2	REVISIONS	07/27/22
1	ISSUED FOR PERMITS	06/01/20



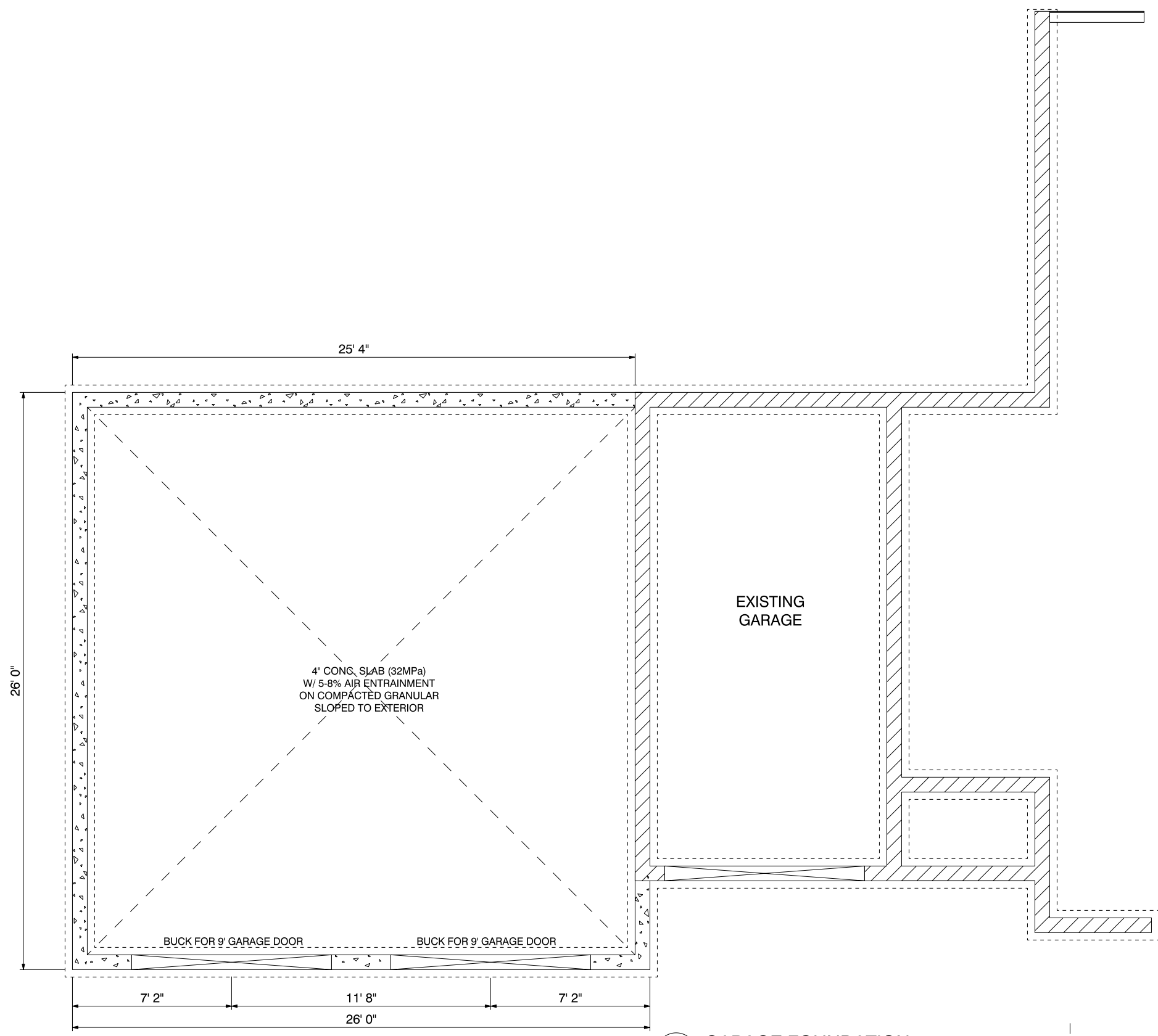
264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.4714

DRAWN BY: A.D.  
 DATE: JUNE 1, 2020  
 SCALE: AS SHOWN

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 TOTAL PROPOSED AREA = 1668 SQ.FT.

TITLE: DWG. NO.  
 GARAGE FOUNDATION **A8**



**1** GARAGE FOUNDATION  
**A8** SCALE: 3/16" = 1' 0"

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ADAM DUTTON 25563  
 NAME SIGNATURE BCIN

**REGISTRATION INFORMATION**  
REQUIRED UNLESS DESIGN IS EXEMPT UNDER DIV. C.3.3.4.1 OF THE ONTARIO BUILDING CODE

MACLAN DESIGNS 38919  
 FIRM NAME BCIN

**REVISIONS**

NO.	DETAIL	DATE
1	ISSUED FOR PERMITS	06/01/20



264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.4714

DRAWN BY: A.D.  
 DATE: JUNE 1, 2020  
 SCALE: AS SHOWN

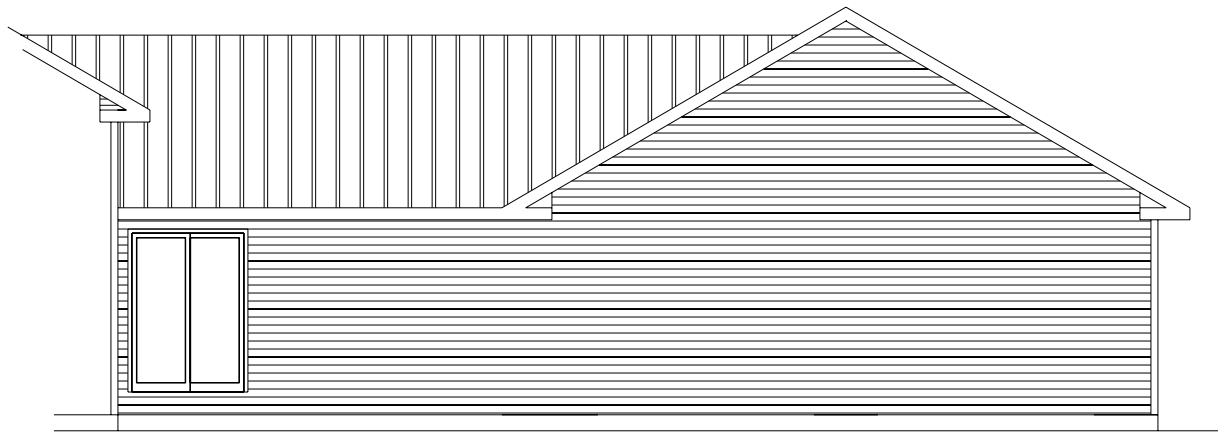
**PROJECT:**  
 ADDITION TO SINGLE FAMILY DWELLING  
 111 MARCH ST., FRANKFORD., ON

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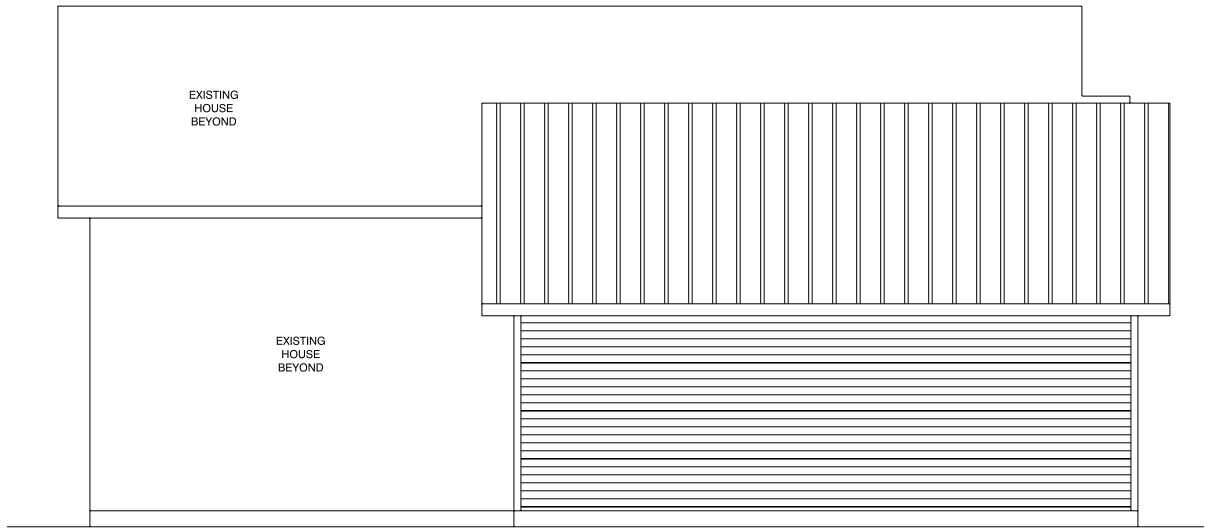
TITLE: GARAGE ELEVATIONS  
 DWG. NO. **A9**



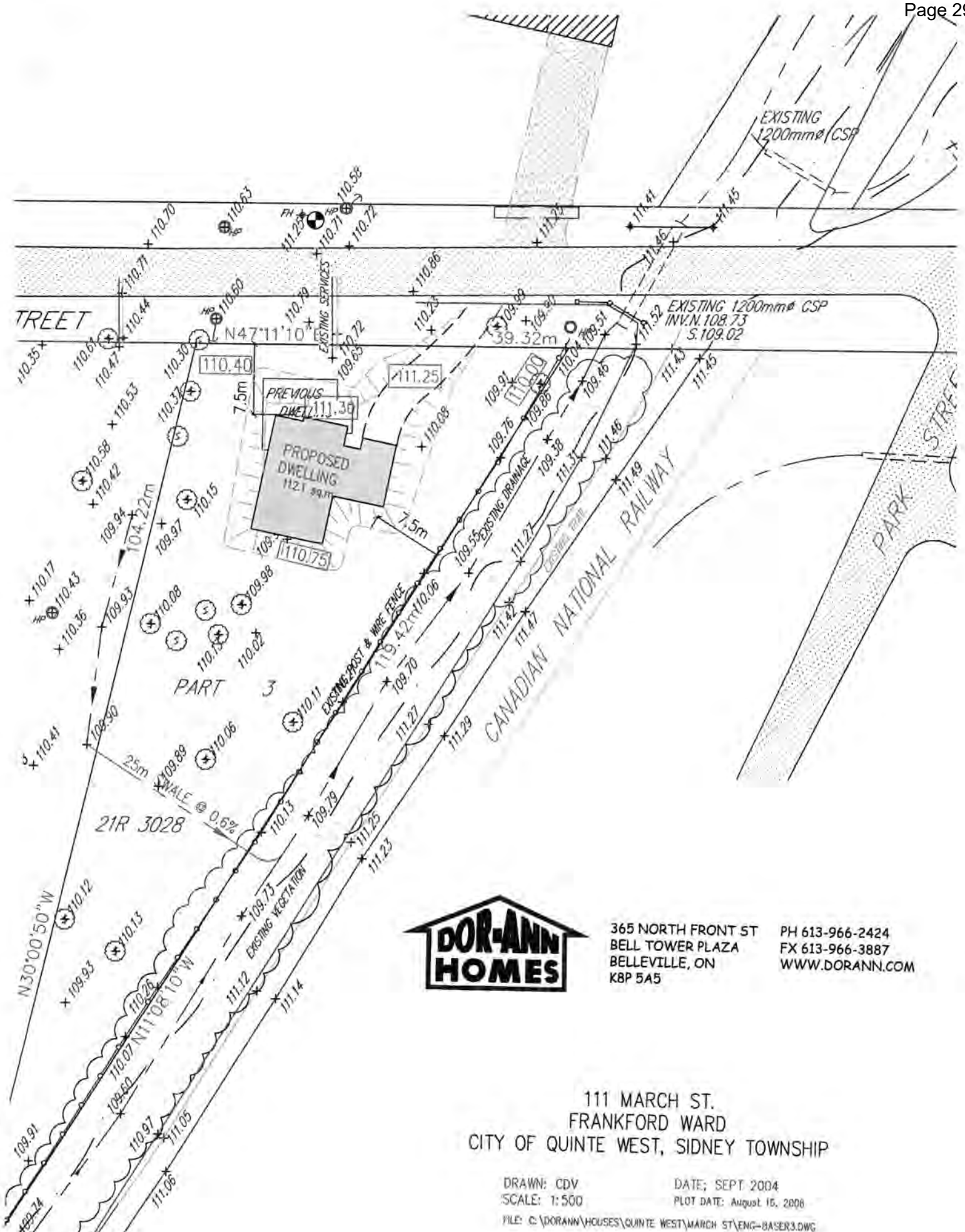
**1 FRONT ELEVATION**  
 SCALE: 1/8" = 1' 0"



**2 REAR ELEVATION**  
 SCALE: 1/8" = 1' 0"



**3 LEFT ELEVATION**  
 SCALE: 1/8" = 1' 0"

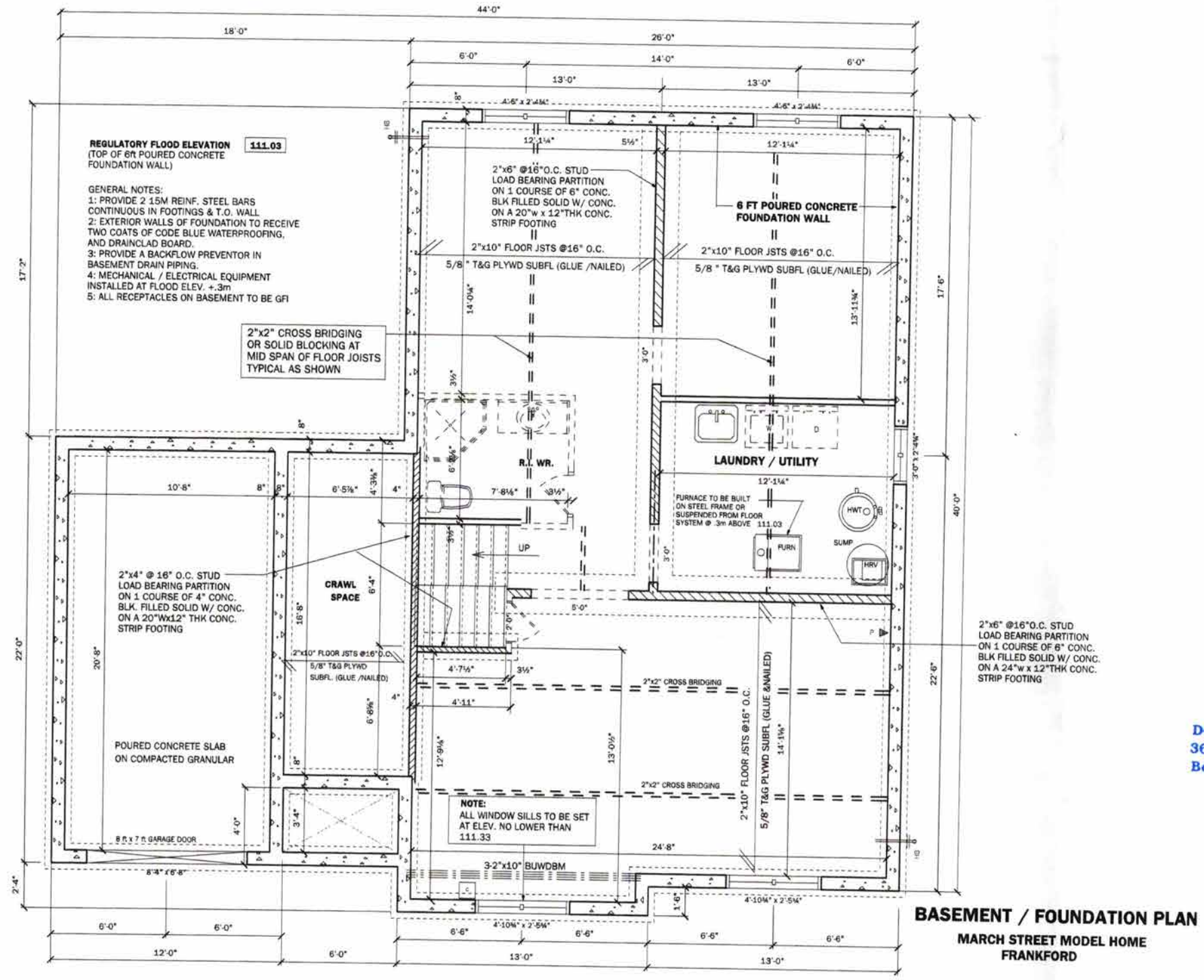


365 NORTH FRONT ST  
 BELL TOWER PLAZA  
 BELLEVILLE, ON  
 KBP 5A5

PH 613-966-2424  
 FX 613-966-3887  
 WWW.DORANN.COM

111 MARCH ST.  
 FRANKFORD WARD  
 CITY OF QUINTE WEST, SIDNEY TOWNSHIP

DRAWN: CDV DATE: SEPT 2004  
 SCALE: 1:500 PLOT DATE: August 15, 2004  
 FILE: C:\DORANN\HOUSES\QUINTE WEST\MARCH ST\ENG-BASER3.DWG

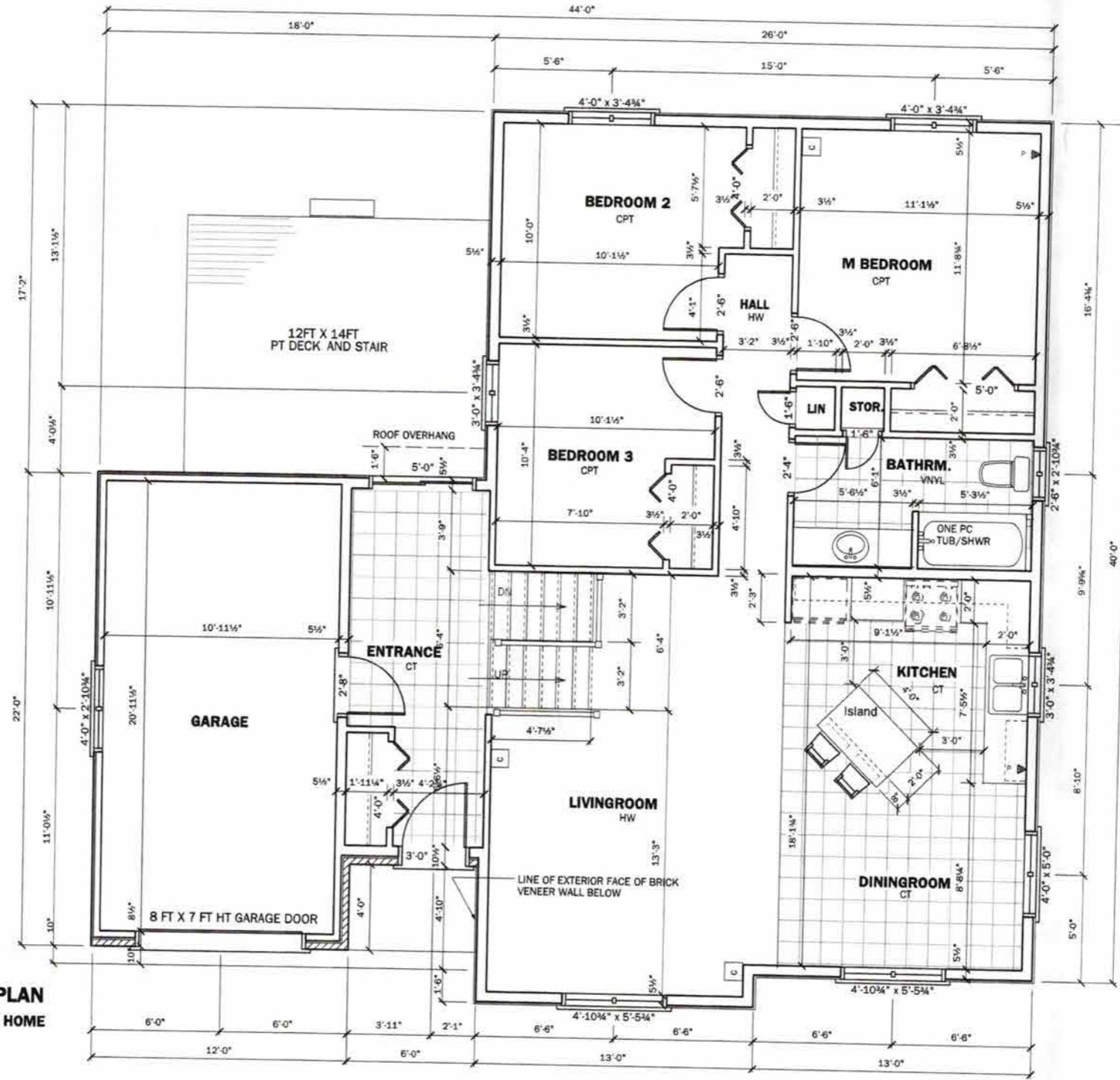


AUG 16 2006

DOR-ANN HOMES LTD.  
365 North Front Street  
Belleville, On K6P 5A5

**BASEMENT / FOUNDATION PLAN**  
MARCH STREET MODEL HOME  
FRANKFORD





**GROUND FLOOR PLAN**  
**MARCH STREET MODEL HOME**  
 GFA = 1190 SF

AUG 16 2006

**DOR-ANN HOMES LTD.**  
 365 North Front Street  
 Belleville, On K8P 5A5

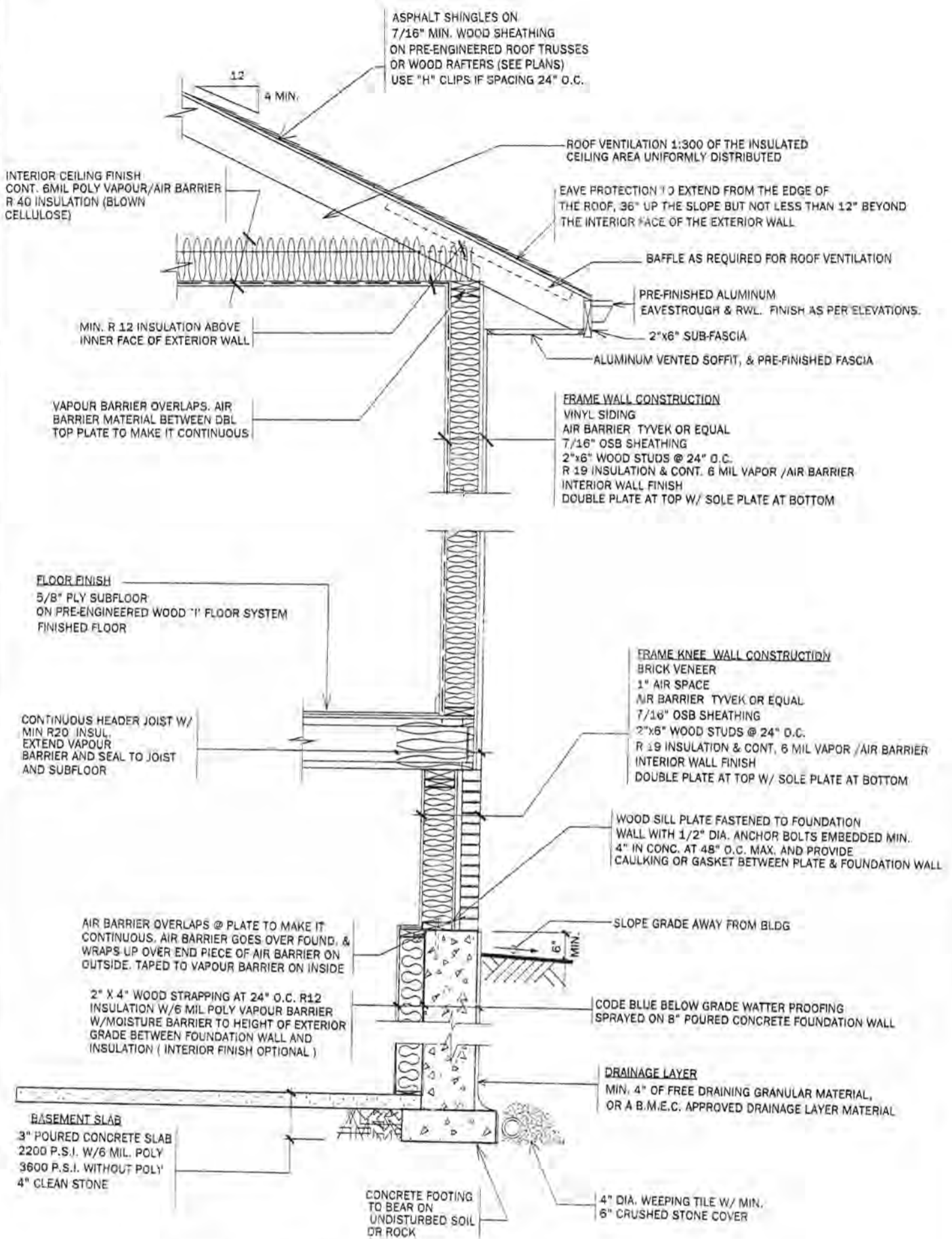


**FRONT ELEVATION**  
**MARCH STREET MODEL HOME**

**AUG 16 2006**

**DOR-ANN HOMES LTD.**  
**365 North Front Street**  
**Belleville, On K8P 5A5**





**FRAME WALL SECTION - KNEE WALL /BRICK VENEER**

SCALE: N.T.S.



**THE NEW HOME SHOWROOM**

365 North Front Street, The Bell Tower Plaza, Belleville, Ontario

(613) 966-2424

To:

Feb 15, 2023

Lower Trent Conservation,  
714 Murray St. RR#1, Trenton,  
Ontario K8V 5P4

Attn: Gage Comeau, M. Sc, Provincial Offences Officer  
Regulation & Enforcement Officer

---

**Re: 111 March Street, Frankford**

---

Please accept this letter, commenting on the potential impacts of proposed addition of the above-described property located at 111 March Street, Frankford.

The owner is proposing to do 49.2 m<sup>2</sup> addition to the west face of the existing building and also intends to add approximately a 62 m<sup>2</sup> garage addition to east face of the existing residential dwelling. The property has an area of 0.213ha with existing 112.1m<sup>2</sup> dwelling. The property is located within spillway of cold creek as identified in a report dated September 1978 prepared by Totten Sims Hubicki and was also identified in report letter by VanMeer Limited dated 03 September 2004.

It was noted that mapping from Totten Sims Hubicki reports identify the land being subject to spillage from cold creek during the regional storm event. The flow along the spillway was identified as 132 m<sup>3</sup>/s. The flow restriction was due the abandoned railway bridge and existing topography of the land.

VanMeer conducted a flood analysis, to identify the flood elevation along the spillway during the regional storm event, and to assess the affect on the local flood elevation/floodplain as a result of the fill required on the lot to grade around the building. Total fill quantity of 102 m<sup>3</sup> was brought in, allowing 3:1 slope from foundation walls to the original ground. The study noted that there is only a slight increase in elevations between 20 to 40mm and it was only localized to the cross-sections affected by the development. It was noted that there's no adverse affects upstream or downstream of the development.

Using prior information for VanMeer analysis and a topographical survey conducted by Three Hills Engineering, a flood analysis using HEC-RAS was completed. It is noted during the site visit that, fill for driveway, garage and a retaining wall along the driveway was already in-place. Cross-sections similar to VanMeer's Drawing 249-01 were drawn to compare grading from "2004 as-built (pre-development)" and "2023 existing grade with proposed additions (post-development)". Steady flow analysis was performed comparing predevelopment to post development conditions.

A substantial amount of fill was brought in during the initial build and any additional fill required on lot to address any flood proofing for proposed addition would not affect the spillway adversely. The proposed addition would be graded 3:1 from foundation to existing grade and will conform to the existing grading pattern, there won't be any alterations to drainage pattern on site. Given that, the flow along the spillway remains same (132 m<sup>3</sup>/s), the increase in flood elevation would be of similar nature and would be local to the cross-sections affected by the proposed addition.



Cross-section	Pre-development WSEL (m)	Post development WSEL (m)	Difference (m)
ST 10.96 (Front of House)	110.88	110.93	0.05
ST 18.53 (Back of House)	110.93	110.98	0.05

An increase of 50mm in flooding was observed at the front of house and back of house due to existing fill on driveway, retaining wall, and fill for garage addition and potential addition to west face of the building. TSH, 1983 report identifies that the structures constructed in flood fringe should be above the regulatory flood levels. From VanMeer letter, the flood elevation at the house was determined to be around 110.92m and 111.03m. Elevation of 111.30m was proposed, to protect against flood and also to provide for some freeboard against any wave action. THE analysis indicates a rise of 0.05m in flood elevation. Maximum Flood elevation of 110.98m was noted at back of house. The top of proposed foundation will match existing foundation with elevation of 111.30m.

In our opinion, this minor increase in flood elevation will be localized to the house area and should be acceptable. It is suggested that earth fill may not be added beyond what's required. Further to reduce the fill, it is recommended to grade 2' below top of foundation maintaining current grading around back and side of the garage and proposed addition to west face of building and provide a frost protected foundation. It should be noted that this review is done based on available information from Vanmeer Drawing -249-01 and Letter dated 3<sup>rd</sup> September 2004 and a recent topographical survey conducted by Three Hills Engineering.

Respectfully Submitted by,



Curtis Vreugdenhil, P. Eng  
Three Hills Engineering Ltd.

Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. Three Hills Engineering Ltd. accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report.





**Pre-Development Conditions: VanMeer's proposed house and driveway shown on Drawing 249-01**

HEC RAS	Plan 01	River: Cold Creek			Reach: Spillway			Profile: Local			Existing Conditions: 2004 As built		
		River Sta	Profile	Q Total (m3/s)	Min Ch El (m)	W.S Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude # Chl
Spillway	6.14	Local	132.0	109.19	110.79	110.66	110.93	0.010002	1.69	77.97	138.70	0.72	
Spillway	10.96	Local	132.0	109.14	110.88		110.97	0.003687	1.27	103.74	133.94	0.46	
Spillway	18.53	Local	132.0	109.28	110.93		110.99	0.001916	1.03	127.96	138.80	0.34	

**Post Development Conditions: Includes added driveway, retaining wall, proposed garage and addition to the west face of building**


HEC RAS	Plan 03	River: Cold Creek			Reach: Spillway			Profile: Local			Proposed Conditions: Future Additions		
		River Sta	Profile	Q Total (m3/s)	Min Ch El (m)	W.S Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude # Chl
Spillway	6.14	Local	132.0	109.19	110.84	110.72	110.99	0.010012	1.69	78.15	139.82	0.72	
Spillway	10.96	Local	132.0	109.14	110.93		111.02	0.003855	1.32	100.25	127.09	0.47	
Spillway	18.53	Local	132.0	109.28	110.98		111.05	0.002621	1.14	115.38	135.46	0.40	





111 March Street  
QW Frankford (Sidney)  
Con 5, Lot 2


Legend

 O.Reg. 163/06 Screening Area


 Parcels


Water


 Stream

 Virtual Flow Connector


Wetlands (MNRF)


 Unevaluated wetland

 Evaluated wetland (PSW)

 Evaluated wetland (non-PSW)

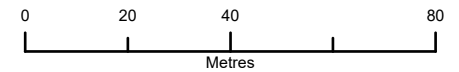
Field Verified Wetland

 Yes (Present)

 No (Not Present)

Flood & Erosion Lines

 Floodlines



Map produced by Lower Trent Conservation

Includes material Copyright 2023 Queen's Printer for Ontario

Note: Property lines shown on this map are approximate only and may be an inaccurate representation of the legal property limits. A legal survey is required to define the legal property limits.



LOWER TRENT  
CONSERVATION







# LOWER TRENT CONSERVATION

714 Murray Street, RR 1, Trenton, Ontario K8V 5P4

Tel: (613) 394-4829 ■ Fax: (613) 394-5226 ■ Website: www.ltc.on.ca ■ Email: information@ltc.on.ca

REGISTERED CHARITABLE ORGANIZATION NO. 107645988 R.O.O.

*Lower Trent Conservation is Officially known as the Lower Trent Region Conservation Authority as per the Conservation Authorities Act*

October 27, 2005

LTRCA File # F065/05

Dor Ann Homes  
365  
North Front Street  
Belleville, On.  
K8P 5A5

**ATTENTION: It Is Important That You Read and Understand the Contents of this Letter, It Is Also Important That Your Contractor Is Aware of Any Special Requirements.**

**RE: Application for Permission to Construct a Replacement Home and Lot Grading, 111 March Street, Frankford, Pursuant to Fill, Construction, and Alteration to Waterways Regulation, O.R. 156 RRO 1990.**

Please find attached the copy of the permit issued in accordance with Ontario Regulation 156 RRO 1990, Section 4; The Fill, Construction, and Alteration to Waterways Regulation of the Lower Trent Region Conservation Authority.

This permit has been issued based on the plans and specifications submitted with the application. These plans and specifications provide details on the location of the new construction on the lot and any special elevation or design requirements to flood proof the building. The plans may also contain information on lot grading and fill placement. You are not permitted to drain water onto neighbouring properties as a result of this permission. You are responsible to ensure existing drainage patterns are maintained and are not aggravated as result of the proposal. A sediment control barrier is to be constructed on the lot between the river and the construction site. The barrier is to be maintained in an operational condition until the site is stabilized. **As Constructed Plans for the Building and Lot Grading are required upon completion.** Any deviation from the plans submitted in support of his application without written approval from the Lower Trent Region Conservation Authority will constitute a violation of the permit. This could result in the permit being revoked in accordance with Ontario Regulation 156 RRO 1990, Section 6 which states;

6. The Authority may at any time withdraw permission issued under Section 4 if, in the opinion of the Authority, the representations or information contained in the application for permission are false or misleading or are not carried out.

**Please be reminded that this permission does not relieve your responsibility from obtaining any other necessary permits from other agencies or government bodies.**

If you require any further assistance please do not hesitate to contact this office.

Yours truly,

  
Michael Lovejoy  
Watershed Monitoring Technician

c:c Municipal CBO

"working with local communities to protect our natural environment"

A MEMBER OF THE CONSERVATION ONTARIO NETWORK





# LOWER TRENT CONSERVATION

714 Murray Street, RRI, Trenton, Ontario K8V 5P4

Tel: (613) 394-4829 ■ Fax: (613) 394-5226 ■ Website: www.ltc.on.ca ■ Email: information@ltc.on.ca

REGISTERED CHARITABLE ORGANIZATION NO. 107646998RR0001

*Lower Trent Conservation is Officially known as the Lower Trent Region Conservation Authority as per the Conservation Authorities Act*

September 30, 2005

FILE #F065/05

Dor Ann Homes Ltd  
365 North Front Street  
Belleville, On.  
K8P 5A5

Attention: Curtis Vreugdenhill

RE: Proposed Property Re-Development, 111 March Street, Frankford, Pursuant to Fill Construction, and Alteration to Waterways Regulation, O.R. 156 RRO 1990.

**It Is Important That You Read and Understand the Contents of this Letter, It Is Also Important That Your Contractor Is Aware of Any Special Requirements**

The permit application as submitted has been reviewed by the Watershed Monitoring Technician of the Lower Trent Region Conservation Authority. I wish to advise you of the following.

**Work may proceed on this proposal based on the plans and specifications submitted in support of the application.** The plans referred to our a copy of a site plan dated Sept. 27, 2004 and 2 attached pages dated September 28, 2004 which detail a revision to the original plan replacing the 3:1 side slopes with side slopes of 2:1 around the building. The building proposed is approx. 112 sq. m. It has been depicted on the site plan as being located to meet municipal setback requirements. A foundation plan has been submitted designed by Lassing Dikken Engineers dated July 19/05, dwg. No. LD-05-017SK1. These are the approved plans and specifications. The building will be flood proofed with a finished habitable floor elevation of not less than 111.33 m GSC. All electrical and mechanical equipment are to be at or above the elevation of 111.33 m. GSC. ***An as built plan will be required upon completion of the construction to ensure these elevations have been maintained.*** *The foregoing are the conditions on which this application has been approved.*

The permit will be presented to the Hearings Committee of the LTRCA on *October 13, 2005*. The permit will be recommended for formal approval at this meeting.

You are reminded that the granting of this permission does not remove your responsibility to obtain any necessary additional permits from other agencies or government bodies.

Further please be advised that any departure from the submitted plans without prior written approval from the L.T.R.C.A. will constitute a violation and may result in legal action in accordance with Section 28 of the Conservation Authorities Act R.S.O. 1990.

“working with local communities to protect our natural environment”

A MEMBER OF THE CONSERVATION ONTARIO NETWORK

Should you require further information regarding this matter, please do not hesitate to contact this office.

Sincerely,



D. Michael Lovejoy  
Watershed Monitoring Technician

c:c Municipal CBO



# LOWER TRENT REGION CONSERVATION AUTHORITY

441 Front Street Trenton, Ontario K8V 6C1 Telephone: (613) 394-4829 FAX: (613) 394-5226

## Ontario Regulation 156

### Fill, Construction, and Alteration to Waterways Permit Application

FEE REQUIRED: \$200.00

Application No. F065/06  
Permit No. P05-065

#### SECTION A - Personal Information

Applicant (Owner): DOR-ANN HOMES LTD. Agent Name: \_\_\_\_\_  
 Mailing Address: 365 N. FRONT STREET Mailing Address: \_\_\_\_\_  
Belleville ON K9P5A5 Postal Code \_\_\_\_\_ Postal Code \_\_\_\_\_  
 Phone (Home): 613-966-2424 Phone (Home): \_\_\_\_\_  
 (Bus.): \_\_\_\_\_ (Bus.): \_\_\_\_\_  
 (FAX): 613-966-3887 (FAX): \_\_\_\_\_

To apply as an agent, a letter of authorization is required.

#### SECTION B - Location Information

Municipality Quinte West (Frankford) Lot 1, 2, 3 Part 3 DL 78  
 and/or Lot/Block \_\_\_\_\_ in Registered Plan \_\_\_\_\_ Concession \_\_\_\_\_  
 Street Address: 111 March Street 21 R 3008

#### SECTION C - Description of Proposed Works

PLEASE ATTACH PLANS AND SPECIFICATIONS.

<p>A) Filling:</p> <p><input type="checkbox"/> Place fill</p> <p><input type="checkbox"/> Remove fill</p> <p>Type of Fill:</p> <p><input type="checkbox"/> Broken Concrete</p> <p><input type="checkbox"/> Quarry Stone Ont.</p> <p><input type="checkbox"/> Crushed Stone</p> <p><input type="checkbox"/> Gravel</p> <p><input type="checkbox"/> Sand</p> <p><input type="checkbox"/> Topsoil</p> <p><input type="checkbox"/> Other:</p> <p><input type="checkbox"/> Native</p>	<p>B) Construction:</p> <p><input checked="" type="checkbox"/> Erect a new building/structure:</p> <p>Type: <u>SHED - raised bungalow</u></p> <p>Size: <u>156' 22" x 42'</u></p> <p><input checked="" type="checkbox"/> Alter an existing structure:</p> <p><input type="checkbox"/> Addition</p> <p><input type="checkbox"/> Renovation</p> <p>Other: <u>Demolish</u></p> <p>Size: _____</p> <p><input type="checkbox"/> Install a septic system:</p> <p><input type="checkbox"/> New</p> <p><input type="checkbox"/> Replacement</p>	<p>C) Alteration to Waterways:</p> <p><input type="checkbox"/> Dam/Dyke/Levee</p> <p><input type="checkbox"/> Shore Protection</p> <p><input type="checkbox"/> Road Crossing</p> <p><input type="checkbox"/> Channelization</p> <p><input type="checkbox"/> Boat Launch/Ramp</p> <p><input type="checkbox"/> Other: _____</p> <p>Proposed Start Date: <u>24 / 10 / 2003</u></p> <p>(D) (M) (Y)</p> <p>Completion Date: <u>24 / 10 / 2004</u></p> <p>(D) (M) (Y)</p>
--	--	---

**PERMIT GRANTED**  
 Regulation 156  
 The Lower Trent Region Conservation Authority  
 Permit # P05-065  
 D. Michael Lovejoy  
 Planning & Regulations Officer

Personal information contained on this form is collected under the authority of regulations made under Section 28 of the Conservation Authorities Act of Ontario and may be shared with departments or agencies of local, provincial or the federal government having an interest in the same. Questions about this collection should be directed to the General Manager at the Authority Office.

I, Jamie O'Shea understand that

Please Print

- The granting of a Permit issued under Ontario Regulation 156 by the Lower Trent Region Conservation Authority does not remove my responsibility to obtain the necessary additional permits from any other agency or government body.
- A permit issued under Ontario Regulation 156 by the Lower Trent Region Conservation Authority is valid for one year from the date of issue and is not transferable.
- By way of this approval I authorize Authority Staff to enter onto this property to perform inspections as required.
- The above information is true to my knowledge.

Applicant's Signature: \_\_\_\_\_ Date: Oct 24/03



28 September 2004

Lower Trent Region Conservation Authority  
 441 Front Street  
 TRENTON, ON  
 K8V 6C1

Attn: Mr. Mike Lovejoy,  
 Watershed Monitoring Technician

Dear Sir:

**RE: DORANN HOMES - OWNER  
 PROPOSED RECONSTRUCTION of RESIDENTIAL DWELLING – 111 MARCH ST  
 PART OF LOTS 1, 2, & 3, R.P. 78 – CITY OF QUINTE WEST (FRANKFORD WARD)  
 DESIGNATED AS PART 3 OF PLAN 21R-3028**

We have made some revisions per your comments dated Sept 7 04

The house requires 7.5m setbacks from property lines and has been moved to the northeastern most corner of the lot.

The fill has been reduced significantly from the original proposal. The original fill amount was 220m<sup>3</sup>, it allowed for a 1.2m apron around the house then 3:1 from there to original ground. Now we are proposing to start the slope at the foundation walls and running 3:1 from there to original ground. We have left the 1.2m apron on the front of the house for the landscaping and entrance needs. The new fill quantity is 102 m<sup>3</sup>. These fill amounts do not include the driveway or house area being that their quantities do not change.

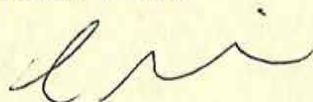
The attached drawings show the different fill sections and areas as well as the front and rear section of the house.

I trust that this is acceptable to Lower Trent Conservation. If there are any questions please contact the undersigned.

The front and rear sections have elevations include on the drawing for reference with respect to flood proofing requirements.

Yours truly,

van MEER limited



Curtis Vreugdenhil, B.Sc.

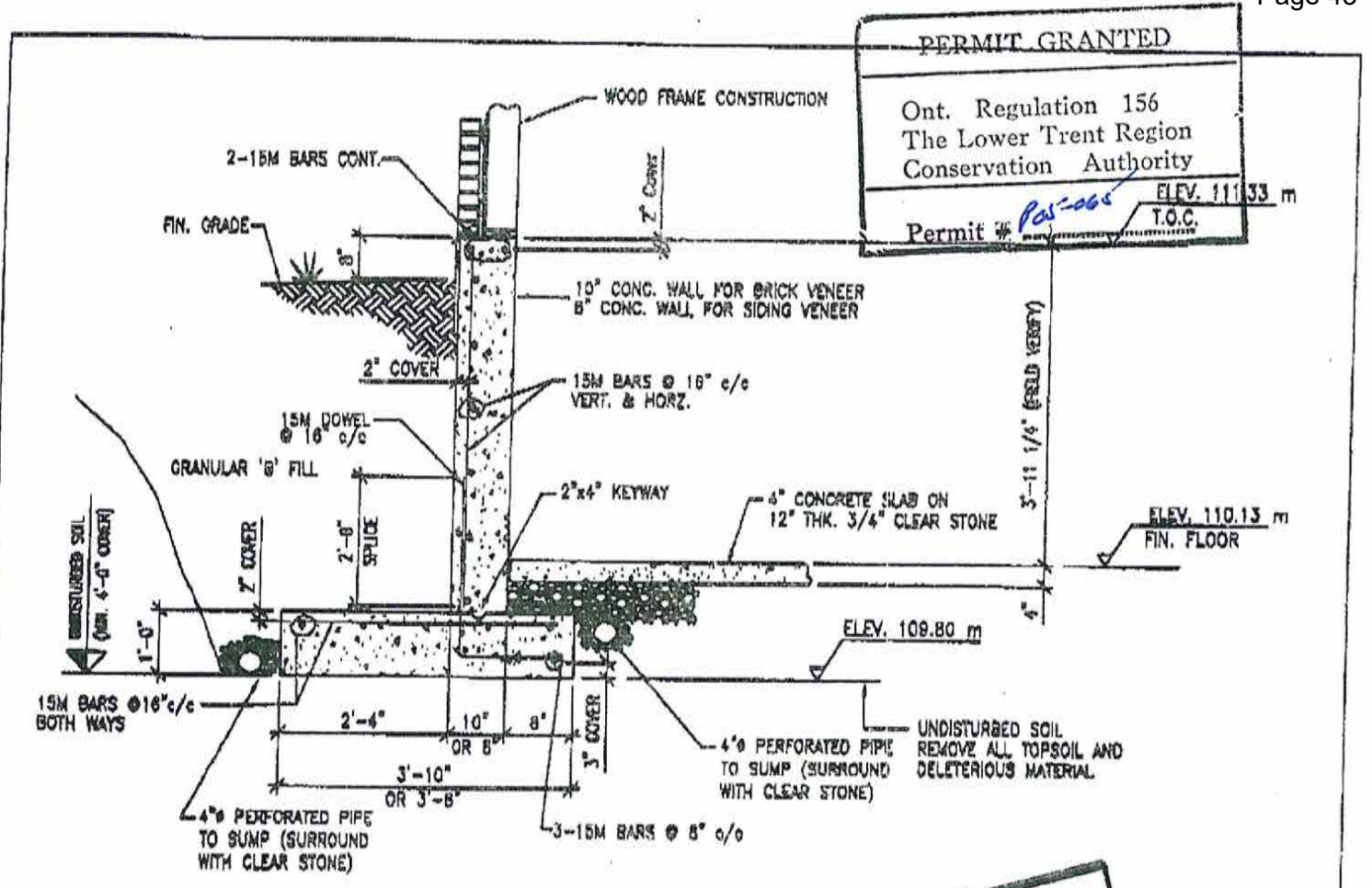
Encl

cc: Mr. Mike Whitehead, Area Planner, City of Quinte West  
 cc Mr. Bryon Keene, Quinte Conservation

IDORANN\111 MARCH STLTRCA-ML-Sept 28-04.doc







**PERMIT GRANTED**

Ont. Regulation 156  
The Lower Trent Region  
Conservation Authority

Permit # Pas-066

ELEV. 111.33 m  
T.O.C.

**TYP. FND. WALL SECTION**

SCALE 3/8" = 1'-0"

*DML*  
**D. Michael Lovejoy**  
Planning & Regulations Officer

**GENERAL NOTES**

1. REGULATORY FLOOD ELEVATION = 111.03m.
2. BUILDING TO BE CONSTRUCTED IN ACCORDANCE WITH THE ONTARIO BUILDING CODE AND ONTARIO REG. 403/97.
3. THERE SHALL BE NO OPENINGS INTO STRUCTURE BELOW ELEV. 111.33M.
4. REMOVE ALL DELETERIOUS MATERIALS FROM BELOW THE BUILDING ENVELOPE. ALL FOOTINGS TO BEAR ON SOIL WITH MIN. BEARING CAPACITY OF 3000 psf.
5. CONCRETE AND REINFORCING STEEL PLACEMENT AND FABRICATION TO CONFORM TO CSA A23.1.
6. CONCRETE COMPRESSIVE STRENGTH TO BE 25 Mpa.
7. REINFORCING STEEL TO CONFORM TO CSA G30.18 GRADE 400.
8. ALL ELECTRICAL/ MECHANICAL EQUIPEMENT MUST BE PLACED ABOVE ELEV. 111.33m.
9. WOOD FRAMING TO BE SPF#1/2
10. FOR SITE PLAN AND WOOD FRAMING DESIGN SEE DRAWINGS BY Dor-Ann HOMES.



customer: <b>DOR-ANN HOMES BELLEVILLE, ONTARIO</b>		<b>Lassing Dibben Consulting Engineers Ltd.</b> <small>THORNTON, ONT. - TORONTO, ONT.</small>	
project: <b>FOUNDATION FOR PROPOSED DWELLING 111 MARCH ST. FRANKFORD, ONTARIO</b>		TITLE: <b>FOUNDATION WALL SECTION</b>	
drawn by: <small>OWL</small>	checked by: <small>A.H.</small>	approved by:	dwg. no. <b>LD-05-017-SK1</b>
date: <small>16 JUL 05</small>	job no. <small>05-017</small>	scale: <small>3/8" = 1'-0"</small>	rev. <span style="border: 1px solid black; padding: 2px;">0</span>







3 September 2004

Lower Trent Region Conservation Authority  
441 Front Street  
TRENTON, ON  
K8V 6C1

Attn: Mr. Mike Lovejoy,  
Watershed Monitoring Technician

Dear Sir:



**RE: DORANN HOMES - OWNER  
PROPOSED RECONSTRUCTION of RESIDENTIAL DWELLING – 111 MARCH ST  
PART OF LOTS 1, 2, & 3, R.P. 78 – CITY OF QUINTE WEST (FRANKFORD WARD)  
DESIGNATED AS PART 3 OF PLAN 21R-3028**

Please accept this letter report to assess the impacts of proposed redevelopment of the above described property located as 111 March Street, Frankford.

This letter is revised from my previous letter, dated May 17, 2004. It incorporates verbal comments by yourself in regards to the flood elevations forecasted in relation to flood elevations outlined in a previous study by vanMEER limited in 1998. Per the discussion, Bryon Keene of Quinte Conservation was consulted, and the source of the discrepancy was found. The study now begins at a station parallel to, and centred on March St (previously it began 20 upstream of the street). The revision forced a WSEL of 111.5 at the March St. station, and modelled the downstream spillway. As a result of the modelling, the proposed grading was raised. As well, the driveway was moved further east to facilitate evacuation in the event of flooding.

The property has an area of 0.213 ha with a 65.06 m<sup>2</sup> residence that was destroyed by fire. The owner proposes to re-build with a 112.1 m<sup>2</sup> dwelling at a different location of the property in compliance with the current Land Use By-Law. The property is located within spillway of Cold Creek as identified in a report dated September 1978 prepared by Totten Sims Hubicki.

Any proposed dwelling will now be flood proofed to provide protection during a Regional flood event. This will require additional fill to be placed on the lot.

Mike Whitehead, area planner for the Frankford Ward of the City of Quinte West was consulted in regard to the proposed placement of the residence on the subject property as the original dwelling was too close to the road allowance in accordance to the current zoning bylaw.

Totten Sims Hubicki (TSH) performed flood line mapping for the area in 1978, and subsequent studies in 1981, 1983, and 1984. The mapping in the reports, identifies the lands being subject to spillage from Cold Creek during the Regional Storm Event due to flow restriction at the abandoned railway bridge and the topography of the surrounding lands. The study identified bypass flow along the spillway to be 132 m<sup>3</sup>/s. The study also concluded that there would be no spillage during the 100-year event. Using this information, and topographical survey data obtained by van MEER limited, a flood analysis using HEC-RAS was completed. The purpose was to identify the flood elevation along the spillway during the regional storm event, and also to assess the affect on this local flood elevation/floodplain as a result of the additional fill required on the lot to grade around the building to address any suggested flood proofing.

We have provided herewith Drawing 249-01 to show the grading of the subject property and identifies cross sections used to model the spillway flow. A steady flow analysis was performed comparing pre development to post development conditions. The flood level at the house (STA 0+130 and STA 0+140) was determined to be 110.90 m and 111.01 m respectively. It is therefore proposed to grade the building to an elevation of 111.30, providing for some freeboard against any wave actions. Pre and post development flood elevations are compared in the following table:

Cross Section	Pre Development WSEL (m)	Post Development WSEL (m)	Difference (m)
0+160 (March St.)	111.50	111.50	0.00
0+150	111.08	111.12	0.04
0+140 (Front of House)	111.01	111.03	0.02
0+130 (Back of House)	110.90	110.92	0.02
0+120	110.46	110.46	0.00

We noted that there is only a slight increase (between 20-40mm) in flooding due to the proposed re-development of the property. This increase in flood elevation is only localized at the cross sections affected by proposed re-development, and there are no adverse affects upstream or downstream of the proposed re-development.

It is our opinion that the minor increase in flood elevation due to the proposed re-development of the subject property is minor and should be acceptable. In TSH reports, it is also concluded that development within flood fringe areas (in which this property lies within) should be able to occur under certain conditions given the infrequency of the Regional Event. The development lies on the easterly limit of the flood plain, and is shielded from direct flow resultant from Cold Creek via existing higher ground on the opposite side of March St. The proposed grading will provide protection for the proposed residence and a portion of the rear yard from flood damage due to a Regional Storm event.

We trust this information is satisfactory for your review of the proposed re-development for approval purposes. If you require any further information, or have any questions, please do not hesitate to contact this office.

Yours truly,

van MEER limited



Bradley Leeman, B.Sc.E.

Encl

cc: Mr. Mike Whitehead, Area Planner, City of Quinte West

cc: Mr. Bryon Keene, Quinte Conservation

\\DORANN\111 MARCH STLTRCA-ML-Sept 3-04.doc



HEC-RAS Plan: Spillway River: Cold Creek Reach: Spillway Profile: Regional										Existing Conditions			
Reach	River Sta	Profile	Q Total (m3/s)	Min Ch El (m)	W.S. Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude #	Chl
Spillway	160	Regional	132	110.7	<b>111.5</b>	111.24	111.55	0.01658	0.95	139.68	260	0.41	
Spillway	150	Regional	132	109.45	<b>111.08</b>		111.11	0.005035	0.69	191.9	235.2	0.24	
Spillway	140	Regional	132	109.45	<b>111.01</b>		111.04	0.008448	0.85	155.36	204.18	0.31	
Spillway	130	Regional	132	109.5	<b>110.9</b>	110.47	110.95	0.009907	0.98	135.15	162	0.34	
Spillway	120	Regional	132	109.6	<b>110.46</b>	110.46	110.7	0.102029	2.18	60.67	125.83	1	

HEC-RAS Plan: Spillway River: Cold Creek Reach: Spillway Profile: Regional										Proposed Conditions			
Reach	River Sta	Profile	Q Total (m3/s)	Min Ch El (m)	W.S. Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude #	Chl
Spillway	160	Regional	132	110.7	<b>111.5</b>	111.24	111.55	0.01658	0.95	139.68	260	0.41	
Spillway	150	Regional	132	109.45	<b>111.12</b>		111.14	0.004481	0.66	199.5	237.49	0.23	
Spillway	140	Regional	132	109.45	<b>111.03</b>		111.07	0.009342	0.9	146.52	189.68	0.33	
Spillway	130	Regional	132	109.5	<b>110.92</b>	110.49	110.97	0.010949	1.04	127.44	150.37	0.36	
Spillway	120	Regional	132	109.6	<b>110.46</b>	110.46	110.7	0.102029	2.18	60.67	125.83	1	

17 May 2004

Lower Trent Region Conservation Authority  
 441 Front Street  
 TRENTON, ON  
 K8V 6C1

Attn: Mr. Mike Lovejoy,  
 Watershed Monitoring Technician

Dear Sir:

**RE: DORANN HOMES - OWNER  
 PROPOSED RECONSTRUCTION of RESIDENTIAL DWELLING – 111 MARCH ST  
 PART OF LOTS 1, 2, & 3, R.P. 78 – CITY OF QUINTE WEST (FRANKFORD WARD)  
 DESIGNATED AS PART 3 OF PLAN 21R-3028**

Please accept this letter report to assess the impacts of proposed redevelopment of the above described property located as 111 March Street, Frankford.

The property has an area of 0.213 ha with a 65.06 m<sup>2</sup> residence that was destroyed by fire. The owner proposes to re-build with a 112.1 m<sup>2</sup> dwelling at a different location of the property in compliance with the current Land Use By-Law. The property is located within spillway of Cold Creek as identified in a report dated September 1978 prepared by Totten Sims Hubicki.

Any proposed dwelling will now be flood proofed to provide protection during a Regional flood event. This will require additional fill to be placed on the lot.

Mike Whitehead, area planner for the Frankford Ward of the City of Quinte West was consulted in regard to the proposed placement of the residence on the subject property as the original dwelling was too close to the road allowance in accordance to the current zoning bylaw.

Totten Sims Hubicki (TSH) performed flood line mapping for the area in 1978, and subsequent studies in 1981, 1983, and 1984. The mapping in the reports identifies the lands being subject to spillage from Cold Creek during the Regional Storm Event due to flow restriction at the abandoned railway bridge and the topography of the surrounding lands. The study identified bypass flow along the spillway to be 132 m<sup>3</sup>/s. The study also concluded that there would be no spillage during the 100-year event. Using this information, and topographical survey data obtained by van MEER limited, a flood analysis using HEC-RAS was completed. The purpose was to identify the flood elevation along the spillway during the regional storm event, and also to assess the affect on this local flood elevation/floodplain as a result of the additional fill required on the lot to grade around the building to address any suggested flood proofing.



We have provided herewith Drawing 249-01 to show the grading of the subject property and identifies cross sections used to model the spillway flow. A steady flow analysis was performed comparing pre development to post development conditions. The flood level at the house (STA 0+130 and STA 0+140) was determined to be 110.49 m and 110.57 m respectively. It is therefore proposed to grade the building to an elevation of 110.90, providing for some freeboard against any wave actions. Pre and post development flood elevations are compared in the following table:

Cross Section	Pre Development WSEL (m)	Post Development WSEL (m)	Difference (m)
0+180	110.84	110.84	0.0
0+170	110.78	110.78	0.0
0+160	111.24	111.24	0.0
0+150	110.49	110.49	0.0
<b>0+140</b>	110.54	110.57	<b>0.03</b>
<b>0+130</b>	110.45	110.49	<b>0.04</b>
0+120	110.45	110.45	0.0

We noted that there is only a slight increase (approximately 30-40mm) in flooding due to the proposed re-development of the property. This increase in flood elevation is only localized at the cross sections affected by proposed re-development, and there are no adverse affects upstream or downstream of the proposed re-development.

It our opinion that the minor increase in flood elevation due to the proposed re-development of the subject property is minor and should be acceptable. In TSH reports, it is also concluded that development within flood fringe areas (in which this property lies within) should be able to occur under certain conditions given the infrequency of the Regional Event. The development lies on the easterly limit of the flood plain, and is shielded from direct flow resultant from Cold Creek via existing higher ground on the opposite side of March St. The proposed grading will provide protection for the proposed residence and a portion of the rear yard from flood damage due to a Regional Storm event.

We trust this information is satisfactory for your review of the proposed re-development for approval purposes. If you require any further information, or have any questions, please do not hesitate to contact this office.

Yours truly,

van MEER limited



Bradley Leeman, B.ScE.

Encl

cc: Mr. Mike Whitehead, Area Planner, City of Quinte West

HEC-RAS Plan: Plan 01 River: Cold Creek Reach: Spillway

Reach	River Sta	Q Total (m3/s)	Min Ch El (m)	W.S. Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude # Chl
Spillway	180	132.00	109.30	110.84	110.84	111.08	0.105289	2.14	61.69	134.71	1.01
Spillway	170	132.00	109.40	110.78	110.78	110.99	0.110379	2.00	66.04	165.69	1.01
Spillway	160	132.00	110.70	111.24	111.24	111.40	0.121036	1.77	74.42	239.39	1.02
Spillway	150	132.00	109.45	110.49	110.49	110.69	0.111120	1.99	66.26	167.80	1.01
Spillway	140	132.00	109.45	110.54	110.54	110.74	0.108701	1.97	66.91	168.96	1.00
Spillway	130	132.00	109.50	110.45	110.45	110.66	0.107865	2.01	65.76	160.87	1.00
Spillway	120	132.00	109.60	110.45	110.45	110.70	0.106116	2.20	59.96	125.80	1.02

HEC-RAS Plan: Plan 01 River: Cold Creek Reach: Spillway

Reach	River Sta	Q Total (m3/s)	Min Ch El (m)	W.S. Elev (m)	Crit W.S. (m)	E.G. Elev (m)	E.G. Slope (m/m)	Vel Chnl (m/s)	Flow Area (m2)	Top Width (m)	Froude # Chl
Spillway	180	132.00	109.30	110.84	110.84	111.08	0.105289	2.14	61.69	134.71	1.01
Spillway	170	132.00	109.40	110.78	110.78	110.99	0.110379	2.00	66.04	165.69	1.01
Spillway	160	132.00	110.70	111.24	111.24	111.40	0.121036	1.77	74.42	239.39	1.02
Spillway	150	132.00	109.45	110.49	110.49	110.69	0.111120	1.99	66.26	167.80	1.01
Spillway	140	132.00	109.45	110.57	110.57	110.78	0.112375	2.04	64.60	158.46	1.02
Spillway	130	132.00	109.50	110.49	110.49	110.71	0.106849	2.07	63.85	148.21	1.01
Spillway	120	132.00	109.60	110.45	110.45	110.70	0.106116	2.20	59.96	125.80	1.02

**Conservation Authorities Act  
Loi sur les offices de protection de la nature**

**ONTARIO REGULATION 163/06**

**LOWER TRENT REGION CONSERVATION AUTHORITY: REGULATION OF  
DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES  
AND WATERCOURSES**

**Consolidation Period:** From February 8, 2013 to the [e-Laws currency date](#).

Last amendment: O. Reg. 67/13.

*This Regulation is made in English only.*

**Definition**

1. In this Regulation,

“Authority” means the Lower Trent Region Conservation Authority. O. Reg. 163/06, s. 1.

**Development prohibited**

2. (1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,

(a) 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 beaches, including the area from the furthest offshore extent of the Authority’s boundary to the furthest landward extent of the aggregate of the following distances:

(i) the 100 year flood level, plus the appropriate allowance for wave uprush shown in the most recent document entitled “Lake Ontario Shoreline Management Plan”, or as identified in the most recent document entitled “Cramahe Shorelands Project” for the Township of Cramahe or in the most recent document entitled “Alnwick/Haldimand Lake Ontario Shorelands Project” for the Township of Alnwick/Haldimand, available at the head office of the Authority,

(ii) the predicted long term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period shown in the most recent document entitled “Lake Ontario Shoreline Management Plan”, or as identified in the most recent document entitled “Cramahe Shorelands Project” for the Township of Cramahe or in the most recent document entitled “Alnwick/Haldimand Lake Ontario Shorelands Project” for the Township of Alnwick/Haldimand, available at the head office of the Authority,

(iii) where a dynamic beach is associated with the waterfront lands, the appropriate allowance inland to accommodate dynamic beach movement shown in the most recent document entitled “Lake Ontario Shoreline Management Plan”, or as identified in the most recent document entitled “Cramahe Shorelands Project” for the Township of Cramahe or in the most recent document entitled “Alnwick/Haldimand Lake Ontario Shorelands Project” for the Township of Alnwick/Haldimand, available at the head office of the Authority, and

(iv) an allowance of 15 metres inland;

(b) 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 in accordance with the following rules:

(i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,

(ii) 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,

(iii) where the river or stream valley is not apparent, the valley extends the greater of,

(A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, plus 15 metres, 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, plus 15 metres, to a similar point on the opposite side;

(c) hazardous lands;

(d) wetlands; or

(e) other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and areas within 30 metres of all other wetlands. O. Reg. 163/06, s. 2 (1); O. Reg. 67/13, s. 1 (1, 2).

(2) All areas within the jurisdiction of the Authority that are described in subsection (1) are delineated as the “Regulation Limit” shown on a series of maps filed at the head office of the Authority under the map title “Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”. O. Reg. 67/13, s. 1 (3).

(3) If there is a conflict between the description of areas in subsection (1) and the areas as shown on the series of maps referred to in subsection (2), the description of areas in subsection (1) prevails. O. Reg. 67/13, s. 1 (3).

#### **Permission to develop**

3. (1) The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. O. Reg. 163/06, s. 3 (1).

(2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. 163/06, s. 3 (2).

(3) Subject to subsection (4), the Authority’s executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for development in or on the areas described in subsection 2 (1). O. Reg. 67/13, s. 2.

(4) A designate under subsection (3) shall not grant a permission for development with a maximum period of validity of more than 24 months. O. Reg. 67/13, s. 2.

#### **Application for permission**

4. A signed application for permission to undertake development shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing the type and location of the proposed development.
2. The proposed use of the buildings and structures following completion of the development.
3. The start and completion dates of the development.
4. The elevations of existing buildings, if any, and grades and the proposed elevations of buildings and grades after the development.
5. Drainage details before and after the development.
6. A complete description of the type of fill proposed to be placed or dumped.
7. Such other technical studies or plans as the Authority may request. O. Reg. 163/06, s. 4; O. Reg. 67/13, s. 3.

#### **Alterations prohibited**

5. Subject to section 6, no person shall straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or change or interfere in any way with a wetland. O. Reg. 163/06, s. 5.

#### **Permission to alter**

6. (1) The Authority may grant permission 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. O. Reg. 163/06, s. 6 (1); O. Reg. 67/13, s. 4 (1).

(2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. 163/06, s. 6 (2).

(3) Subject to subsection (4), the Authority’s executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for alteration. O. Reg. 67/13, s. 4 (2).

(4) A designate under subsection (3) shall not grant a permission for alteration with a maximum period of validity of more than 24 months. O. Reg. 67/13, s. 4 (2).

#### **Application for permission**



7. A signed application for permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or change or interfere with a wetland shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing plan view and cross-section details of the proposed alteration.
2. A description of the methods to be used in carrying out the alteration.
3. The start and completion dates of the alteration.
4. A statement of the purpose of the alteration.
5. Such other technical studies or plans as the Authority may request. O. Reg. 163/06, s. 7; O. Reg. 67/13, s. 5.

#### **Cancellation of permission**

8. (1) The Authority may cancel a permission granted under section 3 or 6 if it is of the opinion that the conditions of the permission have not been met. O. Reg. 163/06, s. 8 (1); O. Reg. 67/13, s. 6 (1).

(2) Before cancelling a permission, the Authority shall give a notice of intent to cancel to the holder of the permission indicating that the permission will be cancelled unless the holder shows cause at a hearing why the permission should not be cancelled. O. Reg. 163/06, s. 8 (2).

(3) Following the giving of the notice under subsection (2), the Authority shall give the holder at least five days notice of the date of the hearing. O. Reg. 163/06, s. 8 (3); O. Reg. 67/13, s. 6 (2).

#### **Period of validity of permissions and extensions**

9. (1) The maximum period, including an extension, for which a permission granted under section 3 or 6 may be valid is,

- (a) 24 months, in the case of a permission granted for projects other than projects described in clause (b); and
- (b) 60 months, in the case of a permission granted for,
  - (i) projects that, in the opinion of the Authority or its executive committee, cannot reasonably be completed within 24 months from the day the permission is granted, or
  - (ii) projects that require permits or approvals from other regulatory bodies that, in the opinion of the Authority or its executive committee, cannot reasonably be obtained within 24 months from the day permission is granted. O. Reg. 67/13, s. 7.

(2) The Authority or its executive committee may grant a permission for an initial period that is less than the applicable maximum period specified in subsection (1) if, in the opinion of the Authority or its executive committee, the project can be completed in a period that is less than the maximum period. O. Reg. 67/13, s. 7.

(3) If the Authority or its executive committee grants a permission under subsection (2) for an initial period that is less than the applicable maximum period of validity specified in subsection (1), the Authority or its executive committee may grant an extension of the permission if,

- (a) the holder of the permission submits a written application for an extension to the Authority at least 60 days before the expiry of the permission;
- (b) no extension of the permission has previously been granted; and
- (c) the application sets out the reasons for which an extension is required and, in the opinion of the Authority or its executive committee, demonstrates that circumstances beyond the control of the holder of the permission will prevent completion of the project before the expiry of the permission. O. Reg. 67/13, s. 7.

(4) When granting an extension of a permission under subsection (3), the Authority or its executive committee may grant the extension for the period of time requested by the holder in the application or for such period of time as the Authority or its executive committee deems appropriate, as long as the total period of validity of the permission does not exceed the applicable maximum period specified in subsection (1). O. Reg. 67/13, s. 7.

(5) For the purposes of this section, the granting of an extension for a different period of time than the period of time requested does not constitute a refusal of an extension. O. Reg. 67/13, s. 7.

(6) The Authority or its executive committee may refuse an extension of a permission if it is of the opinion that the requirements of subsection (3) have not been met. O. Reg. 67/13, s. 7.

(7) Before refusing an extension of a permission, the Authority or its executive committee shall give notice of intent to refuse to the holder of the permission, indicating that the extension will be refused unless,

- (a) the holder requires a hearing, which may be before the Authority or its executive committee, as the Authority directs; and
- (b) at the hearing, the holder satisfies the Authority, or the Authority's executive committee, as the case may be,



- (i) that the requirements of clauses (3) (a) and (b) have been met, and
- (ii) that circumstances beyond the control of the holder will prevent completion of the project before the expiry of the permission. O. Reg. 67/13, s. 7.

(8) If the holder of the permission requires a hearing under subsection (7), the Authority or its executive committee shall give the holder at least five days notice of the date of the hearing. O. Reg. 67/13, s. 7.

(9) After holding a hearing under subsection (7), the Authority or its executive committee shall,

- (a) refuse 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 permission does not exceed the applicable maximum period specified in subsection (1). O. Reg. 67/13, s. 7.

(10) Subject to subsection (11), one or more employees of the Authority that have been designated by the Authority for the purposes of this section may exercise the powers and duties of the Authority under subsections (2), (3) and (4), but not those under subsections (6), (7), (8) and (9). O. Reg. 67/13, s. 7.

(11) A designate under subsection (10) shall not grant an extension of a permission for any period that would result in the permission having a period of validity greater than 24 months. O. Reg. 67/13, s. 7.

#### Appointment of officers

**10.** The Authority may appoint officers to enforce this Regulation. O. Reg. 163/06, s. 10.

#### Flood event standards

**11.** (1) The applicable flood event standards used to determine the maximum susceptibility to flooding of lands or areas within the watersheds in the area of jurisdiction of the Authority are the Timmins Flood Event Standard and the 100 year flood level plus wave uprush, described in Schedule 1. O. Reg. 163/06, s. 11 (1).

- (2) The Timmins Flood Event Standard applies to all watersheds within the area of jurisdiction of the Authority except for,
  - (a) the main channels of Rice Lake and Trent River, where the applicable standard is rainfall or snowmelt, or a combination of rainfall and snowmelt, that would produce the water surface elevations above Canadian Geodetic Datum described in Table 1;
  - (b) Lake Ontario in the Great Lakes-St. Lawrence River System where the 100 year flood level plus wave uprush applies.

TABLE 1  
WATER SURFACE ELEVATIONS

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

O. Reg. 163/06, s. 11 (2).

**12.** REVOKED: O. Reg. 67/13, s. 8.

**13.** OMITTED (REVOKES OTHER REGULATIONS). O. Reg. 163/06, s. 13.

#### SCHEDULE 1

- 1. The Timmins Flood Event Standard means a storm that produces over a 12-hour period,
  - (a) in a drainage area of 25 square kilometres or less, rainfall that has the distribution set out in Table 2; or

- (b) in a drainage area of more than 25 square kilometres, rainfall such that the number of millimetres of rain referred to in each case in Table 2 shall be modified by the percentage amount shown in Column 2 of Table 3 opposite the size of the drainage area set out opposite thereto in Column 1 of Table 3.

TABLE 2

15 millimetres of rain in the first hour
20 millimetres of rain in the second hour
10 millimetres of rain in the third hour
3 millimetres of rain in the fourth hour
5 millimetres of rain in the fifth hour
20 millimetres of rain in the sixth hour
43 millimetres of rain in the seventh hour
20 millimetres of rain in the eighth hour
23 millimetres of rain in the ninth hour
13 millimetres of rain in the tenth hour
13 millimetres of rain in the eleventh hour
8 millimetres of rain in the twelfth hour

TABLE 3

Column 1	Column 2
Drainage Area (Square Kilometres)	Percentage
26 to 50 both inclusive	97
51 to 75 both inclusive	94
76 to 100 both inclusive	90
101 to 150 both inclusive	87
151 to 200 both inclusive	84
201 to 250 both inclusive	82
251 to 375 both inclusive	79
376 to 500 both inclusive	76
501 to 750 both inclusive	74
751 to 1000 both inclusive	70
1001 to 1250 both inclusive	68
1251 to 1500 both inclusive	66
1501 to 1800 both inclusive	65
1801 to 2100 both inclusive	64
2101 to 2300 both inclusive	63
2301 to 2600 both inclusive	62
2601 to 3900 both inclusive	58
3901 to 5200 both inclusive	56
5201 to 6500 both inclusive	53
6501 to 8000 both inclusive	50

2. The 100 year flood level means the peak instantaneous still water level plus an allowance for wave uprush and other water-related hazards that has a probability of occurrence of one per cent during any given year.

O. Reg. 163/06, Sched. 1.

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LOWER TRENT REGION CONSERVATION AUTHORITY  
FLOODPLAIN ASSESSMENT & POLICY FORMULATION  
FOR A  
TWO ZONE CONCEPT APPLICATION  
IN THE  
VILLAGE OF FRANKFORD

FINAL REPORT

JULY 1983



## totten sims hubicki associates

Page 58

G. L. TOTTEN B.Sc., P. Eng.  
R. E. SIMS B.A.Sc., P. Eng.  
J. M. HUBICKI B.A.Sc., P. Eng.  
R. L. WINDOVER M.Sc., P. Eng.  
P. C. EBERLEE B.A.Sc., P. Eng.

TOTTEN SIMS HUBICKI ASSOCIATES (1981) LIMITED  
1A KING STREET EAST P.O. BOX 398, COBOURG  
ONTARIO K9A 4L1 (416) 372-2121

Lower Trent Region Conservation Authority,  
441 Front Street,  
TRENTON, Ontario, K8V 6C1.

Attention: Mr. R.W. Messervey

July 15, 1983

Dear Sir:

Re: Floodplain Assessment and Policy Formulation,  
Two Zone Concept Application, Village of Frankford.

We are pleased to submit herewith our Floodplain Assessment and Policy Formulation for a Two Zone Concept Application in the Village of Frankford.

We found that, with only one exception, development, redevelopment and/or alterations to existing structures can be permitted in the flood fringe under certain conditions. There is also a spill area on March Street, west of the C.N.R., where no obstruction of the spill watercourse can be permitted without a very careful analysis on the affect on flood levels in Frankford.

The one exception is on Trent Street from the south bank of Cold Creek to approximately 39 m southerly.

The conditions of development in the flood fringe require floodproofing to protect against the Regional Storm Flood by such means as raising the ground, or constructing a flood resistant structure, to a level above the Regulatory Flood Level.

It should also be noted that Ministry policy states that dykes and floodwalls are not regarded as permanent measures of flood control and the lands behind the dykes will continue to require protection to the level of the revised Regulatory Flood. Special consideration may be given to existing or proposed commercial development in this area, where the applicant can show that the floodproofing requirements cannot be met in this instance.

It is recommended that the conditions and policy be made known to the public by general meetings, by by-laws of Frankford Council, and by a brochure to be provided to persons proposing development in the flood fringe.

The policy can be implemented by making appropriate changes to:

cont'd.....2



Lower Trent Region Conservation Authority

January 15, 1983

....2

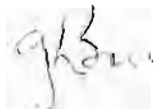
- i) the Official Plan which will establish the policy that will guide Frankford Council;
- ii) the Zoning By-law which will establish the Regulatory Flood Level. If an applicant proposed to protect his development to a level above the Regulatory Flood Level, he may do so in accordance with the proposed new Zoning By-law. However, if he proposes not to construct his development above the Regulatory Flood Level, he will be obliged to show that his proposal will protect the structure from potential flood damage, and to obtain a rezoning of the lands;
- iii) the Site Plan By-law which will permit the Lower Trent Region Conservation Authority to examine all development proposals in the flood Fringe and to grant permits for proposed construction, and/or land fill, providing the applicant constructs in accordance with the policy.

We believe the policy outlined hereafter will permit development in the Village of Frankford in a manner which is safe from flooding from Cold Creek, and which will not impose unreasonable restrictions on existing or proposed development.

We also investigated construction of a proposed berm near the westerly limits of the Village. The berm would prevent the flooding of 8 homes during a 100 year flood. The estimated cost of the berm, assuming the fill can be obtained from a nearby borrow pit, and excluding land costs and landscaping of the berm is \$6,000.00. We strongly recommend construction of this berm.

We have very much enjoyed working with you and the Village on this interesting project and would be pleased to provide any further assistance you require in implementing the proposed Policy.

Yours truly,



*fr* D.A. Marucelj, P.Eng.

GLB/jg

1.

**THE PROBLEM:**

In our September 1978 Report, we indicated the effect of a Regional Storm on the flooding of Cold Creek in the Village of Frankford.

It was found that a large percentage of the Village would be inundated during the Regional Storm, which is the rainfall pattern which actually occurred in Timmins, and which is believed to be possible in Frankford. The Regional Storm floodlines are shown on Drawing C1 in Appendix I.

In our March 1981 Report, we indicated the floodline which would result from less severe storms, including a storm which would occur an average of once in 100 years. This storm floods a much smaller area, particularly following the flood relief works recently completed, which were designed to contain the Regional Storm. The floodlines associated with 100 year and lesser floods are shown on Drawing No. 2 in Appendix II.

Drawing No. 1 attached shows the Regional Storm and 100 year floodlines and differs slightly from the previous because it reflects the completed flood relief works, under conditions existing at the present time, except that for purposes of defining the Flood Fringe, the berm is not regarded as a permanent measure of flood control, in accordance with the policy of the Ministry of Natural Resources.

The lands within the 100 year floodlines are in relatively close proximity to Cold Creek. No development can be permitted within the 100 year floodlines.

It is evident that the lands lying between the 100 year and the Regional Storm floodlines will seldom be flooded. On the average, the flooding frequency will be less often than once in 100 years. It is accordingly reasonable to consider development, including redevelopment and alterations, on such lands, providing certain precautions are taken.

The determination of the precautions and the policy required to implement them are the object of this study.



LEGEND

- REGIONAL STORM FLOODLINE
- · - 100 YEAR STORM FLOODLINE
- [Stippled Box] LANDS IN FLOOD FRINGE
- [Hatched Box] LANDS REMAINING IN FLOOD FRINGE BECAUSE BERM NOT CONSIDERED PERMANENT FLOOD CONTROL



- 100.0
- 101.0
- 102.0
- 103.0
- 104.0
- 107.1
- 108.0
- 109.0

- 110.0
- 111.0
- 112.0
- 113.0
- 116.0

LOWER TRENT REGION CONSERVATION AUTHORITY  
**VILLAGE OF FRANKFORD**  
 EXISTING FLOODLINES



## THE TWO ZONE CONCEPT

The Two Zone Concept separates the flood plain into two zones - the floodway and the flood fringe. The floodway is the central portion closest to the watercourse where risk of flood damage is the highest. The concept stipulates that the floodway include at least those lands which would be flooded by the 100 year flood, and that no structural development be permitted within this area. The flood fringe is the area beyond the floodway, and includes the remaining lands susceptible to the Regulatory Floods. Development in the flood fringe would be permitted provided suitable flood damage reduction measures are undertaken to ensure protection against the Regulatory Flood. The concept is illustrated on Drawing No. 2 attached.

No development is permitted in the floodway where the risk of flooding is greatest.

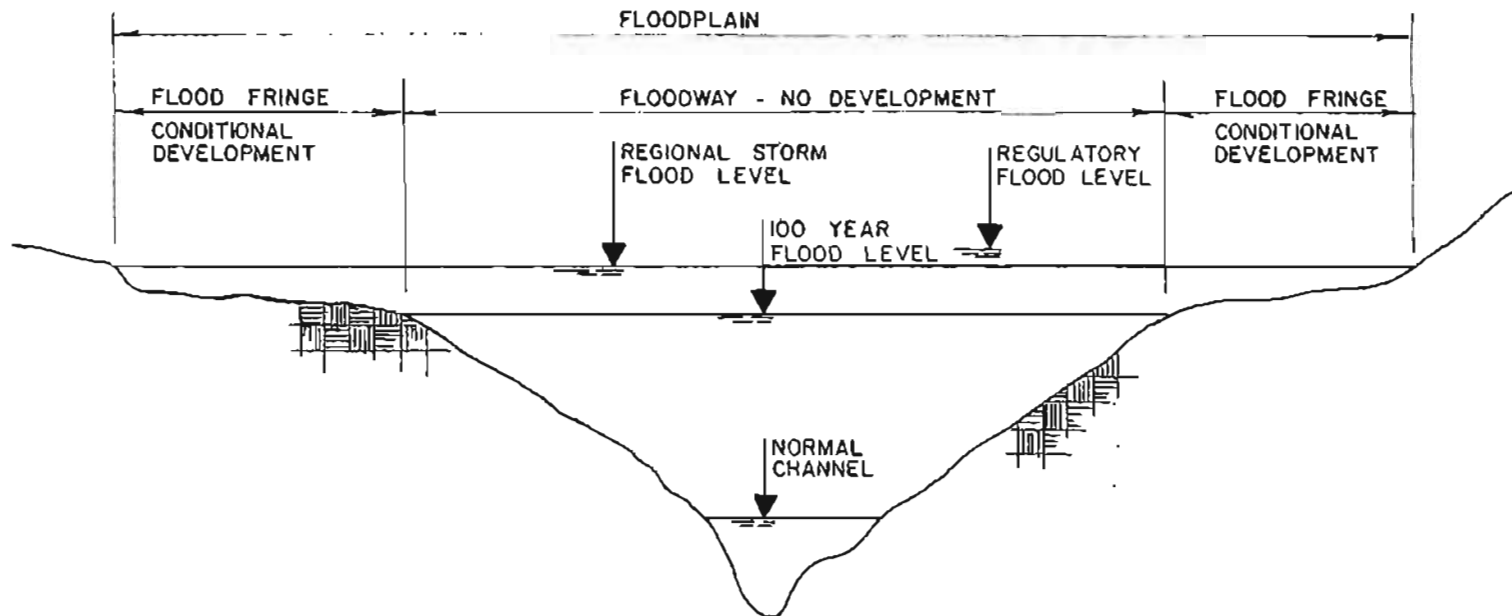
Development, redevelopment, or alterations to existing buildings can be undertaken in most parts of the flood fringe under certain conditions which are intended to protect the structure from potential flood damage.

The means of protecting the proposed development in the Flood Fringe must be such that they will not aggravate flooding problems for others. For example, placing fill on the flood fringe lands may aggravate flooding for others by interfering with the natural drainage, or by restricting the Cold Creek watercourse. A major part of this study therefore involves investigation of the effect of fill in the flood plain on water levels throughout the watercourse.

## HYDROLOGIC EFFECT OF TWO ZONE CONCEPT

Because the two zone concept will permit fill and structures on lands located between the 100 year and the Regional Storm floodlines, storage in the flood plain will be reduced.





LOWER TRENT REGION CONSERVATION AUTHORITY  
THE TWO - ZONE  
FLOODWAY - FLOOD FRINGE CONCEPT

3.

#### HYDROLOGIC EFFECT OF TWO ZONE CONCEPT

If flood waters cannot be temporarily stored in the flood plain, the flood water must be discharged down the creek. Loss of storage therefore increases the flow over what would have occurred with the existing flood fringe storage.

We calculated the magnitude of the increase in flow if all the storage in the flood fringe was lost.

The calculation was based on the existing hydrograph of flow at the Relief Weir in Frankford, as shown on Drawing No. 3 attached.

The entire storage in the flood fringe was assumed to be lost. The storage loss between the 100 year and Regional Storm floodlines was computed, and distributed over the hydrograph in accordance with the calculations shown in Table 1. The storage loss in each interval of time on the hydrograph was equated to the change in flow rate.

By observation of Table 1 as well as Drawing No. 3, it will be observed that although there are minor changes in Cold Creek flow resulting from no Flood Fringe storage, there is no significant increase in peak flow.

It is therefore concluded that fill can be permitted in the Flood Fringe without increasing Cold Creek flow elsewhere in the watershed.

#### HYDRAULIC EFFECT OF TWO-ZONE CONCEPT

The potential fill in the flood fringe will tend to increase the possible Regional Storm water levels because of the obstruction of the watercourse.

On Table 2, the water surface elevations with and without fill in the Flood Fringe are indicated. It will be observed that fill in the Flood Fringe would increase the water level at Station 103.0 from 108.16 to 108.61 m and that the increased water level remains in effect as far upstream as Station 111.0 (the location of the stations may be noted on Drawing No. 1). The computer printouts are shown in Appendix III which provides more detail at each station.



## LOWER TRENT REGION CONSERVATION AUTHORITY

## VILLAGE OF FRANKFORD

## EFFECT ON COLD CREEK FLOW OF LOSS OF FLOOD FRINGE STORAGE

## REGIONAL STORM

TABLE 1

Time (hrs.)	Present Flood Fringe Storage				No Flood Fringe Storage	
	Cold Creek Flow at Relief Weir (m <sup>3</sup> /s)	W.S. Elev. at Relief Weir (m)	Cumulative Storage Vol. in Flood Fringe (m <sup>3</sup> )	Storage Volume in Interval (m <sup>3</sup> )	Flow Changes Equivalent to Change in Flood Fringe Storage (m <sup>3</sup> /s)	Altered Creek Flow at Relief Weir (m <sup>3</sup> /s)
10.9	142 (100 yr.)	109.3	0			142
				+9,200	+2.3	
12.0	180	109.47	9,200			182.3
				+5,100	+1.4	
13.0	200	109.57	14,300			201.4
				+1,800	+0.5	
14.0	209	109.6	16,100			209.5
				0	0	
15.0	210 (Reg. Storm)	109.6	16,100			210.0
				-1,100	-0.3	
16.0	204	109.58	15,000			203.7
				-2,000	-0.6	
17.0	195	109.54	13,000			194.4



LOWER TRENT REGION CONSERVATION AUTHORITY  
 VILLAGE OF FRANKFORD  
 COMPARISON OF WATER SURFACE ELEVATIONS  
 WITH AND WITHOUT FILL IN THE FLOOD FRINGE

TABLE 2

Cross-Section	Regional Storm		
	Water Surface Elevation (m)		
	Without Fill	With Fill	*With Partial Fill
100.0	107.36	107.27	107.40
101.0	107.70	107.62	107.51
102.0	108.20	107.66	108.05
103.0	108.16	108.61	108.18
104.0	108.43	108.76	108.42
107.1	108.51	108.81	108.51
108.0	108.85	109.08	108.92
109.0	109.37	109.44	109.38
110.0	109.65	109.68	109.66
111.0	109.86	109.83	109.81
112.0	110.42	110.46	110.46
113.0	110.74	110.76	110.76
114.0	110.92	110.94	110.94
115.0	111.37	111.37	111.37
116.0	111.83	111.83	111.83

\* With Partial Fill permits fill in the Flood Fringe except on Trent Street from Cold Creek to 39 m southerly, but excludes fill on March Street, west of the C.N.R..

## HYDRAULIC EFFECT OF TWO-ZONE CONCEPT

It was found that the increase in water level was primarily because of fill placed in the Flood Fringe on Trent Street from Cold Creek to approximately 39 m southerly.

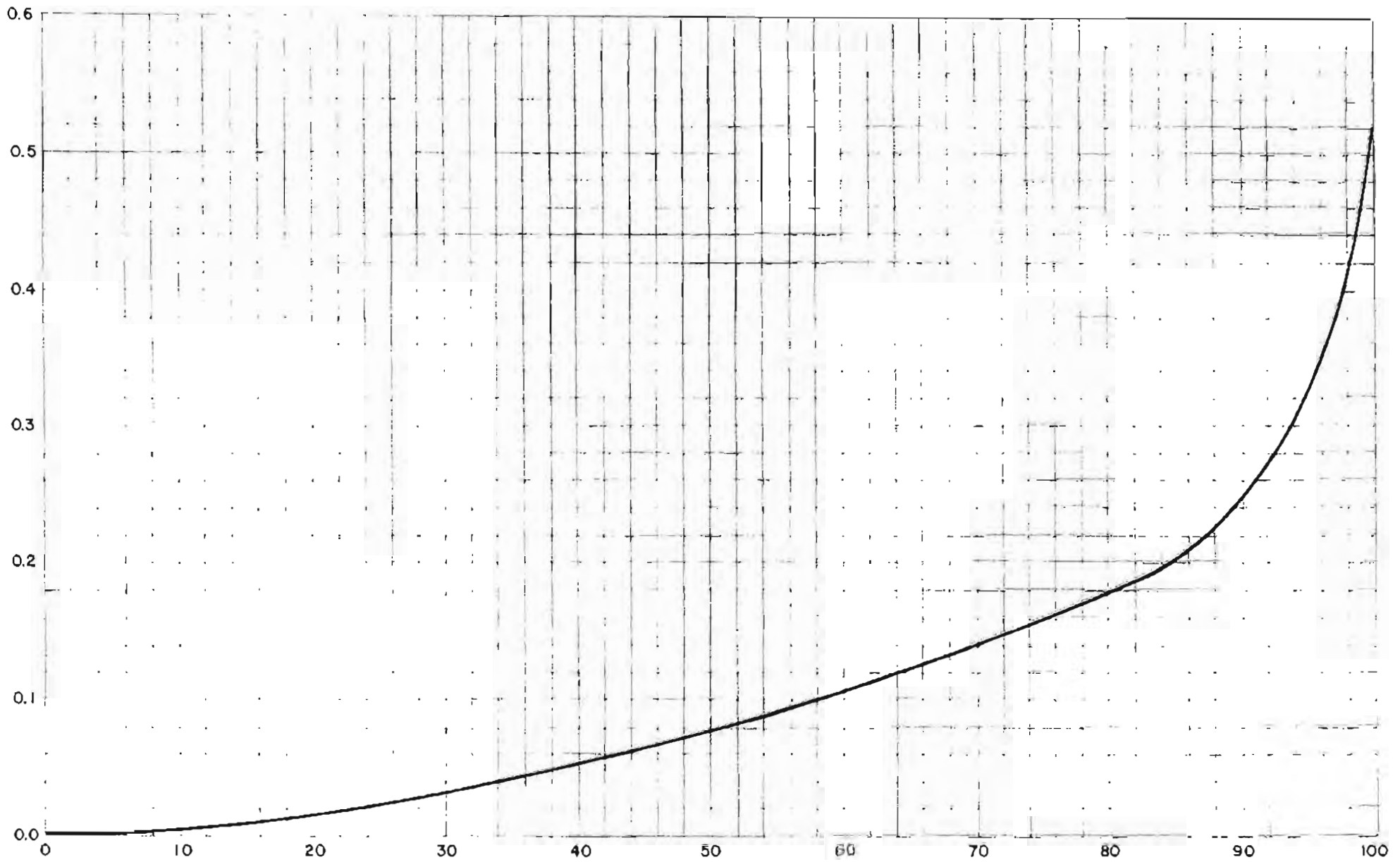
If no fill was placed in the Flood Fringe on Trent Street from Cold Creek to approximately 39 m southerly, but fill was placed on the remainder of the Flood Fringe (except on March Street west of the C.N.R.), the increased water level would be acceptable. This water level is shown on Table 2 under the column entitled "With Partial Fill". It will be observed that the maximum increase is at Station 108.0 where the increase is from 108.85 to 108.92 m and which is considered to be an acceptable increase in water level.

On March Street, west of the C.N.R., the Flood Fringe is caused by spill from Cold Creek towards Batawa, when the Cold Creek flow is subjected to a 100 year flood or greater. In our March 1981 Report we addressed this problem, but found that it was not economical to construct works that would eliminate the spill.

Any alteration in the Flood Fringe along March Street would reduce the spill to Batawa, and increase the flow and flooding problems in Frankford. No obstruction of the spill watercourse can be permitted without a very careful analysis of the effect on flood levels in Frankford.

It should also be remembered that obstruction of the spill on March Street will not aggravate flood levels in Frankford for flows less severe than a 100 year storm, because floodwaters would not spill across March Street with floods less severe than a 100 year storm.

Drawing No. 4 shows the relationship between the increase in water level of Cold Creek and the amount of obstruction of the spill across March Street west of the C.N.R.



PERCENTAGE OBSTRUCTION OF MARCH ST. FRONTAGE IN SPILL WEST OF C.N.R.

LOWER TRENT REGION CONSERVATION AUTHORITY  
RELATIONSHIP BETWEEN THE INCREASE IN WATER LEVEL  
OF COLD CREEK AND PERCENTAGE OF OBSTRUCTION  
ON MARCH STREET WEST OF C.N.R.

#### HYDRAULIC EFFECT OF TWO-ZONE CONCEPT

Drawing No. 5 shows the Flood Fringe in the Village of Frankford; the lands fronting on Trent Street where no fill or additions to existing structures can be permitted; the Flood Fringe lands where development can be permitted under special conditions; and the lands fronting on March Street, west of the C.N.R., where there is spill out of Cold Creek.

#### AREAS WHERE TWO ZONE POLICY SHOULD APPLY

The hydrologic and hydraulic portions of this report have shown that the two-zone policy can apply to the entire Flood Fringe in the village of Frankford, except for 1) the lands fronting on Trent Street from Cold Creek to approximately 39 m southerly and 2) the lands fronting on March Street west of the C.N.R..

The lands in the Flood Fringe, and the Regulatory Flood Level applicable to them, are shown on Drawing No. 5.

It will be noted that the recently completed Flood Control Project (involving removal of the dam and raising the existing berm), has not removed the area between the berm and the Trent River from the floodplain, because Ministry policy requires that dykes and floodwalls (the berm is considered a dyke) are not regarded as permanent measures of flood control. A Regulatory Flood Line for this area has been established on the assumption that the recent berm addition fails.

#### POLICY REGARDING IMPLEMENTATION OF TWO-ZONE CONCEPT

1. The first floor of all structures constructed in the Flood Fringe should be above the Regulatory Flood Levels.

Where it is impractical to construct the first floor above the Regulatory Flood level, such as extension of an existing low building, the applicant must provide means of protecting the first floor from flooding by such means as berming, and a rezoning of the lands will be required.



LEGEND

- REGIONAL STORM FLOODLINE.
- - - 100 YEAR STORM FLOODLINE.
- █ FLOOD FRINGE - NO FILL OR ADDITIONS TO STRUCTURES CAN BE PERMITTED.
- ▨ FLOOD FRINGE - DEVELOPMENT PERMITTED CONDITIONAL ON FIRST FLOOR CONSTRUCTION ABOVE REGULATORY FLOOD LEVEL.
- ▧ SPILL OUT OF COLD CREEK.
- III.7 REGULATORY FLOOD LEVEL.



SIDNEY TOWNSHIP

LOWER TRENT REGION CONSERVATION AUTHORITY  
**VILLAGE OF FRANKFORD**  
 RECOMMENDED LAND USE IN FLOOD FRINGE



## POLICY REGARDING IMPLEMENTATION OF TWO-ZONE CONCEPT

Special consideration may be given to existing or proposed commercial development between the recent berm addition and the Trent River, where the applicant can show that the floodproofing requirements cannot be met in a particular instance.

2. Basements and foundations must be designed to withstand the hydrostatic pressures by either purposely flooding the basement to equalize the water level inside and outside the structure, or by keeping the structure dry by providing no openings below the Regulatory Flood Level and relieving the hydrostatic pressure outside the structure by installing porous back-fill, a drainage system and pumps.
3. A covered sump pit with an automatic submersible pump must be provided in all basements that are not designed to be flooded. The outflow pipe must discharge above the Regulatory Flood Level or include a check valve.
4. The electrical panel and electrical connections shall be installed above the Regulatory Flood level.

Basements designed to be flooded may not have mechanical and/or electrical equipment below the Regulatory Flood Level.

5. Fill may be placed on lands in the Flood Fringe to raise the grade above the Regulatory Flood Level, providing the fill does not divert the natural drainage to lands under a different ownership.
6. Additions to structures or placement of fill is not permissible on the lands fronting on Trent Street from Cold Creek to 39 m southerly.

## IMPLEMENTATION OF TWO ZONE CONCEPT

The following is a suggested means of implementing the two zone concept and is presented only as a guide to officials including the Authority, the Hastings County Planning Board, the Ministries of Natural Resources and Municipal Affairs and Housing and the Village of Frankford.

#### IMPLEMENTATION OF TWO ZONE CONCEPT

The Official Plan of the Village of Frankford should be revised to incorporate the policy objectives outlined herein.

Revision of the Official Plan makes a clear guideline for the Municipality. It is not, however, binding on land developers.

To ensure that the floor level of new development will be constructed above the Regulatory Flood Level, and to permit residential development on the Flood Fringe portion of lands which are now zoned Hazard Lands, the Zoning By-law must be revised. If an applicant can construct in accordance with the minimum floor level, no additional rezoning need be required.

Where construction of a floor level below the Regulatory Flood Level is requested (as might occur for an extension of an existing commercial structure), a rezoning would be required. A condition of the approval of the rezoning would be that the applicant ensures that the proposed development will be protected from the Regional Storm Flood.

To ensure that the applicant will construct in accordance with the policy outlined herein, persons wishing to develop on Flood Fringe lands should apply for approval to the Lower Trent Region Conservation Authority, showing proposed elevations of their first floor, the means of protecting the basement or foundation from hydrostatic pressure, the proposed location of mechanical equipment (including furnace) and electrical panel, lot grading plan, etc. A building permit would not be issued without approval of the LTRCA. This procedure can be authorized by revision to the Site Plan By-law.

#### PUBLIC INFORMATION

It is proposed to conduct a public meeting to inform the residents of the Village of the proposed Policy and to obtain their input, with possible improvement of the proposed Policy.

## PUBLIC INFORMATION

When the Policy has been adopted, it is recommended that a brochure be prepared, and handed out to all developers in the Flood Fringe, to advise them of the policy, procedures, and possible solutions to development problems. A draft suggested brochure is outlined in Appendix IV.

## BENEFIT-COST OF WESTERLY BERM

During the March 1980 flood, it was found that water spilled out of Cold Creek, at a source to the west of the Village and flowed into Frankford through a small watercourse, causing some flooding of eight properties in the Village.

Drawing No. 6 shows the eight properties vulnerable to flooding from the spill out of Cold Creek. Also shown is the location and cross-section of a berm proposed to prevent this spill entering the Village, even during the Regional Storm.

The March 1980 flood is believed to have been similar to a 100 year flood.

The theoretical flood damage, using values derived on the Thames River in 1972 and allowing for inflation to 1983, was calculated to be \$52,300.00.

Assuming that this damage could occur with flows ranging between a 100 year and 200 year occurrence, (frequency interval between 0.01 and 0.005), the average annual flooding damage would be  $\$52,300 \times (.01 - .005) = \$262.00$ .

Assuming that borrowing costs exceed inflation rates by 6%, and that flood improvement works would be amortized over 50 years, the present value of each dollar of flood damage is \$15.76. The total present value of flood damage is therefore  $\$262.00 \times \$15.76 = \$4,000.00$ .

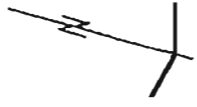
A more serious problem, however, is that if the spill to Frankford is not prevented, eight properties would remain within the 100 year floodplain, and





PROPOSED BERM.

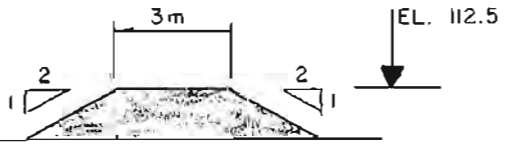
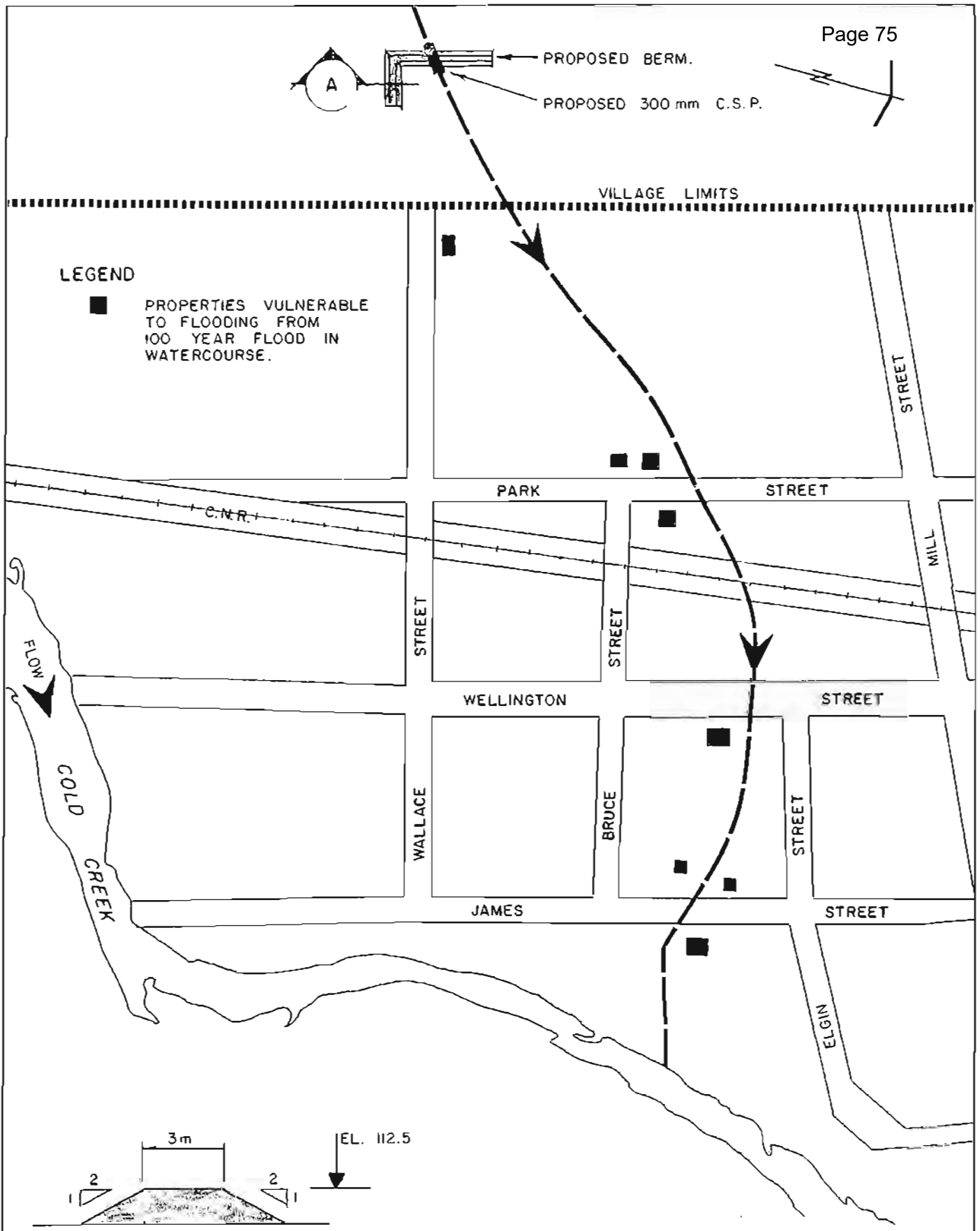
PROPOSED 300 mm C.S.P.



VILLAGE LIMITS

LEGEND

■ PROPERTIES VULNERABLE TO FLOODING FROM 100 YEAR FLOOD IN WATERCOURSE.



SECTION A  
N.T.S.

## BENEFIT COST OF WESTERLY BERM

redevelopment of the structures would not be permitted because they would remain within the 100 year floodway. The loss in property value would be well in excess of \$10,000 per property or \$80,000 for eight properties.

The total present value of works to eliminate the spill into Frankford is therefore as follows:

Present Value of Flood Reduction	=	\$ 4,000.00
Present Value of Decreased Property Value	=	<u>\$80,000.00</u>
Total Present Value of Removing Properties from 100 year Floodway	=	<u>\$84,000.00</u>

We believe the spill can be prevented by constructing a berm across the water-course of the spill, using fill from a nearby borrow pit. The estimated cost of constructing the berm (including a small corrugated steel pipe to maintain normal drainage) but excluding land costs and sodding or seeding (which we believe is not necessary in this location) is \$6,000.00.

It is evident that the benefit (\$84,000) of constructing the proposed berm greatly outweighs its cost (\$6,000).

APPENDIX I

Regional Storm Floodlines (1978)





THIS MAP IS PREPARED FOR USE IN CONJUNCTION WITH THE FLOOD PLAIN MAPPING REPORT DATED SEPT 1978 PREPARED BY TOTTEN SIMS HUBICKI ASSOCIATES LIMITED FOR THE LOWER TRENT REGION CONSERVATION AUTHORITY AND FORMS PART THEREOF.

ORTHOPHOTO MAPPING COMPILED AND DRAWN BY KENTING EARTH SCIENCES LIMITED, FROM AERIAL PHOTOGRAPHS TAKEN APRIL 1976 CONTOUR INTERVAL IS 2 METRE WITH 1 METRE MACHINE INTERPOLATIONS. THE MAPPING HAS BEEN PREPARED ACCORDING TO THE SPECIFICATIONS FOR 1:2400 TOPOGRAPHIC MAPPING PREPARED BY THE CANADIAN ASSOCIATION OF AERIAL SURVEYORS.

*Williams*  
*1/11/78*

- LEGEND**
- REGIONAL FLOOD LINE
  - FILL LINE
  - 112.0 CROSS SECTION LOCATION WITH REGIONAL FLOOD ELEVATION

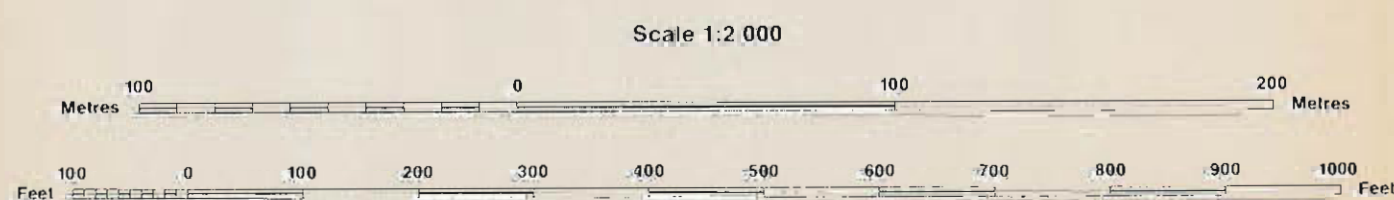
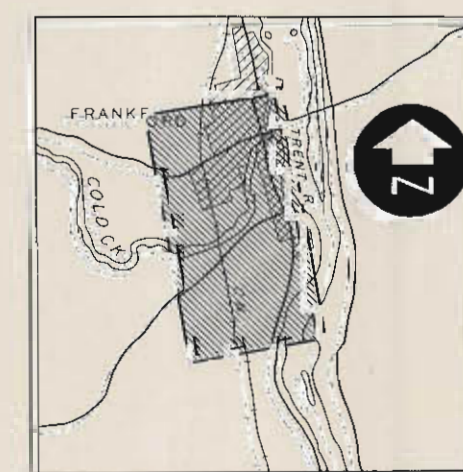


LOWER TRENT REGION CONSERVATION AUTHORITY

FILL AND FLOODLINE MAPPING

COLD CREEK

ONTARIO REGULATION NO. SCHEDULE NO.



totten sims hubicki associates limited

LOWER TRENT REGION CONSERVATION AUTHORITY

FILL AND FLOOD LINE MAPPING

COLD CREEK

DRAWING No. C1






APPENDIX II

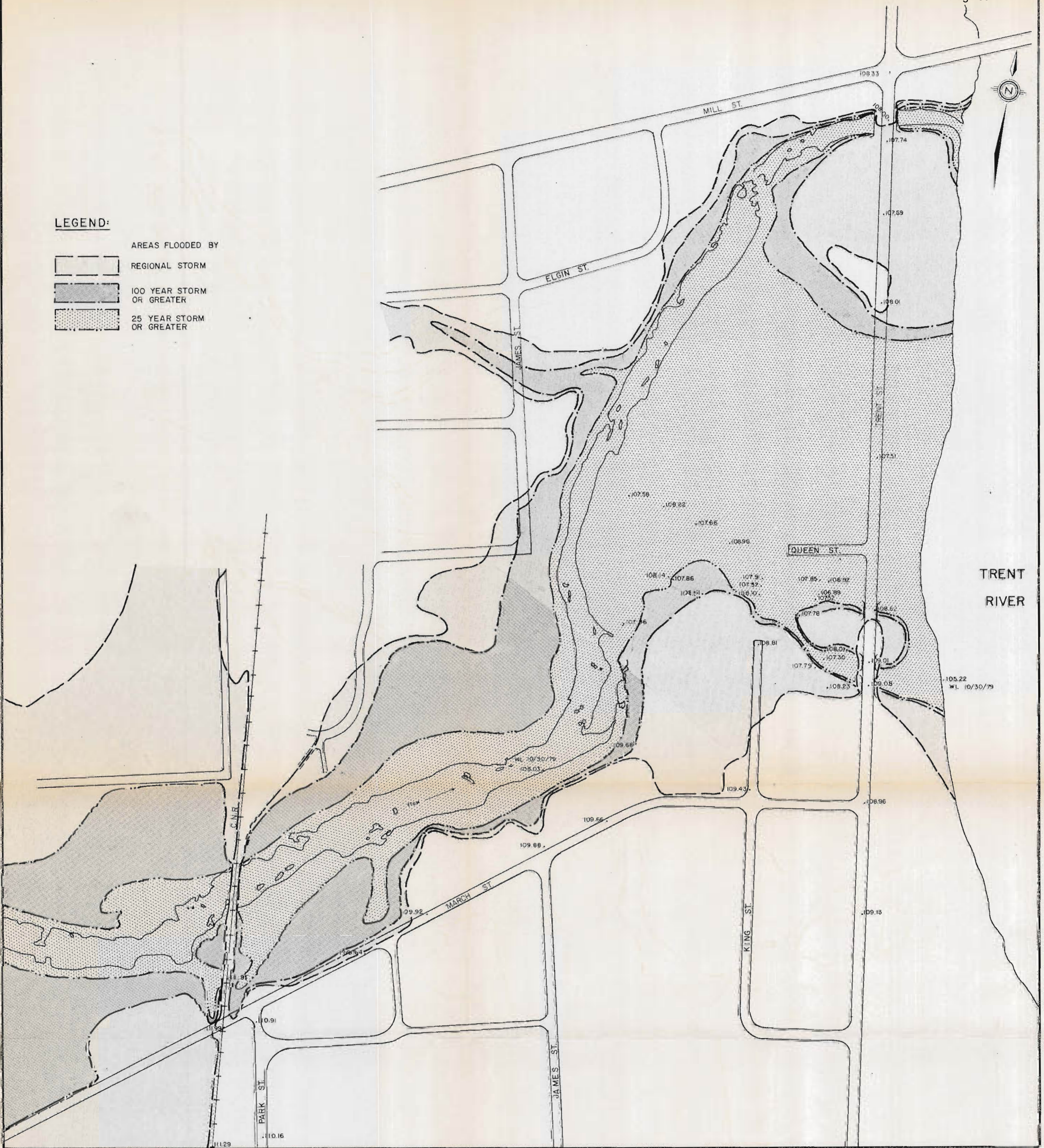
100 yr. and 25 yr. Floodlines (1981)





**LEGEND:**

- AREAS FLOODED BY
-  REGIONAL STORM
  -  100 YEAR STORM OR GREATER
  -  25 YEAR STORM OR GREATER



SCALE 1:2000

LOWER TRENT REGION CONSERVATION AUTHORITY  
 COLD CREEK  
 VILLAGE OF FRANKFORD  
 FLOODLINES



APPENDIX III

Computer Printouts



REGIONAL STORM WATER LEVEL COMPUTATION  
WITH PARTIAL FILL IN THE FLOOD FRINGE

SECNO	ATLH	EL 180	EL 185	EL 190	R	WSE1	CRWS	EG	TKXS	UCH	AREA	Q18
* 100.000	0.00	0.00	0.00	105.00	185.00	107.40	107.40	108.00	62.62	3.69	70.14	23.40
101.000	18.00	0.00	0.00	105.00	185.00	107.51	107.46	108.11	58.07	3.80	72.55	24.28
* 102.000	16.00	107.40	107.00	105.30	185.00	108.05	0.00	108.50	12.17	3.22	74.59	53.04
103.000	15.00	0.00	0.00	105.30	185.00	108.18	0.00	108.53	29.63	2.95	107.48	33.99
104.000	48.00	0.00	0.00	105.30	185.00	108.42	0.00	108.65	18.74	2.45	120.22	43.29
105.000	50.00	0.00	0.00	105.30	185.00	108.51	0.00	108.94	43.02	2.95	66.24	23.20
108.000	67.00	0.00	0.00	105.80	185.00	108.92	0.00	109.21	34.06	2.74	100.76	31.70
109.000	120.00	0.00	0.00	107.10	185.00	109.38	0.00	109.51	17.68	2.00	156.92	44.00
110.000	148.00	0.00	0.00	107.60	210.00	109.66	0.00	109.79	22.01	2.13	163.02	44.76
* 111.000	120.00	0.00	0.00	107.80	210.00	109.81	109.81	110.38	76.58	3.87	83.67	24.00
112.000	68.00	0.00	0.00	108.20	210.00	110.46	0.00	110.65	19.98	2.18	161.83	46.98
113.000	116.00	0.00	0.00	108.60	210.00	110.76	0.00	111.01	33.58	2.50	119.74	36.24
114.000	46.00	0.00	0.00	108.80	210.00	110.94	0.00	111.41	43.14	3.05	68.86	31.97
* 115.000	10.00	112.30	111.30	108.80	210.00	111.37	0.00	111.70	22.93	2.52	83.24	43.85
116.000	30.00	0.00	0.00	108.90	210.00	111.83	0.00	111.89	4.88	1.24	295.17	95.08

REGIONAL STORM WATER LEVEL COMPUTATION  
WITH FILL IN THE FLOOD FRINGE

SFCNO	ALCH	ELTRD	ELLE	ELH12	H	UNSEL	CRIMD	EG	TONKS	WEH	AREA	COLR
* 100.000	0.00	0.00	0.00	105.00	180.00	107.27	0.00	108.00	92.77	1.10	74.54	20.53
101.000	15.00	0.00	0.00	105.20	180.00	107.52	0.00	108.18	50.35	3.65	0.00	0.00
* 102.000	16.00	0.00	0.00	105.30	180.00	107.66	0.00	108.74	30.82	4.62	40.07	37.30
103.000	17.00	0.00	0.00	105.30	185.00	108.61	0.00	108.86	17.59	2.00	109.42	44.11
104.000	18.00	0.00	0.00	105.30	180.00	108.76	0.00	108.93	12.07	0.14	108.88	33.30
107.100	20.00	0.00	0.00	106.40	180.00	108.81	0.00	109.13	26.15	2.53	77.48	15.11
108.000	67.00	0.00	0.00	106.80	180.00	109.08	0.00	109.31	24.60	2.45	113.52	37.30
109.000	120.00	0.00	0.00	107.10	180.00	109.44	0.00	109.55	15.98	1.93	162.46	46.28
110.000	148.50	0.00	0.00	107.60	210.00	109.68	0.00	109.81	20.66	3.09	166.52	46.20
* 111.000	120.00	0.00	0.00	107.80	210.00	109.83	109.83	110.38	73.00	3.80	85.26	24.58
112.000	68.00	0.00	0.00	108.20	210.00	110.46	0.00	110.64	20.23	2.19	160.93	46.69
113.000	118.00	0.00	0.00	108.60	210.00	110.76	0.00	111.00	33.85	2.51	119.38	36.09
114.000	46.00	0.00	0.00	108.80	210.00	110.94	0.00	111.41	43.30	3.05	88.78	31.91
* 115.000	10.00	112.50	111.30	108.80	210.00	111.37	0.00	111.70	22.93	2.52	83.24	43.85
116.000	30.00	0.00	0.00	108.90	210.00	111.83	0.00	111.89	4.88	1.24	295.17	95.08

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REGIONAL STORM WATER LEVEL COMPUTATION  
WITHOUT FILL IN THE FLOOD FRINGE

SECTNO	WIDTH	EL ELEV	FLLC	EL MIN	0	CWSEL	CRWS	FG	TONKS	VCH	AREA	QIK
* 100.000	0.00	0.00	0.00	105.00	185.00	107.36	107.36	108.00	65.01	3.77	70.07	22.91
101.000	18.00	0.00	0.00	105.20	185.00	107.70	0.00	108.11	37.83	3.24	98.62	30.08
102.000	18.00	107.70	107.20	105.30	185.00	108.20	0.00	108.47	7.74	2.36	110.45	66.51
103.000	10.00	0.00	0.00	105.30	185.00	108.16	0.00	108.52	30.80	3.00	105.70	33.33
104.000	48.00	0.00	0.00	105.50	185.00	108.43	0.00	108.64	17.08	2.38	136.15	44.11
107.100	50.00	0.00	0.00	106.40	185.00	108.51	0.00	108.90	39.77	2.84	78.76	29.34
108.000	67.00	0.00	0.00	106.80	185.00	108.85	0.00	109.17	39.54	2.88	97.06	29.46
109.000	120.00	0.00	0.00	107.10	185.00	109.37	0.00	109.50	18.06	2.01	158.95	43.53
110.000	148.00	0.00	0.00	107.60	210.00	109.65	0.00	109.78	22.15	2.13	166.98	44.62
* 111.000	120.00	0.00	0.00	107.80	210.00	109.86	109.86	110.35	65.54	3.65	97.18	25.94
112.000	68.00	0.00	0.00	108.20	210.00	110.42	0.00	110.62	21.74	2.24	159.06	45.04
113.000	116.00	0.00	0.00	108.60	210.00	110.74	0.00	110.99	35.32	2.54	120.83	35.34
114.000	46.00	0.00	0.00	108.80	210.00	110.92	0.00	111.40	44.27	3.07	68.33	31.56
* 115.000	10.00	112.30	111.30	108.80	210.00	111.37	0.00	111.70	22.93	2.52	83.24	43.85
116.000	30.00	0.00	0.00	108.90	210.00	111.83	0.00	111.89	4.72	1.22	334.09	96.64

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82/11/08. 08.14.33.

PAGE 8



APPENDIX IV

Suggested Brochure to Outline  
Special Requirements for  
Building in the Flood Fringe

LOWER TRENT REGION CONSERVATION AUTHORITY  
AND THE  
VILLAGE OF FRANKFORD

SPECIAL REQUIREMENTS FOR  
BUILDING IN THE FLOOD FRINGE

#### APPLICATION

1. These requirements apply to development within the flood fringe (lands lying between the Regional Storm and the 100 year floodlines) in the Village of Frankford as shown on the Attached Drawing.
2. No additions will be permitted to the buildings fronting on Trent Street South, between the south bank of Cold Creek and approximately 39 m southerly.

#### PROCEDURE




1. An application for construction must be made to the Lower Trent Region Conservation Authority at 441 Front Street, Trenton, K8V 6C1 for all construction within the Flood Fringe and prior to construction.
2. The application must be accompanied by two copies of a plan of the property showing the proposed location of the building or structure relative to the lot lines, its elevation with respect to the elevation of the fronting road, any change to the existing lot grading, the means of protecting the basement or foundation from hydrostatic pressure, and adherence to the floodproofing requirements specified herein.
3. Construction may not commence until the application is approved by the L.T.R.C.A.

#### GENERAL REQUIREMENTS FOR FLOODPROOFING

1. A covered sump pit with an automatic submersible pump must be provided in all basements or cellars. The outflow pipe must discharge above the Regulatory Flood Level or include a check valve, if the point of discharge is below the Regulatory Flood Level.
2. The electrical panel and submersible pump connections must be installed above the Regulatory Flood Level.



LEGEND

- REGIONAL STORM FLOODLINE.
- - - 100 YEAR STORM FLOODLINE.
-  FLOOD FRINGE - NO FILL OR ADDITIONS TO STRUCTURES CAN BE PERMITTED.
-  FLOOD FRINGE - DEVELOPMENT PERMITTED CONDITIONAL ON FIRST FLOOR CONSTRUCTION ABOVE REGULATORY FLOOD LEVEL.
-  SPILL OUT OF COLD CREEK.
- 111.7 REGULATORY FLOOD LEVEL.



LOWER TRENT REGION CONSERVATION AUTHORITY  
 VILLAGE OF FRANKFORD  
 ZONING OF FLOOD FRINGE



## STRUCTURAL DESIGN OF BASEMENTS AND FOUNDATIONS

Basements and foundations constructed in the Flood Fringe can be subjected to extremely large pressures capable of breaking structure walls and floors.

Two alternative means of dealing with the pressure can be considered and are illustrated on the attached sketches.

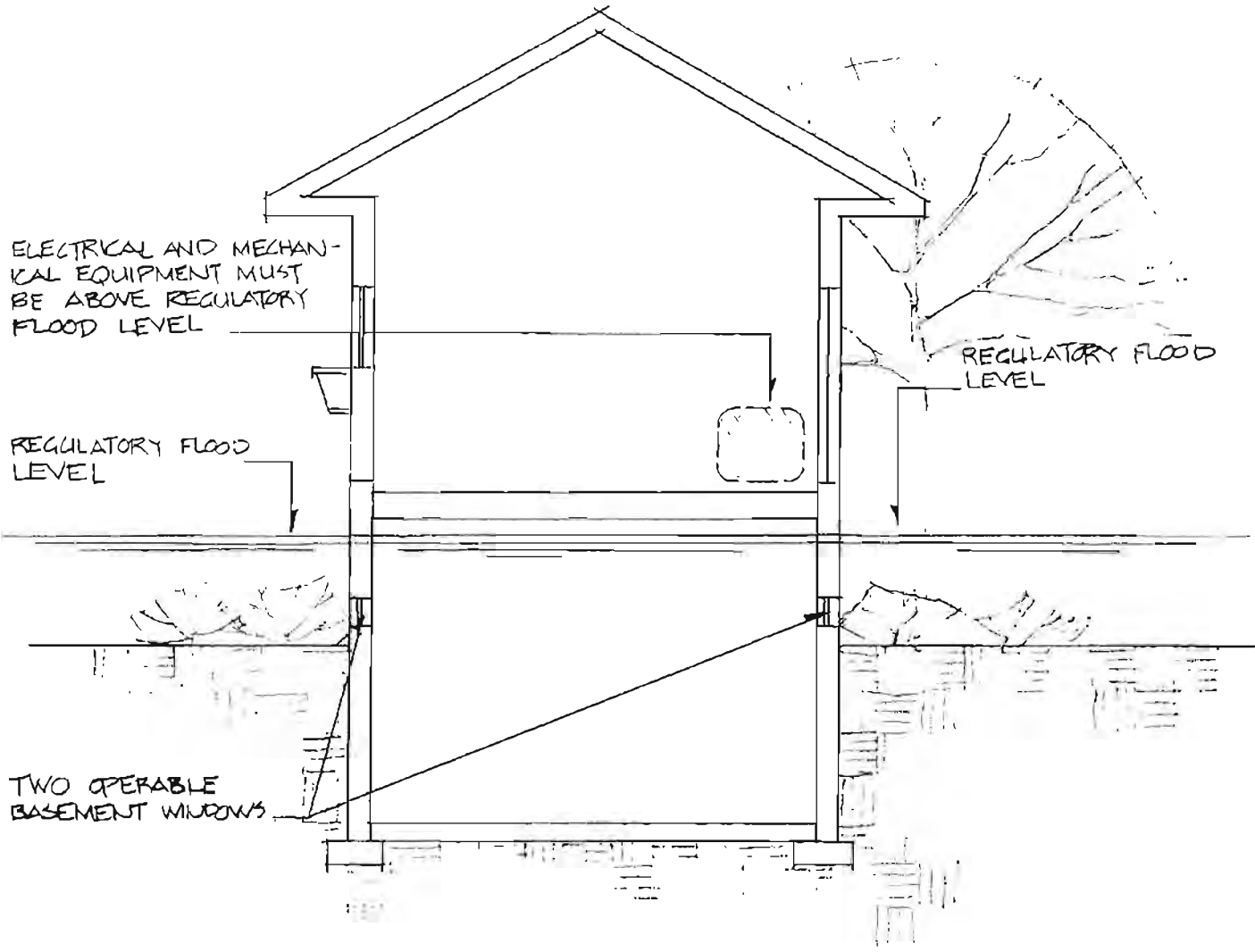
One alternative is to design the basement to flood by providing openings in the wall. The purpose is to avoid hydrostatic pressure by permitting the water level inside the basement to rise to the same level as outside. With this design the basement use is very limited, and no electrical or mechanical equipment may be installed below the Regulatory Flood Level.

The second alternative is to design the structure to keep out flood waters by permitting no openings below the Regulatory Flood Level. To prevent the buildup of large hydrostatic pressure on the walls and floor, it is necessary to provide a porous backfill and drain around the structure as well as beneath the floor. The drainage system must drain to a sump from which it is pumped.

## NEED FOR REZONING

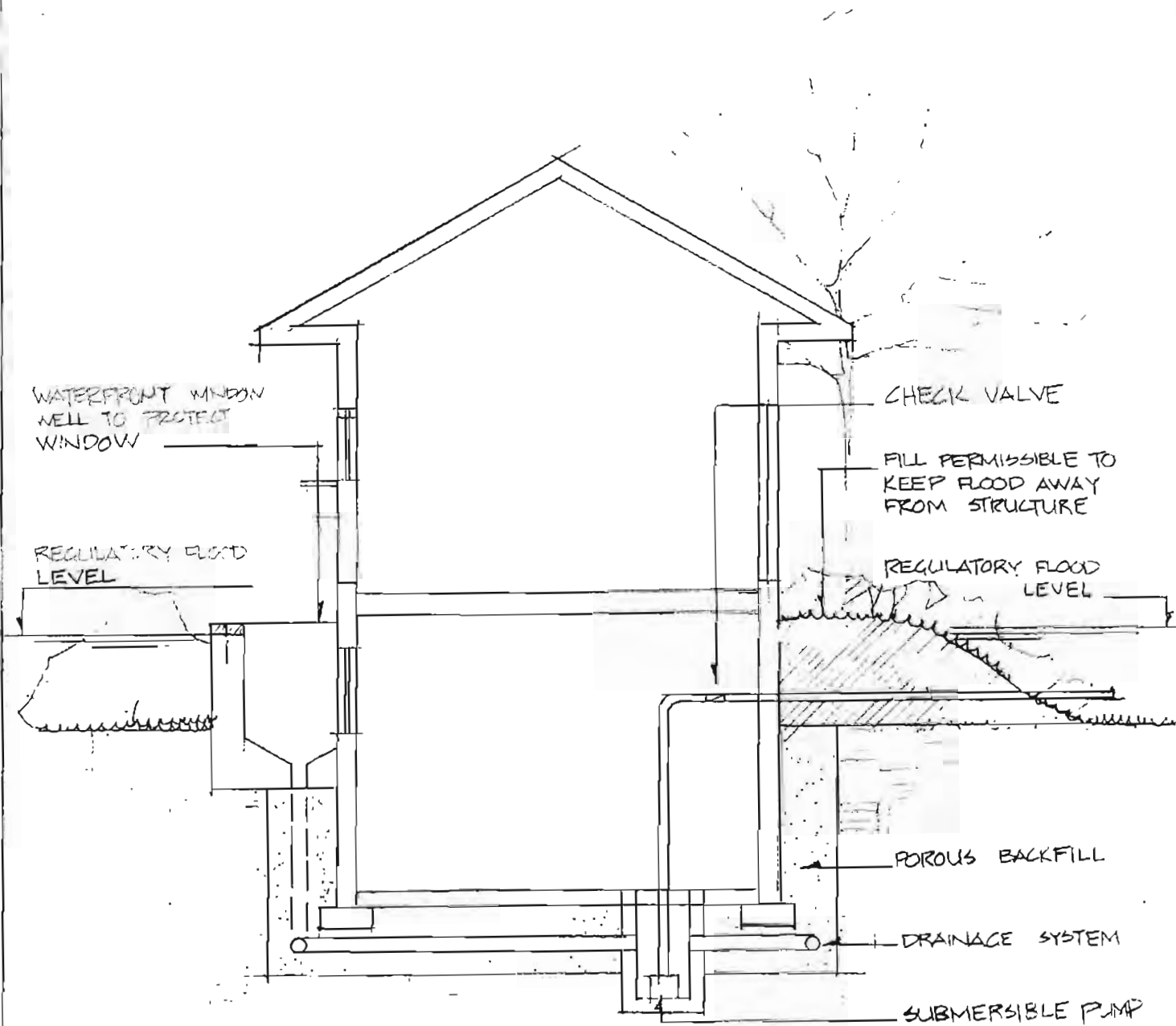
If the first floor of a development proposed on Flood Fringe lands will be located above the Regulatory Flood Level shown on the drawings, re-zoning of the lands is not required.

If it is proposed to install the first floor below the Regulatory Flood Level, the applicant must obtain a re-zoning of the lands. A municipal requirement of the approval of the re-zoning will be that the applicant demonstrates that the proposed development will be protected to the Regulatory Flood Level by means of berms, etc.



ALTERNATIVE 1 : BASEMENT DESIGNED TO FLOOD





ALTERNATIVE 2 : BASEMENT DESIGNED TO KEEP OUT FLOOD WATERS



**Lower Trent Region  
Conservation Authority**

**Ontario Regulation 163/06  
Policy Document**

**Approved by  
Lower Trent Region Conservation Authority  
Board of Directors**

**February 10, 2022**

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### Revision Summary:

Original - Approved May 12, 2016 – RES: G67/16

Revision 1 – Approved April 13, 2017 – RES: G44/17

Revision 2 – Approved October 11, 2018 – RES: G131/18

Revision 3 – Approved February 10, 2022 – RES: G20/22



# 1 INTRODUCTION

This is the Policy Document for Ontario Regulation 163/06: Lower Trent Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Within this document the Lower Trent Region Conservation Authority is referred to as Lower Trent Conservation or LTC. O.Reg. 163/06 is a Regulation that was enacted in 2006 by the Minister of Natural Resources under the Conservation Authorities Act, R.S.O. 1990, c. C.27.

## 1.1 Organization of This Document

The first section of this document is the introduction which includes the objective, discussion about relevant legislation, some legislative definitions and references to technical studies identifying hazards in the Lower Trent Conservation watershed. The next 5 sections of this document are organized according to the areas/features regulated under Section 28 of the *Conservation Authorities Act*:

**Section 2.0** – General Policies

**Section 3.0** - Great Lakes and Large Inland Lakes Shorelines

**Section 4.0** - River or Stream Valleys

**Section 5.0** - Hazardous Lands (Flood, Erosion, Dynamic Beach, Unstable Soil and Unstable Bedrock)

**Section 6.0** – Wetlands

**Section 7.0** - Watercourses

Each of these sections is intended to be self-contained while minimizing repetition in the guidelines and all should be read in conjunction with **Section 1.0 Introduction**. It should be noted that more than one type of regulated feature may exist for a given property and application, and as such, reference must be made to all relevant sections and the policies must be applied concurrently. In preparing this document, technical publications have been summarized and as such, staff are encouraged to consult the original documents.

It should be noted that although there are Hazardous Lands (flood, erosion and dynamic beach hazards) associated with Great Lakes and Inland Lakes Shorelines, we have included all shoreline hazardous lands in Section 3.0.

In general, each section provides:

- the relevant excerpts from the LTC Regulation shown in a grey box; and
- policy standards for implementing the LTC Regulation.

These suggested policy guidelines follow a format similar to the *Conservation Authorities Act*, Ontario Regulation 97/04 (the generic regulation) and the LTC individual CA Regulations, Ontario Regulation 163/06. That is, the policies address both the “Development Prohibited” and the “Permission to Develop” requirements of the legislation. The language used in the policies is “shall not be permitted” to reflect the prohibition language while the “may permit” caveat is provided because, consistent with the legislation, there is an expectation that LTC may grant “Permission to Develop”, if “in its opinion”, the five tests, where applicable, are satisfied (i.e., “the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be affected”).

Additionally, the “development” policies are complementary to the Natural Heritage (Section 2.1) and Natural Hazard (Section 3.1) policies within the Provincial Policy Statement (PPS 2020). For example, the natural heritage policies 2.1.4 and 2.1.5, which encompass certain wetlands and valley lands, indicate that “Development and site alteration shall not be permitted...unless it has been demonstrated that ....”. Additionally, the natural hazard policies (Section 3.1) state that “Development or site alteration shall generally be directed to areas outside of ....” or that it “shall not be permitted” (i.e. in a land use planning context) while in other policies recognizing that “further to ..... development and site alteration may be permitted...”.

**Section 8.0** – Procedure for Applications under O.Reg. 163/06

**Section 9.0** - Glossary (It provides definitions for the purpose of interpreting and implementing the development policy.)

General Technical Guidelines that provide background information on defining the area of regulation are included in **Appendix A**. Lower Trent Conservation’s jurisdiction to apply the regulation is defined by our Orders in Council, which can be found in **Appendix H**. In 2018, Lower Trent Conservation and the Municipality of Trent Hills worked together on the expansion of LTC’s jurisdiction in the north section of Trent Hills. This resolution was acknowledged by the province in early 2019. Documentation of this expansion is also included in **Appendix H**.

## 1.2 Objective

The objective of this document is to provide policy guidelines to assist the Lower Trent Region Conservation Authority (LTC) in interpreting and implementing the *Conservation Authorities Act*, Section 28 (1) Regulations (i.e. Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations).

The overall approach of this document is to provide for a consistent policy interpretation and implementation across the watershed by staff.

## 1.3 Notes Regarding Ontario Ministry Names

Provincial Ministries have gone through a number of name modifications due to changes in political ideology or focus. In the following document references to the current version of the Ministry label have been made but in referencing certain publications by these ministries under previous names, the previous name or acronym associated with the publication at that time is used.

Ministry of Environment, Conservation and Parks (MECP) (2018 to present) was previously known as Ministry of the Environment (MOE), (1972 – 1993, 1998 -2014), Ministry of Environment and Energy (MOEE) (1993 – 1997) and the Ministry of Environment and Climate Change (MOECC) (2014 – 2018).

The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) (2021– present) was previously known as the Ministry of Natural Resources and Forestry (MNRF) (2014-2021) and Ministry of Natural Resources (MNR) (1997 – 2014).

The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has held this name since 1994. Prior to that it was known as the Ministry of Agriculture and Food (1972-1994).

The Ministry of Municipal Affairs and Housing (MMAH) has existed since 1981 but Housing and Municipal Affairs were separate ministries for short periods in this time frame (1985-1989 and 1991-1995).

## 1.4 Overview of Legislative Framework

### 1.4.1 Conservation Authorities Act

The *Conservation Authorities Act* (CAA) was created in 1946 in response to erosion and drought concerns, recognizing that these and other natural resource initiatives are best managed on a watershed basis.

In 1956, in response to the severe economic and human losses associated with Hurricane Hazel (1954), amendments to the *Conservation Authorities Act* first empowered a Conservation Authority (CA) to make Regulations to prohibit filling in floodplains. These Regulations were broadened in 1960 to prohibit or regulate the placing or dumping of fill in defined areas where, in the opinion of the CA, the control of flooding, pollution or the conservation of land may be affected. In 1968, amendments to the *Conservation Authorities Act* further extended the Regulations to prohibit or control construction and alteration to waterways, in addition to filling.

In 1998, the *Conservation Authorities Act* was amended as part of the *Red Tape Reduction Act* (Bill 25), to ensure that Regulations under the Act were consistent across the province and complementary to provincial policies. Significant revisions were made to Section 28, which led to the replacement of the “Fill, Construction and Alteration to Waterways” Regulation with the current “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses” Regulation in 2006. While some CAs have been regulating wetlands, shorelines and inter-connecting channels for years, the amendments required all CAs to regulate Great Lakes shorelines, inter-connecting channels<sup>1</sup>, large inland lakes and wetlands in addition to the areas and features each CA historically regulated.

Section 28 of the *Conservation Authorities Act*, as provided in **Appendix B**, includes the following section:

28. (1) Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction
- (a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;
  - (b) prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;

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<sup>1</sup> With the exception of the Niagara River which is governed federally for hydro production at Niagara Falls.



- (c) prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development;
- (d) providing for the appointment of officers to enforce any regulation made under this section or section 29;
- (e) providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section.

Section 28 (1)(a) was not enacted under Ontario Regulation 97/04 because of the overlap and potential confusion with the Ministry of Environment, Conservation and Parks *Ontario Water Resources Act* and related regulations (i.e. Permits to Take Water).

There is a proposed new Section 28 in the CAA that has not yet been proclaimed. The new wording has been included in the CAA Act in **Appendix B** for reference as greyed text boxes. At the time that these changes are enacted, this Regulation Policy document will be required to be updated to reflect the changes.

In 2018 the provincial government moved the oversight of the Conservation Authorities Act from the NDMNRF to the MECP (and thus the name change for this ministry). However, the Section 28 regulations remain under the authority of the NDMNRF as the Ministry overseeing natural hazards. Updated Section 28 regulations are pending and when the updated regulations are released and approved by the Crown then these policies will require updating.

#### 1.4.2 Ministers Zoning Order – Permission for Development

In 2020 changes were made to the CAA and other legislation that require Conservation Authorities to issue permits when a zoning order has been made by the Minister of Municipal Affairs and Housing under section 47 of the *Planning Act*. This authorizes the development project under the Planning Act even if the proposal does not comply with other requirements of the CAA. Ministerial Zoning Orders fall under Section 28.0.1 of the CAA. Conservation Authorities cannot refuse to issue these permits under a Minister's Zoning Order but can require conditions to be placed on the permission.

Section 28.0.1 of the *Conservation Authorities Act* includes the following sections:

- (1) This section applies to any application submitted to an authority under a regulation made under subsection 28 (1) for permission to carry out all or part of a development project in the authority's area of jurisdiction if,
  - (a) a zoning 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;
  - (b) 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
  - (c) such other requirements as may be prescribed are satisfied.

(2) In this section, “development project” means a development project that includes any development as defined in subsection 28 (25) or any other act or activity that would be prohibited under this Act and the regulations unless permission to carry out the activity is granted by the affected authority.

(3) Subject to the regulations made under subsection (35), an authority that receives an application for permission to carry out all or part of a development project in the authority’s area of jurisdiction shall grant the permission if all of the requirements in clauses (1) (a), (b) and (c) are satisfied.

(4) For greater certainty, an authority shall not refuse to grant permission for a development project under subsection (3) despite,

- (a) anything in section 28 or in a regulation made under section 28; and
- (b) anything in subsection 3 (5) of the Planning Act.

Note that Hearings made be held to address Conditions that the Conservation Authority includes with the Required Permission granted under this section of the Act if the applicant does not agree with the Conditions. The Hearings Guidelines (**Appendix G**) have been updated to include these types of procedures as well.

### 1.4.3 Exceptions under the *Conservation Authorities Act*

Section 28 of the *Conservation Authorities Act* includes the following sections dealing with exceptions:

(10) No regulation made under subsection (1),

- (a) shall limit the use of water for domestic or livestock purposes;
- (b) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
- (c) shall interfere with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario; or
- (d) shall interfere with any rights or powers under the Electricity Act, 1998 or the Public Utilities Act, 1998.

(11) A requirement for permission of an authority in a regulation made under clause (1) (b) or (c) does not apply to an activity approved under the *Aggregate Resources Act* after the *Red Tape Reduction Act*, 1998 received Royal Assent.

While Section 28 (11) provides an exemption to the requirement for a CA’s permission, Section 28 (10) does not. As such, a proponent is still required to obtain permission from a CA for any development within a regulated area or interference to a wetland or watercourse associated with the items listed in Section 28 (10). However, a CA must ensure their Regulation and policies do not limit the uses or interfere with the rights or powers listed in Section 28 (10). This allows a CA to ensure that there is no interference with a wetland or watercourse or the interference is minimized to the extent possible and that the control of flooding, erosion, dynamic beaches or

pollution or the conservation of land are either not affected by the development or the impacts are minimized to the extent possible.

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*. The same is true for proponents proposing to undertake activities entirely on Crown Land. Voluntary compliance with the review process requirement is always a possibility for the Crowns and their Agencies. Through their policies, the CAs 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. Typically projects by the Crown on Crown land do not require permission from LTC. However, projects by private entities on Crown Land do require permission through LTC.

In 2021 the Memorandum of Understanding (MOU) between Conservation Ontario and Hydro One Networks Inc. was updated (from original 2011 MOU) to address the reduced public ownership of the company. Their status as a Crown Corporation was no longer valid and exemptions provided under the CAA are no longer applicable. Therefore, activities by Hydro One require permits from LTC. Please reference the “*2021 Memorandum of Understanding between Conservation Ontario and Hydro One Networks Inc.*” endorsed by Conservation Ontario Council on June 21, 2021 and by Hydro One Networks on July 19, 2021. Specific forms have been developed for these permits and are available at the LTC Office.

#### 1.4.4 Ontario Regulation 97/04

Ontario Regulation 97/04 “*Content of Conservation Authority Regulations under Subsection 28 (1) of the Act: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*” (i.e. Generic Regulation) was approved in May 2004 following a prescribed public consultation process. A copy of Ontario Regulation 97/04 is provided in **Appendix C**. This Regulation established the content requirements to be met in a Regulation made by a CA under Subsection 28 (1) of the *Conservation Authorities Act*.

#### 1.4.5 LTC Section 28 Regulation, Ontario Regulation 163/06

In 2006, the Minister of Natural Resources approved the Development, Interference and Alteration Regulations (individual CA Regulations) for all CAs consistent with Ontario Regulation 97/04 of the *Conservation Authorities Act*. LTC’s Regulation is identified as Ontario Regulation 163/06 and is provided in **Appendix D**. LTC regulates all components noted in Section 28(1) (b) and (c) of the Act, within the area of its jurisdiction.

LTC regulates:

- development in river or stream valleys, wetlands, shorelines and hazardous lands and associated allowances,
- the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or for changing or interfering in any way with a wetland, and



- other areas where, in the opinion of the Minister, development should be prohibited or regulated or should require the permission of the authority.

It is not necessary to map a feature before it can be regulated. The legal basis for defining regulated areas remains with the written text. While the LTC Regulation refers to maps which approximate regulation limits (and may be subject to revision), the text of the Regulation prevails. The *Guidelines for Developing Schedules of Regulated Areas* (MNR and CO, 2005) identify the requirements for the preparation of maps and/or revisions to existing maps. Detailed studies requested at the time of an application may further refine or delineate the regulated features (e.g., hazardous lands).

Board-approved policies provide a decision-making framework for the review of applications under the Regulation. In general, policies ensure a consistent, timely and fair approach to the review of applications, staff recommendations, and Board decisions. They also facilitate the effective and efficient use and allocation of available resources.

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

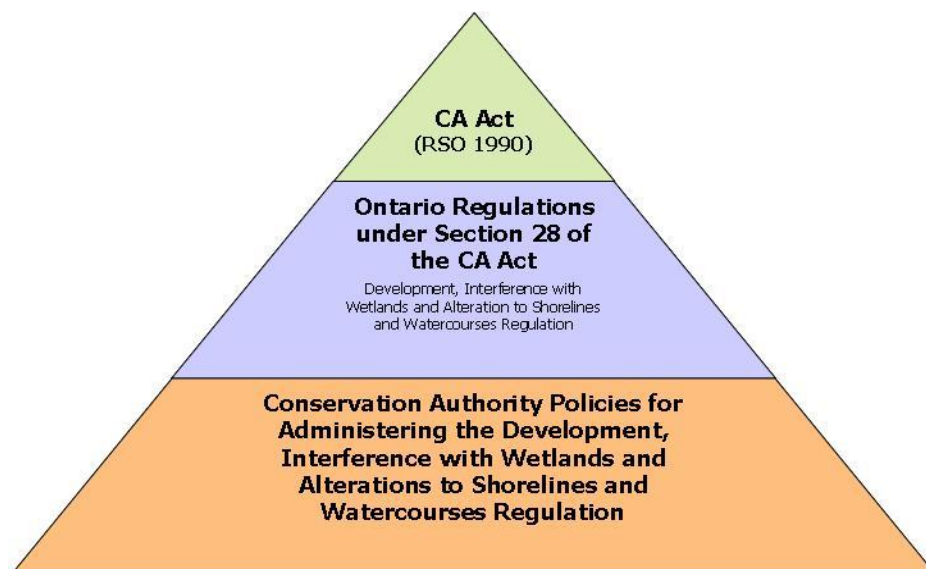


Figure 1: Hierarchy of Legislation and Policies

### Permit Approval Process

To receive permission for proposed works in regulated areas the proponent must submit a permit application to LTC for approval prior to any works. A summary of the permit approval process is outlined below and is discussed in further detail in Section 8 of this document.

- To receive permission for development, it must be demonstrated in an application to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected. The control of dynamic beaches is applicable to the Lake Ontario shoreline.

- To receive permission to interfere with a watercourse or wetland, it must be demonstrated in an application to the satisfaction of LTC, that the interference on the watercourse or wetland is acceptable in terms of the natural features and hydrologic and ecological functions of the watercourse or wetland.
- To receive permission for development within “other areas” associated with wetlands, it must be demonstrated in an application that interference on the hydrologic functions of the wetland is deemed acceptable.

Permission from LTC will be given in the form of a formal permit and a letter of permission. For any type of application, submission of technical studies may be necessary. These technical studies must be carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of LTC. These established procedures should be in keeping with NDMNRF’s Technical Guides for Natural Hazards (MNR, 2002a; MNR, 2002b; MNR, 1996a; MNR, 1996b; and MNR 1996c), other Provincial guidelines and/or guidelines approved by the LTC Board. LTC may request that technical studies be carried out at the expense of the applicant.

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

#### 1.4.6 Mandatory Services and Programs O.Reg. 686/21

In October 2021, the provincial government defined the Mandatory Programs and Services to be offered by Conservation Authorities in a new regulation under the CAA. O.Reg. 686/21 came into effect on January 1, 2022. Implications of this new regulation for THIS policy document reflect changes to definitions to be used under the CAA and other associated regulations. Specifically, the definitions in the Provincial Policy Statement (PPS 2020) are to be used with respect to regulated area delineation. These new definitions are discussed in the PPS Section below (Section 1.5.2.) and are included in Section 9.0 Glossary of this document. Definitions in the CAA have been updated in this document (Section 1.6.1.) have been updated with these changes as well. The Regulation has been included as **Appendix J**.

It should be noted that with the updated definitions Hazardous Sites have been separated from Hazardous Lands. Although LTC’s Regulation O.Reg. 163/06 only refers to Hazardous Lands, O.Reg. 686/21 does note that an authority shall provide the programs and services for a list of natural hazards that includes Hazardous Sites and Section 28 Regulations are included in the list of programs and services. Therefore, Hazardous Sites are included as regulated features in this policy document.

### 1.5 Other Related Legislation

It is important to note that the LTC Section 28 permission, if granted, does not exempt the applicant from complying with any or all other approvals, laws, statutes, ordinances, directives and regulations that may affect the property or the use of same. Alternatively, complying with or obtaining all other approvals, laws, statutes, ordinances, directives and regulations, does not exempt the applicant from obtaining permission under Section 28 of the *Conservation Authorities Act*.

### 1.5.1 Planning Act

LTC is also involved in the review of planning applications under the *Planning Act* primarily in four ways: as an agency with delegated responsibilities for the review of natural hazards; as a regulatory agency with respect to O.Reg. 163/06; as a technical advisor; and as a commenting agency.

Ontario Regulation 163/06 is intended to be used in a manner that will complement the Natural Hazard (Section 3.1), Natural Heritage (Section 2.1 – Wetlands and Valley Lands) and Water (Section 2.2) policies of the 2020 Provincial Policy Statement (PPS) under the *Planning Act*. However, delegated responsibility for providing input with respect to provincial interests under the PPS is limited to Section 3.1 – Natural Hazards. This delegation of responsibility requires LTC to review and provide comments on policy documents (Official Plans and Comprehensive Zoning By-laws) and applications submitted pursuant to the *Planning Act* as part of the Provincial One Window Planning Service.

As noted in the *Memorandum of Understanding on Procedures to Address CA Delegated Responsibility (Appendix E)*, LTC may also provide a technical advisory service to our member municipalities for planning applications. In this capacity, LTC staff provide technical input regarding potential environmental impacts and advice about how negative impacts can be avoided or minimized. Comments could apply to a range of matters including, but not limited to natural hazards, natural heritage, and water quality and quantity as well as other Provincial Plans such as the Oak Ridges Moraine Protection Plan and the Greater Golden Horseshoe Growth Plan.

In addition, regulations under the *Planning Act* (O.Reg. 545/06, 543/06 and 200/96) require municipalities to give notice to CAs regarding planning applications and changes to policy documents. In its capacity as a commenting agency, LTC may provide additional advisory comments that relate to its goals and objectives for watershed management.

One of the main differences between the PPS and the Development, Interference and Alteration Regulations is that the *Planning Act* establishes the principle of development and the LTC regulations, like a building permit, identify specific site requirements prior to activities taking place. Prior to the review of a Regulation application, LTC will often see the proposal through their Plan Review process including applications under the *Planning Act* (e.g., severances, site plan, subdivision applications), and the *Environmental Assessment Act*. Although permission may not be issued for many years after the planning application, LTC endeavours to ensure, through its comments on the planning application, that the requirements under the Regulation process can be fulfilled at the time an application under the Regulation is received.

If an application under the *Planning Act* does not meet the Board approved policies (for its regulations), staff should work with the municipality and the proponent to modify the application. As previously noted, the principle of development is established through the *Planning Act* process. It is not acceptable to recommend approval of a planning application and then recommend refusal of a regulatory permission, unless the applicant refuses to meet the specific requirements under the Regulation. If an issue remains unresolved, LTC should not recommend approval of the *Planning Act* application and assess the option of making an appeal



to the Ontario Land Tribunal (OLT). Note that Conservation Authorities ability to appeal to the OLT regarding municipal decisions of planning act applications was limited to appeals regarding Natural Hazards only with the approval of Bill 229 - An Act to implement Budget measures and to enact, amend and repeal various statutes, in December 2020.

Alternatively, it is also recognized that there may be historic planning approval decisions that were made in the absence of current technical information or prior to the establishment of the current regulations and policies, which would now preclude development. In these situations, innovative efforts may be necessary to address the site constraints and accommodate the development. However, in some cases approval should not be granted.

### 1.5.2 Other Legislation

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

- *Fisheries Act* (Fisheries and Oceans Canada): managing threats to the sustainability and ongoing productivity of Canada's commercial, recreational and Aboriginal fisheries;
- *Lakes and Rivers Improvement Act* (NDMNRF): provides the Minister of Northern Development, Mines, Natural Resources and Forestry with the legislative authority to govern the design, construction, operation, maintenance and safety of dams in Ontario;
- *Public Lands Act* (NDMNRF): the “rules” governing the administration of Crown land are laid out in a provincial law known as the Public Lands Act;
- *Environmental Assessment Act* (MECP): requires an environmental assessment of any major public sector undertaking that has the potential for significant environmental effects. This includes public roads, transit, wastewater and stormwater installations;
- *Water Resources Act* (MECP): designed to conserve, protect and manage Ontario's water resources for efficient and sustainable use. The *Act* focuses on both groundwater and surface water throughout the province; and
- *Drainage Act* (OMAFRA): provides a democratic procedure for the construction, improvement and maintenance of drainage works.

## 1.6 Definitions and Interpretations

The following sections outline the key definitions and interpretations recommended for implementing the Regulations. The Regulation allows LTC to prohibit or restrict development (as defined in the *Conservation Authorities Act*) in areas where the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by development. The Regulation also allows for the regulation of interference of watercourses and wetlands. The *Conservation Authorities Act* and the Regulations do not provide definitions for many of these terms. Therefore, other relevant documents were reviewed by the Conservation Ontario Peer Review Committee in 2006 to 2008 in an effort to establish interpretations for those terms not defined in the *Conservation Authorities Act*. It is important to note that where definitions are provided in the *Conservation Authorities Act*, these definitions (e.g. “development”) prevail for the implementation of the Regulation, even if other definitions exist in other relevant documents.

The following definitions provided are essential for interpreting this document and as such are defined in the next sections. Additional definitions of common terms and those used for implementation of this document can be found in Section 9.0 (Glossary). Words found in the Glossary are italicized in the text.

### 1.6.1 Conservation Authorities Act

Section 28 (25) of the Conservation Authorities Act provides the following definitions, some of which have been updated pursuant to O.Reg. 686/21 to include definitions from the PPS 2020:

**Development 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

**Hazardous Land** (updated definition) means:

Property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

**Pollution** means:

“...any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which a regulation made under clause (1) (c) applies”

**Watercourse** means:

“... an identifiable depression in the ground in which a flow of water regularly or continuously occurs”

**Wetland** (updated definition) means:

Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

### 1.6.2 Provincial Policy Statement

The Provincial Policy Statement (PPS 2020) provides the following definitions, which are now to be used in conjunction with the regulations under the Conservation Authorities Act;

**Erosion Hazard** means:

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

**Flooding Hazard** means:

... the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one-hundred-year flood level plus an allowance for wave uprush and other water-related hazards;
- b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
  1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
  2. the one-hundred-year flood; and
  3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

except where the use of the one-hundred-year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

**Dynamic Beach Hazard** means:

... 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.



**Hazardous Sites** (updated definition) means:

Property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

### 1.6.3 Additional Interpretations

“Conservation of Land” is not defined in the Act or Regulation or any other planning document prepared by the Province. Based on the review of all of the decisions in their entirety, the **interpretation** below was developed by the Conservation Ontario Section 28 Peer Review and Implementation Committee with representatives from the Ontario Ministry of Natural Resources and Forestry.

**Conservation of Land** is interpreted as:

... the protection, management, or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and hydrologic and ecological functions within the watershed (February 2008).

The common uses of words in this interpretation can be found in the Oxford Dictionary as follows:

**Protection** means to defend or keep safe from or against danger or injury. (It is assumed that this would apply to animate (people) as well as inanimate objects (land or property)).

**Management** means organize or regulate (while management can also mean managing or being managed as well as being in charge of administration of business concerns or public undertakings).

**Restoration** means to bring back to original state or bring back to former place or condition; restoration is the act of restoring. (Restoration can also apply to rebuilding or repairing).

**Maintaining** means to cause to continue; retain in being; take action to preserve in good order (such as in a machine or house etc.)

**Enhancing** means to heighten or intensify (quality).

For further background information, all Ontario Land Tribunal (formerly Mining and Lands Commissioner) decisions regarding Section 28 of the *Conservation Authorities Act* may be found at: <https://olt.gov.on.ca/tribunals/mlt/decisions/>

In addition, the *Conservation Authorities Act* and Ontario Regulation 97/04 do not define “Interference” nor was any definition found in any other planning document; hence, the **interpretation** below was developed by the Conservation Ontario Section 28 Peer Review and Implementation Committee with representatives from the Ontario Ministry of Natural Resources and Forestry. Under the Regulation, “interference” only applies to projects within watercourses and wetlands.

**Interference in any way** is interpreted as:

“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” (March 2008).

The common uses of words in this interpretation can be found in the Oxford Dictionary as follows:

**Hinder** means to delay or impede

**Disrupt** means to interrupt or disturb (an activity or process)

**Degrade** means lower the character or quality of

**Impede** means to delay or block the progress or action of

## 1.7 Activities Typically Regulated

The following list identifies examples of development activities that LTC typically regulates. In many cases, the proposed development and proposed ancillary uses of the development could detrimentally affect the control of flooding, erosion, pollution, dynamic beaches, or the conservation of land. These development activities may include, but are not limited to:

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

In some cases (e.g., docks), permits may not be required from LTC if permission is granted by Parks Canada or NDMNRF. In other cases (e.g., shoreline protection) permits may be required from more than one agency.

Repairs and renovations to an existing building within the existing roofline and exterior walls and above the existing foundation within a hazard area would not require the permission of LTC, unless the proposal is associated with a change in use or increases the number of dwelling units. This type of activity could increase the risk to life, social disruption, or result in damages from the hazard.

It is the direction of LTC to limit the size and number of proposed works. This will assist in assessing cumulative impacts of multiple structures or other development on a subject property, over a period of time.

## 1.8 Provincial Perspective on Natural Hazards

### 1.8.1 Introduction

The Ministry of Northern Development, Mines, Natural Resources and Forestry is responsible for natural hazard management in Ontario. Where CAs have been established, the responsibility for natural hazard management has been delegated to them. The Province, however, continues to provide the overall direction, guidance and technical standards with respect to natural hazard management. The following is an executive summary of the Province's approach to natural hazard management in Ontario.

*Natural, physical environmental processes that occur near or at the surface of the earth can produce unexpected events of unusual magnitude or severity. Such occurrences are generally regarded as natural hazards. The outcome can be catastrophic, frequently resulting in damage to property, injury to humans and other organisms, and tragically even loss of life. In these cases, natural hazards are considered natural disasters.*

*(Excerpt from MNR (2001) – p. 4)*

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

1. Prevention – of new development locating 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; and
4. Co-ordination – between natural hazard management and planning and development.

Details related to natural hazard management applications are contained in the Natural Hazards Technical Guides (MNR, 2002a; MNR, 2002b; MNR, 1996a; MNR, 1996b; and MNR 1996c).

### 1.8.2 Principles

The guiding principles behind natural hazard management are:

- Proper natural hazard management requires that natural hazards (flooding, erosion, leda clay, organic soils, karst bedrock, dynamic beaches) be simultaneously recognized and addressed in a manner that is integrated with land use planning and maintains environmental and ecosystem integrity;
- Effective floodplain management can only occur on a watershed and littoral reach basis with due consideration given to development effects and associated environmental and ecosystem impacts;
- 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 or which will cause adverse environmental impacts must not be permitted to occur unless the natural hazard and environmental impacts 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 Northern Development, Mines, Natural Resources and Forestry, and the Ministry of Municipal Affairs and Housing.

### 1.8.3 Consideration of Ingress/Egress

The ability for the public and emergency operations personnel (police, firefighters, ambulance, etc.) to safely access a regulated feature during an emergency, such as a flooding event, is an important factor when considering any application for development. Proposals must be reviewed to ensure access to the proposed development is safe and appropriate for the proposed use. The provision of means by which people, vehicles, and equipment can gain access to and from the regulated feature for maintenance and/or construction of remedial works must also be considered.

In the context of new development, the risks should be controlled by prohibiting development in dangerous or inaccessible portions of the regulated feature.

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

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

The risk can also be controlled by limiting the size (and therefore limiting the occupancy) of additions or reconstruction projects. If the risk is determined to be too great, no modifications/alterations/reconstructions of existing structures should be considered.

### 1.8.4 Floodproofing

The “Floodproofing Standard” as defined in the PPS means:

the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water related hazards along the shorelines of the Great Lakes-St. Lawrence River System and large inland lakes and flooding hazards along river, stream and small inland lake systems.

Floodproofing includes alteration to the design of specific buildings, raising of ingress and egress roadways and driveways, the construction of dykes, flood control channels, etc. The variety of floodproofing options and requirements are too detailed and extensive to include in a policy and procedures guideline. LTC has established criteria which are outlined in **Appendix F**. Additional information is also available for referencing in the “Technical Guide – River and Stream Systems: Flooding Hazard limit” (MNR, 2002a).

## 1.9 Flood, Erosion and Dynamic Beach Hazard Applications in the Lower Trent Conservation Watershed

The regulatory standard for the Lower Trent watershed is:

- Lake Ontario: 1:100-year event
- Trent River: 1:100-year event
- All other watercourses: Timmins event

In the LTC watershed, the following flood, erosion and dynamic beach hazards are applied and the reference documents are listed here for each delineated floodplain.

### 1.9.1 Lake Ontario

The flood hazard for Lake Ontario is based on the 100-year flood limit that is comprised of the 100-year flood level plus wave uprush. The erosion hazard is based on the potential for erosion in a 100-year time frame. These hazards along with dynamic beach hazards for Lake Ontario were first identified in the following report:

- Lake Ontario Shoreline Management Plan (LOSMP), 1990, by Sandwell, Swan & Wooster.

Final flood hazard elevations were provided in an update, dated December 1992. Subsequent shoreline studies for the Township of Alnwick/Haldimand and Township of Cramahe were undertaken to build on the information provided in the “Sandwell Report”. The updated studies were:

- *Cramahe Shorelands Project, 1997*
- *Alnwick/Haldimand Township Lake Ontario Shorelands Project, 2002.*

In 2018 to 2020, LTC undertook an update to the Shoreline Management Reports in partnership with the Ganaraska Region Conservation Authority (GRCA) and Central Lake Ontario Conservation Authority (CLOCA). The resulting report provided much needed updates to flood, erosion and dynamic beach hazards along the Lower Trent Conservation portion of the Lake Ontario Shoreline. This study extended from Wellers Bay in the City of Quinte West in the east to the western boundary of the Township of Alnwick/Haldimand. The current Lake Ontario hazard report is:

- *Lake Ontario Shoreline Management Plan, November 5, 2020 (Zuzek)*

The resulting 100-year combined (still water and wind setup) flood level for the LTC Lake Ontario shoreline is 75.97 metres CGVD28 (Canadian Geodetic Vertical Datum 1928) with varying wave uprush considerations that determine the entire Flood Hazard delineation.

There were no detailed technical studies for the Bay of Quinte portion of Lake Ontario but a Memorandum by the MNR (February 21, 1991—see **Appendix I**) identified the 100-year water level for the Lower Trent Conservation portion of the Bay of Quinte as 75.8 metres CGVD28.

During the 2019-2020 Lake Ontario Shoreline Update, LTC contracted SJL Engineering to provide an update on the Combined 100-year Flood Level for the Bay of Quinte based on statistical

analyses completed with the Lake Ontario Study. The resulting memorandum provides an update for the flood level for the Bay of Quinte and is found in **Appendix I**. The resulting flood level for the Bay of Quinte is 76.05 metres CGVD28:

- *Bay of Quinte 100-Year Combined Flood Level, February 29, 2020 (SJL Engineering)*

There are communications in the historic memos about wave uprush to be used on the Bay of Quinte in the communications between MNR and the Bay of Quinte Conservation Authorities and three acceptable methods to calculate wave uprush were documented. Lower Trent Conservation applies a 0.2 metre uprush to the 100-year flood limit on the Bay of Quinte, resulting in a Flood Hazard elevation of 76.25 metres CGVD28.

There are no dynamic beach hazards identified on the Bay of Quinte and the standard erosion hazard of 15 metres from the 100-year flood elevation has been applied as per NDMNRF Technical Guidelines for Large Inland Lakes, 1996.

### 1.9.2 Other Lakes

Both Little Lake in the Township of Cramahe and Oak Lake in the City of Quinte West originally had mapped flood lines that had not been delineated through engineered studies. These lines were identified as a horizontally measured 15 metre zone around the average lake water level to delineate a potential high-water level. A 15-metre regulation limit was applied to these floodlines for a regulated area of 30 metres beyond the typical water's edge.

In 2021 LTC staff conducted a preliminary hydrology assessment of Little Lake and used LiDAR mapping provided through OMAFRA to better identify the actual flood hazard for Little Lake. This mapping has now been incorporated into the LTC mapping. Flood Hazard elevations for Little Lake are 171.93 metres CGVD2013 or **172.28 metres CGVD1928**. Calculations for this assessment are provided in **Appendix K**.

The preliminary hydrology to calculate flood depths for Oak Lake has been undertaken but there is not accurate topographic information to determine the flood hazard mapping for Oak Lake at this time. Therefore, the 15-metre setback is still in effect without confirmed flood hazard elevation.

Oak Lake is identified as Area Specific Policy 3 in the City of Quinte West Official Plan and the LTC regulated area is still defined as stated above. Planning studies may be required before Lower Trent Conservation can issue permits. These policies should be reviewed in consultation with City of Quinte West planning staff, prior to approval of any LTC permits.

Policies specific to flood hazards on Little Lake and Oak Lake are found in Section 5.2.1.1. regarding One-Zone Floodplain mapping.

### 1.9.3 Trent River and Rice Lake

The regulatory event for the Trent River is the 100-year event. The floodplain delineations were completed in two studies and both are treated as one-zone areas. The first study defined the floodplain from the Bay of Quinte to Highway 401 and the second study defined the floodplain from Highway 401 to Rice Lake.



- Trent River Floodplain Mapping Report, 1975. M.M. Dillon Limited. (Associated Mapping TR-T-1 to TR-T-4).
- Floodplain Mapping Study of the Trent River, 1983. Cumming-Cockburn & Associates.
  - 1:5000 mapping TR-1 to TR-45
  - 1:2000 mapping of Flood Damage Areas:
    - Hastings: (TR-H-1 to TR-H-5)
    - Campbellford: (TR-C-1 to TR-C-5)
    - Percy Boom: TR-PB-1 to TR-PB-3)
    - Frankford: (TR-F-1 to TR-F-4)

Note that Rice Lake is listed as the smallest of the Large Inland Lakes in the MNR Technical Guide with an area of 100 km<sup>2</sup>. There are no technical studies assessing erosion or dynamic beach hazards on Rice Lake and therefore the flood elevation for Rice Lake identified in the Trent River mapping is the only hazard delineated for Rice Lake at this time (187.9 metres CGVD28). This is covered in Trent River maps (TR-46 to TR-62). Also note that there are some steep shorelines along Rice Lake that would require erosion hazard assessment for steep slopes, similar to a riverine system.

#### 1.9.4 One-Zone Riverine Areas

Not all streams have delineated floodplains in the Lower Trent Conservation watershed. However, the following reports have floodplain delineations associated with them. The creek name and associated reports are listed below. All of these floodplains have been delineated with the Timmins Storm Regulatory event.

- **Shelter Valley & Barnum House Creeks:** Shelter Valley and Barnum House Creeks Floodplain Study, 1978. Chrysler & Lathem Ltd.
- **Colborne Creek (Colborne):** Floodplain Mapping Colborne Creek, Village of Colborne, 1982. Kilborn Limited (Note: 2-Zone study undertaken but results did not support creation of a 2-Zone policy).
- **Dead & York Creeks (Murray Ward):** Dead & York Creek Subwatershed Plan, 1998. Totten Sims Hubicki Associates.
- **DND Creek (Trenton):** DND Creek Floodline Mapping Study, 2002. PSR Group Ltd.
- **Glen Miller Creek (Trenton & Sidney Ward):** Floodplain Mapping and Preliminary Engineering Study, Glen Miller Creek, 1983. Cumming-Cockburn & Associates Limited (CCA); and the Spill Analysis of the Glen Miller Creek by CCA dated April 1984.
- **Killoran Creek (Hastings):** Killoran Creek Flood Reduction Study, 1985. Totten Sims Hubicki Associates.
- **Mill/Burnley Creek (Warkworth):** Mill Creek Preliminary Engineering Study, 1983. Cumming-Cockburn & Associates Limited.
- **Rawdon Creek (Stirling other than SPA):** Flood Damage Reduction Study, Rawdon Creek, Village of Stirling, 1985. Kilborn Limited.
- **Meyers, Massey and other South Sidney Creeks (Sidney Ward):** South Sidney Watershed Plan, 1985. Totten Sims Hubicki Associates.

### 1.9.5 Two-Zone Areas

Two zone concepts recognize that floodplains can be divided into two zones: the floodway, where the majority of the flood is conveyed, and flood fringes, which exist on both sides of the floodway. They can be established by a Municipality in conjunction with the Conservation Authority and MNRF, following recommendations of a detailed engineering study.

There are four two-zone policy areas located within the Lower Trent Watershed: Butler Creek in Brighton, Cold Creek in Frankford; Mayhew Creek in Trenton and Trout Creek in Campbellford. The studies and maps associated with these areas are as follows:

- **Butler Creek 2-Zone (Brighton):** Butler Creek Flood Reduction Study, 1988. Totten Sims Hubicki Associates.
- [REDACTED]
- **Mayhew Creek 2-Zone (Trenton):** Mayhew Creek Two-Zone Concept, City of Trenton and Township of Murray, 1983. Totten Sims Hubicki Associates. – Note that the 2-Zone was only implemented in Trenton and not Murray Township.
- **Trout Creek 2-Zone (Campbellford):** Final Report Trout Creek Floodplain Management Study, 1982. MacLaren Plansearch Inc.

Note that a two-zone study was completed for Colborne Creek in the Township of Cramahe (Ecos Garatech Associates - November 1991) but the report concluded that Colborne Creek was NOT a suitable candidate for implementation of a Two-Zone Concept. Floodplain mapping was updated during this study in several areas so this mapping should be used for regulatory purposes.

### 1.9.6 Special Policy Area

A Special Policy Area is an area within a community that has historically existed in the floodplain where site specific policies apply. Only the MNRF and MMAH have the authority to establish Special Policy Areas; this authority cannot be delegated to municipalities and other planning bodies.

**Rawdon Creek - Downtown Stirling:** One Special Policy Area with respect to floodplains exists in the Lower Trent Conservation watershed within the downtown core of the Village of Stirling in the Township of Stirling-Rawdon. This area is bounded by Front Street and Mill Street in the south, Victoria Street in the north, North Street in the west and Edward Street in the east. The property of the Stirling Creamery located on the south side of Front Street is also considered in this zone although not included in the descriptions. This is because the Special Policy Area is intended to ensure the long-term economic viability of the area and the creamery is an integral component of the economy of Stirling. In this area, the 1:100-year flood elevations are to be used for floodproofing requirements rather than the Timmins event. Lands above the 1:100-year elevation may be developed without the need for floodproofing measures. Lands south of Rawdon Creek within this zone that are below the 1:100-year elevation may be developed with floodproofing and causing no impediment to flow to Rawdon Creek. The associated report for

the flood elevations identified for this Special Policy Area is Flood Damage Reduction Study, Rawdon Creek, Village of Stirling, 1985, by Kilborn Limited.



## 2 GENERAL POLICIES

### **Background:**

Lower Trent Region Conservation Authority (LTC) will be guided by the following general administrative guidance with respect to the implementation of its regulatory responsibilities:

- Development, interference and/or alteration activities shall not be undertaken in a regulated area without written permission from LTC.
- Where a regulated area pertains to more than one water-related hazard (e.g., lands susceptible to flooding that are part of a wetland), policies will be applied jointly, and where applicable, the more restrictive policies will apply.
- Technical studies and/or assessments, site plans and/or other plans submitted as part of an application for permission to undertake development, interference and/or alteration in a regulated area must be completed by a qualified professional to the satisfaction of LTC in conformity with the most current provincial technical guidelines or guidelines accepted by LTC through a Board Resolution.

Note: Information regarding technical standards and guidelines is contained within the Appendices.

Similar to the MNR recommended 6-metre erosion access allowance (Section 3.4, Technical Guide for River and Stream Systems: Erosion Hazard Limit, MNR), LTC recommends that a 6-metre access allowance is applied to all hazard lands. Note that emergency access is required along the hazard as well as between the buildings and the lot line to allow for heavy equipment access to the hazard area.

The guidelines for development within the 15 metre adjacent lands to a hazard include an access setback. Three main principles support the inclusion of an access setback:

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

Activities in regulated areas that are carried out by other provincial ministries or the federal government do not require a permit. Activities conducted on provincial crown land by third-party proponents in a regulated area may require a permit, unless acting as an agent of the Crown.

Works for which permission is required under the Regulation may also be subject to other legislation, policies and standards that are administered by other agencies and municipalities, such as the Planning Act, Public Lands Act, Nutrient Management Act, Drainage Act, Environmental Assessment Act (EA Act) or the federal Fisheries Act, etc. It is the responsibility of the applicant (or applicant's agent) to ensure that all necessary approvals are obtained prior to undertaking any works for which a permit under this Regulation has been obtained.

### **LTC Policies – General Policies:**

Within areas defined by the regulation (i.e., regulated areas), including Lake Ontario shoreline hazard lands and an allowance, river or stream valleys and an allowance, wetlands or other areas where

development could interfere with the hydrologic function of a wetland (areas of interference), watercourses, or hazardous lands, the following general policies will apply:

- 1) Development, interference and/or alteration will not be permitted within a regulated area, except in accordance with the policies contained in this document.
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- 3) In addition to specific conditions outlined through this document, development, interference and/or alteration within a regulated area may be permitted only where:
  - a) risk to public safety is not increased;
    - [REDACTED]
    - [REDACTED]
  - b) [REDACTED]
    - [REDACTED]
    - [REDACTED]
  - d) safe ingress/egress is available for proposed development that increases habitation outside of hazard lands;
  - e) pollution, sedimentation and erosion during construction and post construction is minimized using best management practices including site, landscape, infrastructure and/or facility design, construction controls, and appropriate remedial measures;
  - f) access for emergency works and maintenance of flood or erosion control works is available;
    - [REDACTED]
    - [REDACTED]
    - [REDACTED]
    - [REDACTED]
  - h) there are no adverse hydraulic or fluvial effects on rivers, creeks, streams, or watercourses;
  - i) there are no adverse sedimentation or littoral effects on the Lake Ontario shoreline;
  - j) there are no adverse effects on the hydrologic function of wetlands; and,
    - [REDACTED]
    - [REDACTED]

#### Prohibited Uses:

- 4) Notwithstanding the General Policies referenced above, in accordance with Section 3.1 of the Provincial Policy Statement, development will not be permitted within hazardous lands as defined in the Conservation Authorities Act, where the use is:
  - 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 as a result of flooding, failure of floodproofing and/or protection works, and/or erosion;
  - 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, failure of flood-proofing measures and/or protection works, and/or erosion; or,
  - uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

## 5 HAZARDOUS LANDS

### 5.1 Ontario Regulation 163/06

The updated definition of hazardous lands referenced in Section 25 of the Conservation Authorities Act is as follows: “*hazardous land*” means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Lower Trent Conservation’s Regulation contains the following sections dealing with hazardous lands.

**The LTC Regulation contains the following sections dealing with hazardous lands:**

Development prohibited

2.(1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on areas within the jurisdiction of the Authority that are:

(C) hazardous lands;

Permission to develop

3. (1) The Authority may grant permission for development in or on the areas described in subsection 2(1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.

(2) The permission of the Authority shall be given in writing, with or without conditions.

Therefore, the following policies have been developed to deal with flooding and erosion. The dynamic beach hazards were identified in the Great Lakes section along with the flooding and erosion hazards for Great Lakes and Large Inland Lakes.

Also note that with the updated definitions declared in O.Reg. 686/21, *Hazardous Sites* have been separated from *Hazardous Lands*. Although LTC’s Regulation O.Reg. 163/06 only refers to *Hazardous Lands*, O.Reg. 686/21 does note that an authority shall provide the programs and services for a list of natural hazards that includes *Hazardous Sites* and Section 28 Regulations are included in the list of programs and services. Therefore, *Hazardous Sites* are included as regulated features in this policy document. *Hazardous Sites* means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).



5.2.1.2 *Development within Two-Zone Regulatory Floodplain of River or Stream Valleys*

**Background**

The following policies are focused on development within the Two-Zone Regulatory floodplain. See Section 5.2.1.1 for policies associated with the One-Zone Regulatory floodplain. The policies in this section do not apply to development within the allowance adjacent to the Two-Zone Regulatory floodplain and the reader should refer to Section 4.2.2 for policies that apply to those areas.

The Two-Zone floodplain concept consists of two zones in the Regulatory floodplain and these have been defined by technical studies and accepted by the Province. The Floodway is identified as the area of highest risk delineated by the extent of the 100-year flood event. The Flood Fringe is identified as the area of lesser risk located between the 100-year flood elevation and the Regulatory event flood elevation.

Areas subject to the two-zone Regulatory floodplain are:

- 1) Butler Creek (Former Town of Brighton)
- 2) [REDACTED]
- 3) Mayhew Creek (Former City of Trenton)
- 4) Trout Creek (Former Town of Campbellford)

Policies for each Two-Zone are shown below separately.

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[Redacted text block containing several lines of text and a bulleted list of redacted items.]

- *The first floor of all structures constructed in the Flood Fringe should be above the Regulatory Flood Levels. Where it is impractical to construct the first floor above the Regulatory Flood level, such as extension of an existing low building, the applicant must provide means of protecting the first floor from flooding by such means as berming, and a rezoning of the land will be required. Special consideration may be given to existing or proposed commercial development between the recent berm addition and the Trent River, where the applicant can show that the floodproofing requirement cannot be met in a particular instance.*
- *Basements and foundations must be designed to withstand the hydrostatic pressures by either purposely flooding the basement to equalize the water level inside and outside of the structure, or by keeping the structure dry by providing no openings below the Regulatory Flood Level and relieving the hydrostatic pressure outside the structure by installing porous back-fill, a drainage system and pumps.*
- *A covered sump pit with an automatic submersible pump must be provided in all basements that are not designed to be flooded. The outflow pipe must discharge above the Regulatory Flood Level or include a check valve.*
- *The electrical panel and electrical connection shall be installed above the Regulatory Flood level. Basement designed to be flooded may not have mechanical and/or electrical equipment below the Regulatory Flood Level.*
- *Fill may be placed on lands in the flood Fringe to raise the grade above the Regulatory Flood Level, providing the fill does not divert the natural drainage to lands under a different ownership.*
- *Additions to structure or placement of fill is not permissible on the lands fronting on Trent Street from Cold Creek to 39 metres southerly.*

Mapping for the Cold Creek 2-Zone policy area illustrating the No Fill Area is located in **Appendix L**.

**LTC Policies - For Cold Creek 2-Zone area:**

[Redacted text block containing two lines of text.]

- 7) Development within the flood fringe of the two-zone Regulatory floodplain may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, or the conservation of land will not be affected. The submitted plans must demonstrate that:
- a) there is no feasible alternative site outside of the flood fringe of the two-zone Regulatory floodplain for the proposed development and that the proposed development 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 is protected from the flood hazard in accordance with established floodproofing and protection techniques. Habitable development must be dry floodproofed to 0.3 metres above the Regulatory flood elevation and *non-habitable* development must be floodproofed to the Regulatory flood elevation;
  - d) any building where the depth of flooding exceeds 0.8 metres (2.5 ft) an engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.
  - e) the proposed development will not prevent access for emergency works, maintenance, and evacuation;
  - f) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; and;
  - g) natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion hazards have been adequately addressed.
- 8) Notwithstanding Policy 5.2.1.2 7) development within the flood fringe of the two-zone Regulatory floodplain in the defined NO FILL zone along South Trent Street from Cold Creek to 39 metres south shall not be permitted.

● [Redacted text]

[Redacted text]

- [Redacted text]
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- [Redacted]
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- [Redacted]

**LTC Policies - For All 2-Zone Areas:**

- 15) Placement of fill, flood hazard protection and bank stabilization works to allow for future/proposed development or an increase in development envelope or area within the floodway of the two-zone Regulatory floodplain shall not be permitted.
- 16) Development associated with new and/or the expansion of existing trailer parks/campgrounds in the floodway of the two-zone Regulatory floodplain shall not be permitted.
- 17) Stormwater management facilities within the floodway of the two-zone Regulatory floodplain shall not be permitted.
- 18) Basements within the floodway or the flood fringe of the two-zone Regulatory floodplain shall not be permitted.
- 19) Underground parking within the floodway or the flood fringe of the two-zone Regulatory floodplain shall not be permitted.
- 20) Notwithstanding Sections 5.2.1.2 1), 6), 10) & 13), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within the floodway of the two-zone Regulatory floodplain subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been





## 8 PROCEDURE FOR APPLICATION UNDER ONTARIO REGULATION 163/06

### 8.1 Ontario Regulation 163/06

The LTC Regulation contains the following sections dealing with the application procedure.

**The LTC Regulation contains the following sections dealing with the application procedure:**

Application for permission

4. A signed application for permission to undertake development shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing the type and location of the proposed development.
2. The proposed use of the buildings and structures following completion of the development.
3. The start and completion dates of the development.
4. The elevations of existing buildings, if any, and grades and the proposed elevations of buildings and grades after the development.
5. Drainage details before and after the development.
6. A complete description of the type of fill proposed to be placed or dumped.
7. Such other technical studies or plans as the Authority may request. O. Reg. 163/06, s. 4; O. Reg. 67/13, s. 3.

7. A signed application for permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or change or interfere with a wetland shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing plan view and cross-section details of the proposed alteration.
2. A description of the methods to be used in carrying out the alteration.
3. The start and completion dates of the alteration.
4. A statement of the purpose of the alteration.
5. Such other technical studies or plans as the Authority may request. O. Reg. 163/06, s. 7; O. Reg. 67/13, s. 5.

Cancellation of permission

8. (1) The Authority may cancel a permission granted under section 3 or 6 if it is of the opinion that the conditions of the permission have not been met. O. Reg. 163/06, s. 8 (1); O. Reg. 67/13, s. 6 (1).

(2) Before cancelling a permission, the Authority shall give a notice of intent to cancel to the holder of the permission indicating that the permission will be cancelled unless the holder shows cause at a hearing why the permission should not be cancelled. O. Reg. 163/06, s. 8 (2).

(3) Following the giving of the notice under subsection (2), the Authority shall give the holder at least five days notice of the date of the hearing. O. Reg. 163/06, s. 8 (3); O. Reg. 67/13, s. 6 (2).

Period of validity of permissions and extensions

9. (1) The maximum period, including an extension, for which a permission granted under section 3 or 6 may be valid is,

- a) 24 months, in the case of a permission granted for projects other than projects described in clause (b); and
- b) 60 months, in the case of a permission granted for,
  - (i) projects that, in the opinion of the Authority or its executive committee, cannot reasonably be completed within 24 months from the day the permission is granted, or
  - (ii) projects that require permits or approvals from other regulatory bodies that, in the opinion of the Authority or its executive committee, cannot reasonably be obtained within 24 months from the day permission is granted. O. Reg. 67/13, s. 7.

(2) The Authority or its executive committee may grant a permission for an initial period that is less than the applicable maximum period specified in subsection (1) if, in the opinion of the Authority or its executive committee, the project can be completed in a period that is less than the maximum period. O. Reg. 67/13, s. 7.

(3) If the Authority or its executive committee grants a permission under subsection (2) for an initial period that is less than the applicable maximum period of validity specified in subsection

- (1), the Authority or its executive committee may grant an extension of the permission if,
- a) the holder of the permission submits a written application for an extension to the Authority at least 60 days before the expiry of the permission;
  - b) no extension of the permission has previously been granted; and
  - c) the application sets out the reasons for which an extension is required and, in the opinion of the Authority or its executive committee, demonstrates that circumstances beyond the control of the holder of the permission will prevent completion of the project before the expiry of the permission. O. Reg. 67/13, s. 7.

(4) When granting an extension of a permission under subsection (3), the Authority or its executive committee may grant the extension for the period of time requested by the holder in the application or for such period of time as the Authority or its executive committee deems appropriate, as long as the total period of validity of the permission does not exceed the applicable maximum period specified in subsection (1). O. Reg. 67/13, s. 7.

(5) For the purposes of this section, the granting of an extension for a different period of time than the period of time requested does not constitute a refusal of an extension. O. Reg. 67/13, s. 7.

(6) The Authority or its executive committee may refuse an extension of a permission if it is of the opinion that the requirements of subsection (3) have not been met. O. Reg. 67/13, s. 7.

(7) Before refusing an extension of a permission, the Authority or its executive committee shall give notice of intent to refuse to the holder of the permission, indicating that the extension will be refused unless,

- a) the holder requires a hearing, which may be before the Authority or its executive committee, as the Authority directs; and
- b) at the hearing, the holder satisfies the Authority, or the Authority's executive committee, as the case may be,
  - (i) that the requirements of clauses (3) (a) and (b) have been met, and
  - (ii) that circumstances beyond the control of the holder will prevent completion of the project before the expiry of the permission. O. Reg. 67/13, s. 7.

- (8) If the holder of the permission requires a hearing under subsection (7), the Authority or its executive committee shall give the holder at least five days notice of the date of the hearing. O. Reg. 67/13, s. 7.
- (9) After holding a hearing under subsection (7), the Authority or its executive committee shall,
- a) refuse 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 permission does not exceed the applicable maximum period specified in subsection (1). O. Reg. 67/13, s. 7.
- (10) Subject to subsection (11), one or more employees of the Authority that have been designated by the Authority for the purposes of this section may exercise the powers and duties of the Authority under subsections (2), (3) and (4), but not those under subsections (6), (7), (8) and (9). O. Reg. 67/13, s. 7.
- (11) A designate under subsection (10) shall not grant an extension of a permission for any period that would result in the permission having a period of validity greater than 24 months. O. Reg. 67/13, s. 7.

## 8.2 Procedural Standards

The following outlines the procedural standards for implementing the LTC Regulation with respect to all regulated areas within the watershed.

Permits under Ontario Regulation 163/06 are required for agencies, municipalities and landowners except for the exceptions listed within Section 28 (11) of the Conservation Authorities Act, R.S.O. 1990 as amended. Section 28 (11) states: “A requirement for permission of an authority in regulation made under clause (1) (b) or (c) does not apply to an activity approved under the *Aggregate Resources Act* after the *Red Tape Reduction Act*, 1998 received Royal Assent.” Additionally, it is noted that the *Conservation Authorities Act* does not specifically “bind the Crown”. Therefore, activities of Provincial Ministries, Federal Departments and Crown Agencies or “Crown Corporations” are not legally required to obtain permission under the *Conservation Authorities Act*. Note that if third parties are undertaking activities on Provincial Crown Land, with the permission of the province, permits from LTC are still required.

Permits for proposed works will be issued if it has been demonstrated to the satisfaction of the LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected, and the project is technically sound.

A fee schedule has been developed to partially recover the costs associated with administering and delivering the regulations program. LTC staff will assist the applicant in the analysis of their site and the acceptability of the proposed use. However, it shall be the responsibility of the applicant to provide the necessary technical design and environmental data at their own cost and at a quality acceptable to LTC. The LTC assumes no liability for any technical recommendations that staff may provide the applicant in completing the application form. LTC staff will review all applications on a “first-come, first served” basis in a timely, professional manner. Each proposed project that requires the approval of LTC under the regulation, and for which an application has been filed, will be processed according to the procedures set out in this document.



### 8.2.1 Deposit Fees

For applications requiring professional confirmation of conditions of the permit a deposit fee will be required to cover costs of professional services if the proponent refuses to undertake these additional services. These fees will be used to pay for an Ontario Land Surveyor (OLS) to confirm floodproofing elevation requirements or to pay for the design engineer of shore protection works to visit the property to confirm the works were completed in accordance with the approved design.

The deposit fees will be released back to the proponent within 10 business days of receiving an acceptable OLS or engineering notification confirming compliance of the conditions of the permit.

### 8.2.2 Types of Applications

Reporting approved by Conservation Ontario Council (CO) and presented to the province identifies three categories of permits based on general scope and response timelines. These timelines have been set by CO and the province and are discussed in Section 8.2.7 below. These three categories are **Major**, **Minor** and **Routine** and are discussed in Section 8.2.2.6 below.

LTC has identified permit types following a similar process but has included further types based on how the fee structure is to be applied. What is noted as a Routine permit category will be considered a Minor Permit application by LTC. Note that there are separate permit types for Standard, Complex, Compliance and Restoration Agreements and associated fees with these types. In some cases, the compliance or restoration required is of a minor nature and fees are reflective of the scale. Major permit category for reporting will include Standard and Complex permit applications as described below as well as the majority of Compliance Permit applications and Restoration Agreements.

The application process is similar for all types of applications and the same application form is used for all types of applications. Other information may be required for different types/levels of permits as described below. Fees are based on the type of permit application.

#### 8.2.2.1 Minor Permits

Permits for minor works involve *minor fill* (<25 m<sup>3</sup> placement or removal of fill); *minor development* (<10 m<sup>2</sup> development); and *minor site alteration* (<20 m<sup>2</sup> altered area size) permit applications. Fees for these permits are less than standard permits. Note that most *Routine* category applications will come under this category.

#### 8.2.2.2 Standard Permits

Standard Permits are considered the “regular” permit for any development, alteration or interference proposed projects that do not qualify as minor works as defined above and does include *moderate stabilization* works for banks or shorelines.

#### 8.2.2.3 Complex Permits

These permits require significant staff involvement due to review of technical studies and the complexity of the proposed project. Multiple staff reviews may be required for different types of technical studies. Higher fees are associated with these applications.

#### 8.2.2.4 Compliance Permits

Compliance permits are required when works have been undertaken or in process of being undertaken without prior approval from LTC. Typically, these works would have been approved

by LTC staff (possibly with minor modifications or conditions). Fees double the regular applicable fee will be charged for these permit applications.

#### 8.2.2.5 *Restoration Agreements*

Restoration agreements will be required by LTC staff when works have been undertaken that would not have complied with the policies in this document and restoration and/or remediation measures are required. A separate Restoration Agreement document may be required to be signed by the proponent in addition or in lieu of the permit application.

Due to the nature of these agreements, the works will not typically follow the policies outlined in this document but the work will be required to restore the regulated feature. As such, LTC staff are authorized to approve these plans if in their opinion the impacts to flooding, erosion, dynamic beaches, conservation of land, and pollution have been addressed in the proposed plans. Similar to compliance permits, double the regular applicable fee will be required with these applications.

#### 8.2.2.6 *Permit Categories for Reporting*

The **Routine** permit category is for activities that are documented through another approval process or are determined to have limited impacts on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. LTC has determined that Routine permit applications would be those involving, Standard Compliance Requirements under the Drainage Act and Conservation Authorities Act Protocol (DART) and non-habitable buildings and structures that are less than 10 m<sup>2</sup> in size. Note that there is only one Municipal Drain in the LTC watershed and DART applications are very rare. Routine category applications are included in the LTC definitions under Minor Permits (8.2.2.2.) for fee structure but will be recorded separately for reporting purposes and timeline expectations.

**Minor** permit category applies to projects that would be minor in nature due to the project size, level of risk, location, and/or other factors. These have minor impacts on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. Based on the proximity of the project to the hazard, the minor permit applications are reviewed by CA staff and generally require standard recommendations or conditions. Minor permits are those involving minor fill; minor development; and minor site alteration where there is a high degree of certainty that issues associated with natural hazards are minimal.

**Major** permit category refers to applications that require significant staff involvement. They could be highly complex projects requiring technical review supported by comprehensive analysis, or smaller scale site specific applications that require complex technical reviews. The proposals may involve developments with significant natural hazards, environmental impacts, or multiple approval process requirements. Major applications could also include those where works have been undertaken, or are in process of being undertaken, without prior approval from the CA; and those where works have been undertaken that do not comply with the CAA Section 28 policies and restoration/remediation measures are required.

### 8.2.3 *Application Requirements*

An application for a permit under the regulation shall be submitted to LTC by the applicant or their agent. If the owner of the property, whether a private citizen, a company, or public body, does not sign

the application form, then a signed landowner authorization form for the agent to act on the owner's behalf shall be provided. This form is included in the permit application package. In the case of a corporation, then the written authorization of a designated signing officer shall be required.

If it is necessary to cross or work on another property not owned by the applicant as part of the work (e.g., for equipment access), then a signed landowner authorization form must accompany the permit application.

The following criteria will be used to define the components of a complete permit application. A general list of requirements for a complete application contains the following components (Note: Applicants should pre-consult with LTC staff, since not all components may be required):

- 1) A completed Permit Application Package including a completed Landowner Authorization form (required if owner is assigning another party as an agent for the project – part of the application package).
- 2) One copy of a plan of the area showing plan view and cross-section details of the proposed alteration (11" x 17" maximum size in hard copy or digital drawings are required).
- 3) The proposed use of the buildings and structures following completion of the development or a description of the methods to be used in carrying out the alteration.
- 4) The start and completion dates of the proposed work (as anticipated).
- 5) The elevations of existing buildings (as applicable and if required), and existing grades and the proposed elevation of buildings and grades after development.
- 6) Drainage details before and after the development and any mitigation measures (e.g. silt fence, rock check dam) as required.
- 7) A complete description of the type and quantity of *fill* proposed to be placed or removed.
- 8) Such other technical studies or plans and site-specific details as the LTC may request.
- 9) The application fee as required by the most recently approved fee schedule, available on LTC website: [www.ltc.on.ca](http://www.ltc.on.ca).
- 10) Deposit fee, if required.

Note: A permit application may not be considered to be complete if an approval under the *Planning Act* is required/pending or if not in compliance with municipally approved Site Plan Control agreement.

#### 8.2.4 Application Process

The following process will be adhered to when processing permits subject to the LTC regulation.

- 1) An application for a permission in accordance with the LTC Regulation shall be filed on the prescribed form and include all information as required. A unique file number shall be assigned to each application that is submitted. This number shall be related to the order in which it was received and the current year. The new file will be entered into the Planning & Regulations database on the LTC server (on location at the LTC Office).
- 2) LTC staff will review applications made pursuant to this regulation. Prior to the issuance of a permit, a designated LTC employee will often conduct an inspection of the site. At this time, photos to represent the pre-development condition may be taken and notes regarding the nature of slopes, water features, and any other items should be recorded and put on the file. If a site inspection is deemed necessary by staff, but due to snow cover or other conditions it cannot be sufficiently

inspected, then the applicant is to be advised that the review of the application will be suspended until a proper inspection can be conducted.

- 3) The Board of Directors may appoint LTC staff, which are authorized to:
  - a) approve applications in which the permitted uses conform to this Policy Document;
  - b) require from an applicant, any engineering or environmental studies including floodplain, environmental impact, geo-technical, or other studies as per the Authority's policies, considered necessary to make a decision.
  - c) defer any application to the Hearing Board of the Conservation Authority in which the restricted uses are those as listed in this Policy Document or do not conform to the other Policies stated herein;
- 4) LTC staff will ensure the date of receipt is noted on all copies of the application.
- 5) LTC staff will ensure the appropriate fee has been collected as per the most current approved fee schedule.
- 6) Upon review and assessment that the application meets the policies outlined in this document, the application will be stamped "Permit Granted" and assigned a Permit Number. One copy will be returned to the applicant (if requested), one copy provided to the municipality (if required), and one copy retained by LTC. Electronic distribution of the permits is encouraged and hard copies will only be provided upon request.
- 7) All applications approved by LTC staff shall be presented to the Board of Directors of the Conservation Authority for information.

#### 8.2.5 Client Service Facilitator

LTC has designated the Manager, Development Services and Water Resources as the *Client Service Facilitator* for issues regarding permit applications. If the applicant is not satisfied with the permit application process or that the timelines listed below (8.2.7) are not being met or there is a question about completeness as identified in Section 8.2.6 below, the *Client Services Facilitator* is the first contact regarding applications issue management.

#### 8.2.6 Consideration of a Complete Application

- 1) Pre-consultation is strongly encouraged to provide clarity and direction, to facilitate receipt of complete applications and to streamline the permit review and decision-making process. To meet these objectives, depending on the scale and scope of the project, pre-consultation may include staff from the following parties: Conservation Authority, the municipality, the applicant, consultants, the developer and owner, and may be supplemented by staff from provincial ministries, Parks Canada and any other appropriate government agencies; and may occur concurrently with *Planning Act* pre-consultation.
- 2) LTC will identify and confirm in writing the complete application requirements for specific projects. However, substantial changes to a proposal or a site visit after pre-consultation may warrant further pre-consultation and/or necessitate changes to the complete application requirements.
- 3) Upon receipt of a permit application LTC will review the submission for completeness and will confirm in writing as to whether the application has been deemed complete or not. If a permit application is deemed incomplete, LTC will provide the applicant with a written list of missing and



required information when notifying the applicant that the application has been deemed incomplete.

- 4) During the review of a “complete application”, LTC may request additional information if LTC deems the permit application does not contain sufficient technical analysis. Delays in timelines for decision making may occur due to these requests for additional information to address errors or gaps in information submitted for review. Thus, an application can be put “on hold” or returned to the applicant pending the receipt of further information. If necessary, this could be confirmed between both parties as an “Agreement to Defer Decision”.
- 5) If the applicant is not satisfied with the decision on whether an application is deemed complete they should contact the Client Services Facilitator.
- 6) If the issue regarding completeness is not resolved to the satisfaction of the applicant, the applicant can request an administrative review by LTC’s Chief Administrative Officer/Secretary-Treasurer (CAO/ST). This review will be limited to a complete application policy review and will not include review of the technical merits of the application.
- 7) If the applicant is not satisfied with the response from the CAO/ST, an administrative review by the LTC Board of Directors can be requested. This review will be limited to a complete application policy review and will not include review of the technical merits of the application. This review will be accomplished through Staff Report circulation to the Board and Board decision is by a majority vote as per LTC’s Administrative By-Law.

### 8.2.7 Timelines for Application Review

In 2010 the MNRF, in consultation with Conservation Authorities Liaison Committee (CALC), developed *the Policies and Procedures for Conservation Authority Plan Review and Permitting Activities* (P&P CAPRPA - May 2010) which identified timelines for responding to various applications. In 2019 Conservation Ontario (CO) with input from members of the CO Timely Review and Approvals Taskforce developed the *Annual Reporting on Timelines Template For permissions under Section 28 of the Conservation Authorities Act* (CO ARTT), which received endorsement by the CO Council in December 2019. This document builds upon the *Conservation Authority (CA) - Municipality MOU Template for Planning and Development Reviews; Guideline for Client Service Standards for Conservation Authority Plan and Permit Review; and the Guideline for CA Fee Administration Policies for Plan Review and Permitting*.

All timelines presented below exclude statutory holidays and the time required for the applicant to respond to LTC comments on an application. These best practice timelines are premised on the required planning approvals under the Planning Act being in place prior to the submission of an application to LTC.

Following this updated document, LTC will strive to meet the following standards for rendering decisions and other notifications to applicants during the permitting process.

1. For **Pre-Consultation**: Applicants will be notified of complete application requirements:
  - a) Major permit applications: Within 14 days of the pre-consultation meeting.
  - b) Minor permit applications: Within 7 days of the pre-consultation meeting.

- c) Confirmation of whether the application is considered major or minor, if the applicant has provided adequate information (including the scope and scale of the work) for LTC to make that determination will be included with this notification.
2. Upon receipt of the application, Applicants will be notified on **Completeness of the application**:
    - a) Major permit applications: Within 21 days of the application being received.
    - b) Minor permit applications: within 14 days of the application being received.
    - c) Routine permit applications: within 10 days of the applications being received.
    - d) Note that LTC may choose to issue a permit prior to the end of the notification period. In that case, no notification of complete application would be received.
  3. Note that if the application is incomplete, the decision timeline does not begin (see below). Decision to Applicant (recommendation to approve or deny application) will be provided:
    - a) Major Permit Application: Within 28 days after a complete application is received and within 30 additional days upon receipt of each resubmission.
    - b) Minor Permit Application: Within 21 days after a complete application is received and within 15 additional days upon receipt of each re-submission.
    - c) Routine Permit Application: Within 14 days after a complete application is received and within 7 additional days upon receipt of each re-submission.

### 8.2.8 Staff Approval of Applications

The LTC Board of Directors has delegated authority to grant permissions under Ontario Regulation 163/06 to the Chief Administrative Officer and Manager, Development Services & Water Resources for permit applications which: are not a significant departure from the approved LTC Regulation Policy Procedures; are for a time period of 2 years or less; and where the applicant agrees to the conditions of the permit (RES: G41/14).

LTC staff will review applications to ensure conformity with this Policy document. An application is approved when it is technically sound and complies with the Authority policy. Where an application is complete and conforms to this Policy document, staff, delegated with authority to do so, will issue an approval. Staff will issue the permit with only the General Conditions included in the permit application form or they may include additional conditions. Subsequently, LTC staff will provide a report to the Board.

### 8.2.9 Staff Refusal of Application

A recommendation for refusal of an application for a permit will be made by staff if it is determined that the proposed works do not meet the approved policies of LTC or if the proponent does not agree with the proposed conditions of the permit.

Staff will negotiate with the applicant in an attempt to resolve the points of concern. However, in such cases where the differences cannot be resolved, the applicant will be informed in writing of the staff decision to recommend denial of the permit and the reasons for the recommendation. The letter will also inform them of their right to request a Hearing before the LTC's Hearing Board. The applicant may then choose to either withdraw the application, modify the application so it can be supported or request a Hearing.

As per Resolution G111/15, permit applications that do not conform with the approved policies will be denied and LTC Staff would recommend submission to the Hearing Board as per resolution:

RES: G111/15

THAT applications for permits coming forward that do not comply with LTC policies be taken to the Hearings Committee, regardless of whether or not they are recommended for approval by staff

### 8.2.10 Hearing

For an application to be refused or where the applicant objects to the conditions of approval, the *Conservation Authorities Act* requires that the applicant be given the opportunity for a Hearing by the LTC Board (sitting as the Hearing Board). The Section 28 (3) *Conservation Authorities Act* Hearing Guidelines (CO and MNR, 2005) provides a step-by-step process for conducting Hearings required under Section 28 (12), (13), (14) of the *Conservation Authorities Act* (**Appendix B**). LTC will conduct a Hearing under the Regulation in a manner consistent with these guidelines. The Hearing Board is empowered by law to make a decision, governed by the *Statutory Powers Procedures Act*. It is the purpose of the Hearing Board to evaluate the information presented at the hearing by both the LTC staff and the applicant and to decide whether the application will be approved with or without conditions or refused.

A Hearing will be set in motion upon the request of the applicant. The Hearing Board is comprised of the LTC Board of Directors. A Hearing can be called if:

- the applicant is granted approval with conditions by LTC staff and the applicant does not agree with the conditions imposed on the permit, or
- an application is reviewed and found to not fully conform to the Policy document and LTC staff recommend denial of the permit.

Once a Hearing is set in motion, the power to grant or deny permission rests with the LTC Hearing Board.

An application for approval under Ontario Regulation 163/06, Development, Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation cannot be refused without the opportunity of a Hearing before the Authority. This is a requirement under Section 28(12) of the *Conservation Authorities Act* which states:

"Permission required under a regulation made under clause 1(b), or (c) shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a Hearing before the Authority or, if the Authority directs, before the Authority's Executive Committee"

**Appendix G** (Hearing Guidelines) sets out the procedures for Hearings.

### 8.2.11 Appeal to Minister

There are three opportunities for applicants to appeal directly to the Minister regarding decisions made by LTC during the permit review and approval process. These appeals to the Minister must be made within 15 days of receiving the decision from the Conservation Authority. These circumstances are listed below:

- LTC Staff approved the permit application because it follows the policies outlined in this document and included Conditions of the permit. The applicant does not agree with the imposed Conditions.
- LTC Staff refused the permit application because it did not follow the policies outlined in this document and notified the applicant of the opportunity for a Hearing. The applicant can appeal directly to the Minister within 15 days of receiving the notice of refusal.
- LTC Staff refused the permit application because it did not follow the policies outlined in this document and notified the applicant of the opportunity for a Hearing. The applicant opted for a Hearing and the Hearing Board decision was a denial. The applicant can appeal the Hearing Board decision directly to the Minister within 15 days of receiving the notice of decision from the Hearing Board.

For the Minister's Review, if a decision from the Minister is not received within 30 days, the applicant can request whether a review will be completed. If there is No Intent to Review then this appeal can be forwarded to the Ontario Land Tribunal for review. The applicant can also request the OLT for review if no response is provided from the Minister within 30 days. If the Minister responded that a Review will take place, this review will be placed on the Environmental Registry of Ontario (ERO) for decision. If there is no decision from the Minister within 90 days the appeal can be reviewed by the OLT.

#### 8.2.12 Appeal to Ontario Land Tribunal

An applicant can appeal to the Ontario Land Tribunal (OLT) in different circumstances during the permit application and review process. These circumstances are listed below:

- If a permit application has been submitted and there has been no decision from the Conservation Authority within 120 days, the applicant can appeal to the OLT for a decision;
- If the applicant had requested a Hearing and the Hearing Board decision was denial of the application then they may appeal to the OLT within 90 days of the decision;
- If the applicant has received approval of the application through a Hearing Process but objects to the conditions imposed on a permission as a result of the Hearing they may appeal to the OLT within 90 days of receiving the written notice of the Hearing Decision;

The OLT has the ability to order the Conservation Authority to issue the permit (with or without conditions) or to refuse the permit application. The OLT's decision is final and binding. There are no further appeal procedures with the exception of a "judicial review" based on a decision where there is a perceived "error in law."

#### 8.2.13 Permit

Once approved, authorized Authority staff will issue a permit on the prescribed forms. Where this permit is required by the municipality before a Building Permit is issued, a copy of the permit along with all approved plans and specifications will be forwarded to the Municipality with authorization from the applicant.

#### 8.2.14 Period of validity of permissions and extensions

As per the Regulation, the maximum period, including an extension, for which a permission granted may be valid is 24 months or 60 months. The 60-month period only applies in the case of a permission granted for projects that cannot reasonably be completed within 24 months from the day the



permission is granted or for projects that require permits or approvals from other regulatory bodies that cannot reasonably be obtained within 24 months from the day permission is granted by LTC. Note that applications requesting periods beyond 24 months must be approved by the Board of Directors.

Please see **Appendix D**, Ontario Regulation 163/06, Section 9, for complete details concerning specifics for permit extensions.

### 8.3 Compliance Inspections

LTC staff may conduct an inspection during the work to ensure permit requirements are being met. If the work is found to be contrary to the permit, the applicant will be contacted, and completion or correction of the work will be requested. Only the approved works are authorized under the permit that was issued, so if the plans have been changed, the applicant needs to apply for a new permit or a permit amendment that accurately describes the new plans. This application (amendment) shall be processed in the normal manner.

If, in the opinion of LTC staff, the change has caused or is likely to cause an impact on the control of flooding, erosion, pollution, or the conservation of land, a cancellation of permission and enforcement action will be considered. LTC staff may request all work cease until the concerns are addressed. Once the works under the permit have been completed (via notification from the applicant), or one month before the permit expires, a final compliance inspection may be performed by LTC staff. During this site inspection, the drawings/plans will be referenced to determine if the works were completed as approved. Post-development photos may be taken and included in the file. If the work is completed and found to be in conformity with the permit, then a letter will be sent to the applicant informing the permit holder accordingly. If a permit has expired and there is still additional work to be done to complete the project, the applicant is required to apply for a new permit.

### 8.4 Cancellation of Permission

LTC may cancel a permission granted if the conditions of the permission have not been met. Before cancelling permission, LTC shall give written notice of intent to cancel to the holder of the permit. The holder of the permit may request a Hearing to explain why the permit should not be cancelled. LTC will give the holder of the permit in question a minimum of 5-days notice of the date of the Hearing. Refer to Hearing Guidelines for further details.

### 8.5 File Closure

Once all requirements of a permit have been met, the file may be closed. Staff will ensure that the information contained within the regulations database is accurate and up to date, and the file folder can be moved to storage. Permit applications that have been suspended for six months or more from the date of receipt of the application may be deemed inactive. For inactive files, a letter will be forwarded to the applicant requesting a status update within a specified time period (normally one month). If no contact is made with the LTC within the specified time period, the file can be closed.

## 9 GLOSSARY

**100 Year Flood Event Standard:** That flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

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

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

**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:** The Lower Trent Region Conservation Authority, a corporate body established under the *Conservation Authorities Act* (RSO 1990).

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

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

**Boathouse:** Structure meant for storage of water craft and associated boating equipment located on or within 6 metres of a navigable waterway. The boathouse must be anchored and is to be constructed as a single storey with no habitable space. The boathouse is considered a detached accessory structure and it must be wet floodproofed with openings on two sides to allow the flow of water through and no electrical services to be located less than 0.3 metres above the flood elevation.

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

**Conservation of Land (CO Interpretation):** The protection, management, or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and hydrologic and ecological functions within the watershed.

**Crawl Space:** A Crawl space must be:

- (a) less than 1500 mm high between the lowest part of the floor assembly and the ground or other surface below, and
- (b) not used for any occupancy.

**Development:** 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.

**Diversion:** The process whereby streamflow is directed from the original channel of the watercourse and returned to the original channel at another point on the watercourse. Diversions may be full or partial re-direction of the streamflow. A diversion may also be the redirecting of flow from the channel of one watercourse to the channel of another watercourse.

**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 (dike):** An embankment or wall, usually along a watercourse or floodplain, to prevent overflow on to adjacent land.

**Dynamic Beach:** That portion of the shoreline where accumulated unconsolidated sediment continuously moves as a result of naturally occurring processes associated with wind and water and changes in the rate of sediment supply.

**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 and an erosion/erosion access allowance.

**Fill:** Earth, sand, gravel, topsoil, building materials, rubble, rubbish, garbage, or any other material whether similar to or different from any of the aforementioned materials, whether originating on the site or elsewhere, used or capable of being used to raise, lower or in any way affect or alter the contours of the ground.

**Flooding Hazard:** The inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one-hundred-year flood level plus an allowance for wave uprush and other water related hazards;
- b) along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
  - a. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests

that the storm event could have potentially occurred over watersheds in the general area;

- b. the one-hundred-year flood; and
- c. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

except where the use of the one-hundred-year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

**Flood Line:** An engineered line delineating the potential extent of flooding.

**Floodplain:** The area, usually low lands, adjoining a watercourse which has been or may be covered by water.

**Floodproofing:** A combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures, or properties subject to flooding so as to reduce or eliminate flood damages.

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

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

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

**Habitation:** is measured by the number of bedrooms within a dwelling unit.

**Hazardous Land:** Property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

**Hazardous Sites:** Property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

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



**Hydrologic Function:** The functions of the 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.

**Inert Fill:** Earth or rock fill, or material of a similar nature that contains no putrescible materials or soluble or decomposable chemical substances.

**Ingress/egress:** The ability to access a property or residence by land.

**Interference in any way** (CO Interpretation): 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:** A structure that projects from the land out into water.

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

**Major Development:** New structures, additions, or restorations greater than 46 square metres (500 square feet).

**Major Stabilization Work:** stabilization works that have been approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC through a detailed engineering design that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.

**Minor Addition:** An addition to an existing structure that does not exceed 46 square metres (500 square feet) and shall not result in an increase in the number of dwelling units. Attached covered structures including decks and garages will be considered habitable space. All new floor space shall be considered when determining the additional floor space including all storeys.

**Minor Alteration:** Alteration of a watercourse not exceeding 20 square metres (215 square feet).

**Minor Development:** A small addition to an existing building, a detached accessory building or above-ground pool that does not exceed 10 square metres (108 square feet) and does not increase number of dwelling units in a hazard land. Uncovered decks less than 23 square metres (250 square feet) are also considered minor development.

**Minor Fill:** A volumetric amount of fill not exceeding 20 cubic metres (26 cubic yards).

**Moderate Development:** *Minor additions*, detached accessory buildings and above ground pools that do not exceed 46 square metres (500 square feet). Uncovered decks larger than 23 square metres (250 square feet) are also considered moderate development. All moderate development (excluding uncovered decks) will be considered cumulative and will not exceed the 46 square metres (500 square feet). If cumulative moderate development exceeds 46 square metres (500 square feet) *major development* definitions apply.

**Moderate Stabilization Work:** stabilization works for banks/bluffs two metres or less in height and placement of appropriately sized stone a volumetric amount equivalent of up to one cubic metre per

one linear metre of shoreline or stream bank if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, pollution, dynamic beaches or the conservation of land will not be affected.

**Non-Habitable:** Detached structure not intended for dwelling in (i.e. garage, uncovered deck, picnic shelter, sun shelter, gazebo, pergola, boathouse)

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

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

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

**Pollution:** Any deleterious physical substance or other contaminant that has the potential to be generated by development in an area.

**Regulated Lands:** The area within which development, interference and alteration activities are regulated by the Conservation Authority.

**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.

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

**Routine permit applications:** are activities that are documented through another approval process (DART Protocol) or are determined to have limited impacts on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land (i.e. non-habitable buildings and structures that are less than 10 m<sup>2</sup> in size).

**Rubble:** Waste fragments of stone, brick etc. from old houses; pieces of undressed stone used especially as backfill for walls; loose angular stones; water worn stones.

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

**Sedimentation:** The deposition of detached soil particles.

**Sewage Disposal System:** A system which contains the entire sewage envelope, including both primary and secondary beds, mantle, septic tanks, and reserve areas, as per the requirements of the Ontario *Building Code Act* or the Ministry of the Environment and Climate Change.

**Significant Wetland:** An area identified as provincially significant by the Ministry of Northern Development, Mines, Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time.

**Static water level:** 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, seiche, 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
- a) 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.

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

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

**Two Zone Floodway-Flood Fringe Concept:** An approach whereby certain areas of the floodplain are considered to be less hazardous than others such that development potentially could occur. The flood fringe defines that portion of the floodplain where development may be permitted, subject to appropriate floodproofing. The floodway defines that portion of the floodplain wherein development is limited. This concept is only implemented after a comprehensive study to evaluate implications has been completed.

**Watercourse:** An identifiable depression in the ground in which a flow of water regularly or continuously occurs.

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

**Wetland:** Lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

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



# LOWER TRENT CONSERVATION

714 Murray Street, R.R. 1, Trenton, Ontario K8V 0N1

■ Tel: 613-394-4829 ■ Fax: 613-394-5226 ■ Website: [www.ltc.on.ca](http://www.ltc.on.ca) ■ Email: [information@ltc.on.ca](mailto:information@ltc.on.ca)

Registered Charitable Organization No. 107646598RR0001

May 10, 2023

LTC File: **RP-21-203**

Property Owner: Jim Carlisle

Sent by email to: [REDACTED]

---

Re: 111 March Street, Frankford Ward, City of Quinte West  
Geographic Township of Sidney, Concession 5, Part of Lot 2

Application for Permission under Ontario Regulation 163/06 – *Lower Trent Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*

**LTC Staff Cannot Grant Approval**

---

Mr. Carlisle;

Lower Trent Region Conservation Authority (LTRCA) received the above noted application to undergo the construction of an addition and attached garage on the subject lands within an area that is regulated by LTRCA under Ontario Regulation 163/06. Staff have reviewed the applications and the property information available on record including but not limited to provincial mapping, aerial and satellite imagery and Floodplain Impact Assessment report (February 15, 2023).

In 2022, LTRCA updated the Regulation Policy Document with respect to Ontario Regulation 163/06. The entire Ontario Regulation 163/06 Policy Document, with all appendices, can be viewed on the LTRCA website at this link: <http://www.ltc.on.ca/planning/pag/>. Please note that the General Policies and Section 5.2.1.2 *Development within Two-Zone Regulatory Floodplain of River or Stream Valleys* are the applicable sections of the Policy Document for the proposed development on this property.

According to our review of the development proposal with consideration for the policies contained within the applicable sections noted above, we can confirm that the proposed development is in direct conflict with the following policies:

**General Policies**

- 3) In addition to specific conditions outlined through this document, development, interference and/or alteration within a regulated area may be permitted only where:
  - a) susceptibility to natural hazards is not increased nor new hazards created (e.g., there will be no impacts on adjacent properties with respect to natural hazards); and,
  - b) the control of flooding, erosion, dynamic beaches, pollution and/or the conservation of land is not adversely affected during and post development.

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Representing Ontario's 36 Conservation Authorities



### 5.2.1.2 Development within Two-Zone Regulatory Floodplain of River or Stream Valleys

#### LTC Policies - For Cold Creek 2-Zone area:

9) Notwithstanding Policy 5.2.1.2 7) development within the floodway of the Regulatory Floodplain in the defined NO FILL zone along March Street west of the rail trail (former CNR train track) shall not be permitted.

#### Background - For the Cold Creek 2-Zone area:

From the "Floodplain Assessment & Policy Formulation for a Two Zone Concept Application in the Village of Frankford" by Totten Sims Hubicki (1983), the following policies were recommended:

- No development is permitted in the floodway where the risk of flooding is greatest.
- The two-zone policy can apply to the entire Flood Fringe in the village of Frankford, except for:
  - The lands fronting on Trent Street from Cold Creek to approximately 39 metres southerly; and,
  - **The lands fronting on March Street west of the C.N.R.**

As the submitted materials propose to undergo development activities in the floodway the above noted policies would not be adhered to.

The policies contained in the document represent thresholds and guidelines that have been approved by the LTRCA Board of Directors to enable designated staff to approve permit applications. It is our opinion that the proposed development does not comply with the above noted policies and therefore, staff approval cannot be granted.

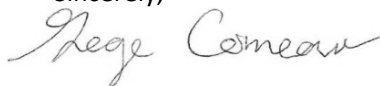
Based on the above noted information, there are two options available for you to proceed with your application:

- You may review the information above and withdraw your application for permission under Ontario Regulation 163/06; or,
- You may request a Hearing before the Board as you have a right to a hearing where staff is recommending refusal of the application.

If you intend to proceed with the third bulleted option above the next available date for a Hearing is **June 8, 2023** as our Board Meetings are held on the second Thursday of the month. Please confirm **in writing** by **May 15, 2023** which of the above-noted options you would prefer so that the necessary arrangements can be made. Please note that the LTC Hearing Guidelines have been attached with this letter for your information.

We look forward to hearing back from you on your chosen option. If you should require further assistance, please do not hesitate to contact me at 613-394-3915 ext. 224.

Sincerely,



Gage Comeau, M. Sc.  
Manager, Watershed Management, Planning and Regulations  
Lower Trent Conservation

Encl: Appendix G – Hearing Guidelines



# LOWER TRENT CONSERVATION

714 Murray Street, R.R. 1, Trenton, Ontario K8V 0N1

■ Tel: 613-394-4829 ■ Fax: 613-394-5226 ■ Website: [www.ltc.on.ca](http://www.ltc.on.ca) ■ Email: [information@ltc.on.ca](mailto:information@ltc.on.ca)

Registered Charitable Organization No. 107646598RR0001

May 23, 2023

LTC File #: RP-21-203

Owner: Jim Carlisle

Email to: [REDACTED]

## NOTICE OF HEARING

### IN THE MATTER OF

The Conservation Authorities Act,

R.S.O. 1990, Chapter 27

**AND IN THE MATTER OF** an application by **CARLISLE**

**FOR THE PERMISSION OF THE CONSERVATION AUTHORITY**

Pursuant to Regulations made under

Section 28, Subsection 12 of the said Act

**TAKE NOTICE THAT** a Hearing before the Hearing Board of the Lower Trent Region Conservation Authority will be held under Section 28, Subsection 12 of the *Conservation Authorities Act* at the offices of the said Authority located at 714 Murray Street, RR #1 Trenton, Ontario K8V 0N1 at the hour of **1:00 p.m., on the 8<sup>th</sup> day of June, 2023** with respect to the application by **Jim Carlisle** to permit development within an area regulated by the Authority in order to ensure there are no adverse effects on the control of flooding or as a result of the proposed development in the Cold Creek floodplain. Specifically, this Hearing is to request permission to construct two additions (garage addition and main floor addition) in the City of Quinte West, Village of Frankford, Geographic Township of Sidney, Concession 5, Part of Lot 2, on the property known as 111 March Street.

**TAKE NOTICE THAT** you are invited to make a delegation and submit supporting written material to the Hearing Board for the meeting of June 8, 2023. If you intend to appear, please contact Gage Comeau, Manager, Watershed Management, Planning & Regulations. **Written material will be required by May 29, 2023, to enable the Hearing 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

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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 Hearing Board of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

**DATED** the 23<sup>rd</sup> day of May, 2023.

The Board of Directors of the Lower Trent Region Conservation Authority

Per: Rhonda Bateman

CAO/ Secretary Treasurer: *Rhonda T. Bateman*





**LOWER TRENT**  
CONSERVATION

**APPENDIX G**

**HEARING GUIDELINES**

**February 10, 2022**



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Appendix G-6: Notice of Hearing - Section 28.0.1 (7)

Appendix G-7: Chair’s Remarks When Dealing with Section 28.0.1 (7)

### Revision Notes:

May 12, 2016 – Original Hearing Guidelines – Approved by Board (Resolution G67/16)

Revision 1: April 13, 2017 – Clarifications and Consistency Updates (Resolution G44/17)

Revision 2: November 16, 2018 – Admin Updates

Revision 3: March 26, 2021 – Include Electronic Hearings (Resolution G51/21)

Revision 4: February 10, 2022 – MZO Hearings and OLT Reference (Resolution G20/22)

## G-1. PURPOSE OF HEARING GUIDELINES:

The Conservation Authorities Act requires that the applicant be provided with an opportunity for a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. Further, a permit may be refused if, in the opinion of the Authority, the proposal adversely affects the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. The Hearing Board is empowered by law to make a decision, governed by the *Statutory Powers Procedures Act (SPPA)*.

The Hearing Rules are adopted under the authority of Section 25.1 of the *Statutory Powers Procedures Act (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 to establish rules to govern such proceedings.

The Hearing Board shall hear and decide whether the application will be approved with or without conditions or refused. In the case of hearings related to applications submitted pursuant to Section 28.0.1, the Hearing Board shall determine what conditions, if any, will be attached to the permission. See Section G-6 for further details.

These guidelines have been prepared as an update to previous hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the Conservation Authorities Act. It is expected that hearings meet the legal requirements of the *Statutory Powers Procedures Act* without being unduly legalistic or intimidating to the participants. Additional considerations have been included related to hearings under Section 28.0.1 (7) in Section G-6 of this document.

### G-1.1 Hearing Guideline Updates

Note that these Guidelines have been revised based on changes in legislation to incorporate various considerations as noted below:

- Revised in May 2018 - Housekeeping amendments made reflecting changes to appeal process as a result of the *Building Better Communities and Conserving Watersheds Act, 2017* and subsequent *Order in Council*. Note: changes to appeal process are no longer valid.
- Revised in March 2021 - Amendments made to incorporate the use of electronic hearings.
- Revised in February 2022 - Amendments made to incorporate hearings under 28.0.1 and update references to the Ontario Land Tribunal (OLT).

### G-1.2 Additional Hearing Considerations – 2021

With the passage of *Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, a new section of the Conservation Authorities Act came into force. Section 28.0.1 (Permission for development, zoning order) applies to applications for permission submitted to an Authority where a zoning order has been made by the Minister of Municipal Affairs and Housing authorizing the proposed development project. While the Act outlines that the Authority must issue these permissions, an Authority has the ability to attach conditions to the permission. In the case of these applications for

permission, applicants must be given the opportunity for a hearing before the Authority, prior to conditions being attached.

As such, hearings under section 28.0.1 of the Act differ from those under section 28, in that the intent of the hearing is not to determine whether or not to issue a permission, but rather, to finalize the conditions of a permission. The purpose of the interim update to the Hearing Guidelines is to incorporate direction for hearings under section 28.0.1 of the Conservation Authorities Act in Section G-6 of this document.

Further, with the passage of Bill 245, Accelerating Access to Justice Act, 2021, on June 1st, 2021 the Local Planning Appeal Tribunal, Environmental Review Tribunal, Board of Negotiation, Conservation Review Board and Mining and Lands Tribunal were merged into a new single tribunal called the Ontario Land Tribunal (OLT). Amendments have been throughout the Hearing Guidelines to update references to the Mining and Lands Tribunal to now reference the Ontario Land Tribunal.

## G-2. PRE-HEARING PROCEDURES

### G-2.1 Role of the Hearing Board

In considering the application, 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 taking part in the hearing should have prior involvement with the application 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 reasonable 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 councillor, the *Municipal Conflict of Interest Act* applies. In the case of preciously 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) If material relating to the merits of an application that is the subject of a Hearing is distributed to Board members before the Hearing, the material should be distributed to the applicant. The applicant may be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed to the applicable parties electronically.
- c) The applicant will be given an opportunity to attend the Hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.

### G-2.2 Application

An applicant has the right to a hearing when:

- staff are recommending refusal of an application because it doesn't comply with the approved policies;
- Staff are unable to approve the permit application because the application does not comply with approved policies; or



- the applicant objects to the conditions of approval.

The applicant is entitled to reasonable notice of the hearing pursuant to the *Statutory Powers Procedures Act*.

### G-2.3 Notice of Hearing

The Notice of Hearing shall be sent to the applicant within sufficient time to allow the applicant to prepare for the hearing. To ensure that reasonable notice is given, it is recommended that prior to sending the Notice of Hearing, the applicant be consulted to determine an agreeable date and time based on the local Conservation Authority's regular meeting schedule.

The Notice of Hearing must contain the following:

- Reference to the applicable legislation under which the hearing is to be held (i.e., the Conservation Authorities Act)
- The date, time, place and the purpose of the hearing, or for electronic hearings: the time, purpose of the hearing, and details about the manner in which the hearing will be held. Note: for electronic hearings the Notice must also contain a statement that the applicant should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority shall assume the applicant has no objection to the electronic hearing if no such notification is received.
- Particulars to identify the applicant, property and the nature of the application which are the subject of the hearing. Note: If the applicant is not the landowner but the prospective owner, the applicant must have written authorization from the registered landowner.
- The reasons for the proposed refusal or conditions of approval shall be specifically stated. This should contain sufficient detail to enable the applicant to understand the issues so they can be adequately prepared for the hearing. It is sufficient to reference in the Notice of Hearing that the recommendation for refusal or conditions of approval is based on the reasons outlined in previous correspondence or a hearing report that will follow.
- A statement notifying the applicant that the hearing may proceed in the applicant's absence and that the applicant 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.
- Reminder that the applicant is entitled to be represented at the hearing by a representative such as legal counsel, if desired. The Conservation Authority may be represented at the Hearing by counsel and/or staff.
- A copy of the Authority's Hearing Guidelines.

It is recommended that the Notice of Hearing be directed to the applicant and/or landowner by registered mail or other method where confirmation of delivery can be verified.

Refer to **Appendix G-1** for an example **Notice of Hearing**.

### G-2.4 Pre-submission of Reports

It is the practice of the Lower Trent Region Conservation Authority to submit reports to the Board members in advance of the hearing (i.e., inclusion on an Authority Agenda) and the applicant will be

provided with the same opportunity. The applicant will be given reasonable time 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. The applicant will be required to provide sufficient copies of this report for inclusion in the Agenda.

## G-2.5 Hearing Information

Prior to the hearing, the applicant should be advised of the local Conservation Authority's hearing procedures. (a copy of this document should be provided with the staff report).

## G-3. HEARING

### G-3.1 Public Hearing

Pursuant to the *Statutory Powers Procedure Act*, hearings, including electronic hearings, are required to be held in public. For electronic hearings, public attendance should be synchronous with the hearing. The exception is in very rare cases where public interest in public hearings is outweighed by the fact that intimate financial, personal or other matters would be disclosed at hearings.

### G-3.2 Hearing Participants

The Conservation Authorities Act does not provide for third party status at the Hearing. The Hearing however is open to the public. Any information provided by third parties should be incorporated within the presentation of information by, or on behalf of, the applicant or Authority staff as appropriate.

### G-3.3 Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, those members of the Authority who will decide whether to grant or refuse the application 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.

### G-3.4 Adjournments

The Board may adjourn a hearing on its own motion or that of the applicant or Authority staff where it is satisfied that an adjournment is necessary for an adequate hearing to be held. Any adjournments form part of the hearing record.

### G-3.5 Orders and Directions

The Authority is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. A hearing procedures example has been included as **Appendix G-2**.

### G-3.6 Information Presented at Hearings

- a) The *Statutory Powers Procedure Act* requires that a witness be informed of their right to object pursuant to the *Canada Evidence Act*. The *Canada Evidence Act* indicates that a witness shall not

be excused from answering questions on the basis that the answer may be incriminating. Further, answers provided 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) It is the decision of the hearing members as to whether information is presented under oath or affirmation. It is not a legal requirement. The applicant must be informed of the above, prior to or at the start of the hearing.
- c) The Board may authorize receiving a copy rather than the original document. However, the 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), if relevant to the issues of the hearing, can be heard.
- f) The Board may take into account matters of common knowledge such as 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 establish their truth.

## G-3.7 Conduct of Hearing

### G-3.7.1 Record of Attending Hearing Board Members

A record should be made of the members of the Hearing Board.

### G-3.7.2 Opening Remarks

The Hearing Board Chair should convene the hearing with opening remarks which; identify the applicant, the nature of the application, and the property location; outline the hearing procedures; and advise on requirements of the *Canada Evidence Act*. Please reference **Appendix G-3** for the Opening Remarks Template. In an electronic hearing, all the parties and members of the Hearing Board must be able to clearly hear one another and any witnesses throughout the hearing.

### G-3.7.3 Presentation of Authority Staff Information

Staff of the Authority presents the reasons supporting the recommendation for the refusal or conditions of approval of the application. Any reports, documents or plans that form part of the presentation should be properly indexed and received.

Staff of the Authority should not submit new technical information at the Hearing as the applicant will not have had time to review and provide a professional opinion to the Hearing Board.

Consideration should be given to the designation of one staff member or legal counsel who coordinates the presentation of information on behalf of Authority staff and who asks questions on behalf of Authority staff.

### G-3.7.4 Presentation of Applicant Information

The applicant has the opportunity to present information at the conclusion of the Authority 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 permit application in question. For instance, does the requested activity affect the control of flooding, erosion, dynamic beaches, pollution or conservation of land? The hearing does not address the merits of the activity or appropriateness of such a use in terms of planning.

- The applicant may be represented by legal counsel or agent, if desired.
- The applicant may present information to the 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, hydro-geologist etc.

The applicant should not submit new technical information at the hearing as the Staff of the Authority will not have had time to review and provide a professional opinion to the Hearing Board.

### G-3.7.5 Questions

Members of the Hearing Board may direct questions to each speaker as the information is being heard. The applicant and/or agent can make any comments or questions on the staff report. Staff will be given an opportunity to respond to questions posed by either the Board or the applicant. Staff may also rebut comments or pose questions to the applicant at this time.

Pursuant to the *Statutory Powers Procedure Act*, the Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented. Please note 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.

### G-3.7.6 Deliberation

After all the information is presented, the Board may adjourn the hearing and retire in private to confer. The Board may reconvene on the same date or at some later date to advise the applicant of the Board's decision. The Board members should not discuss the hearing with others prior to the decision of the Board being finalized.

## G-4. DECISION

The applicant must receive written notice of the decision. The applicant should be informed of the right to appeal the decision within 30 days upon receipt of the written decision to the Ontario Land Tribunal.

It is important that the hearing participants have a clear understanding of why the application was refused or approved. The Board should itemize and record information of particular significance which



led to their decision.

### G-4.1 Notice of Decision

The decision notice should include the following information:

- a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.
- b) The decision to refuse or approve the application. A copy of the Hearing Board resolution should be attached.

It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail or other method where confirmation of delivery can be verified.

A sample Notice of Decision and cover letter has been included as **Appendix G-4**. Note that if the decision of the Board is to approve the application, the written notice of decision can be included as part of the Permit Cover Letter. An example of Permission Granted through Hearing has been included as **Appendix G-5**.

### G-4.2 Adoption

A resolution advising of the Board's decision and particulars of the decision should be adopted.

## G-5. 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 Ontario Land Tribunal. The record must include the following:

- a) The application for the permit.
- b) The Notice of Hearing.
- c) Any orders made by the Board (e.g. for adjournments).
- d) All information received by the Board.
- e) Attendance of Hearing Board members.
- f) The transcript/minutes, if one exists, of the oral presentations made at the hearing.
- g) The decision and reasons for decision of the Board.
- h) The Notice of Decision sent to the applicant.

## G-6. HEARINGS UNDER SECTION 28.0.1 CAA

Section 28.0.1 of the Conservation Authorities Act came into force with the Royal Assent of *Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*. This section applies to any application submitted to an authority under a regulation made under Section 28 of the Act for permission to carry out all or part of a development project associated with an approved Minister's Zoning Order (MZO). For such applications, an Authority must grant permission to the applicant to carry out the activity, provided an MZO has been made by the Minister of Municipal Affairs and Housing, and provided that the authority's regulated area in which the development activity is proposed to take place

## APPENDIX G – HEARING GUIDELINES

is not located in the Greenbelt Area designated under section 2 of the Greenbelt Act. A permission which is granted under s.28.0.1 may be subject to conditions as prescribed by the issuing Authority.

Understanding that an Authority must grant permission for applications submitted pursuant to an approved MZO (pending the above-noted conditions are met), hearings for these applications differ from those under Section 28(12) of the Act, in that a hearing cannot be held to determine if a permission should be refused. The Authority may refuse to grant a permit only if i) a zoning order has not been made to authorize the development project, ii) the project is proposed to be carried out in the Greenbelt Area, and iii) if all other prescribed requirements have not been satisfied. Per s.28.0.1 (7) of the Act, the applicant for a permission will be given the opportunity to be heard by the Authority prior to any conditions being attached to the granted permission.

The following table is intended to provide a step-by-step process to conducting hearings required under Section 28.0.1 (7) of the Conservation Authorities Act. It is recognized that much of the guidance provided in the body of the Section 28 Hearing Guidelines will be applicable to the s. 28.0.1 (7) hearing process. Where processes differ, the table outlines the necessary considerations for the s. 28.0.1 (7) processes. Where the processes are the same, the table refers to the appropriate sections of the Section 28(3) hearing guidelines.

<b>Sections of the <i>Section 28 Conservation Authorities Act Hearing Guidelines</i></b>	<b>Specific Guidance and/or Processes for S. 28.0.1 (7) Hearings</b>
1.0 Purpose of Hearing Guidelines	<p>The <i>Conservation Authorities Act</i> requires that the applicant be provided with an opportunity for a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. In the case of hearings related to applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i>, the Authority must grant permission to the applicant, provided the requirements set out under this section are met. In this scenario, a hearing will only be held to determine conditions which will be attached to a permission.</p> <p>Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. In the case of applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i>, the Authority may refuse to grant a permit only if i) a zoning order has not been made to authorize the development project, ii) the project is proposed to be carried out in the Greenbelt Area, and iii) if all other prescribed requirements have not been satisfied. The Hearing Board is empowered by law to make a decision, governed by the <i>Statutory Powers Procedures Act</i>.</p>

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	<p>The Hearing Rules are adopted under the authority of Section 25.1 of the <i>Statutory Powers Procedures Act</i> (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 to establish rules to govern such proceedings.</p> <p>The Hearing Board shall hear and decide whether the application will be approved with or without conditions or refused. In the case of hearings related to applications submitted purposed to Section 28.0.1, the Hearing Board shall determine what conditions, if any, will be attached to the permission. See Section G-6 for further details.</p> <p>These guidelines have been prepared as an update to the October 1992 hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the <i>Conservation Authorities Act</i>. It is hoped that the guidelines will ensure that hearings meet the legal requirements of the <i>Statutory Powers Procedures Act</i> without being unduly legalistic or intimidating to the participants. Additional considerations have been included related to hearings under Section 28.0.1 (7) in Section G-6</p>
2.0 Prehearing Procedures	Not applicable to S.28.0.1(7) hearings
2.1 Role of the Hearing Board	<p>In considering the application, 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.</p> <p>The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.</p> <p>(a) No member of the Authority taking part in the hearing should have prior involvement with the application 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 councillor, the <i>Municipal Conflict of Interest Act</i> applies. In the case of a previously expressed opinion, the test is that of an</p>

## APPENDIX G – HEARING GUIDELINES

	<p>open mind, i.e. is the member capable of persuasion in participating in the decision making</p> <p>(b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before the hearing, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.</p> <p>(c) The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.</p> <p>(d) Where a hearing is required for applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i> (e.g., to determine the conditions of the permission), final decisions on the conditions shall not be made until such a time as the applicant has been given the opportunity to attend a hearing.</p>
2.2 Application	The right to a hearing arises where staff is recommending refusal of an application or is recommending conditions to the approval of an application. Additionally, in the case of applications submitted pursuant to s. 28.0.1 of the CA Act, the authority shall not attach conditions to a permission unless the applicant has been given an opportunity to be heard by the authority. The applicant is entitled to reasonable notice of the hearing pursuant to the <i>Statutory Powers Procedures Act</i> .
2.3 Notice of Hearing	<i>Refer to Section 2.3</i>
2.4 Presubmission of Reports	<i>Refer to Section 2.4</i>
3.0 Hearing	Not applicable to S.28.0.1(7) hearings
3.1 Public Hearing	<i>Refer to Section 3.1</i>
3.2 Hearing participants	<i>Refer to Section 3.2</i>
3.3 Attendance of Hearing Board Members	<i>Refer to Section 3.3</i>
3.4 Adjournments	<i>Refer to Section 3.4</i>
3.5 Orders and Directions	<i>Refer to Section 3.5</i>
3.6 Information Presented at Hearings	<i>Refer to Section 3.6</i>
3.7 Conduct of Hearing	N/A
3.7.1 Record of Attending Hearing Board Members	<i>Refer to Section 3.7.1</i>
3.7.2 Opening Remarks	<i>Refer to Section 3.7.2</i>
3.7.3 Presentation of Authority Staff Information	<i>Refer to Section 3.7.3</i>
3.7.4 Presentation of Applicant Information	<i>Refer to Section 3.7.4</i>
3.7.5 Questions	<i>Refer to Section 3.7.5</i>



## APPENDIX G – HEARING GUIDELINES

3.7.6 Deliberation	<i>Refer to Section 3.7.6</i>
4.0 Decision	<i>Refer to Section 4.0</i>
4.1 Notice of Decision	<p>The decision notice should include the following information:</p> <p>(a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.</p> <p>(b) The decision to refuse or approve the application, and in the case of applications under s. 28.0.1 of the CA Act, the decision to approve the application with or without conditions. A copy of the Hearing Board resolution should be attached.</p> <p>It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision and cover letter has been included as <b>Appendix G-4.</b></p>
4.2 Adoption	<i>Refer to section 4.2</i>
5.0 Record	<i>Refer to Section 5.0</i>
Appendix G-6	A new Appendix G-6 has been prepared which provides an example “Notice of Hearing” for hearings under Section 28.0.1 (7) of the <i>Conservation Authorities Act</i>
Appendix G-7	A new Appendix G-7 has been prepared which provides an example “Notice of Decision” for hearings under Section 28.0.1 (7) of the <i>Conservation Authorities Act</i>

## Appendix G-1

### NOTICE OF HEARING

#### IN THE MATTER OF

The Conservation Authorities Act, R.S.O. 1990, Chapter 27

**AND IN THE MATTER OF** an application by XXXXXX

#### FOR THE PERMISSION OF THE CONSERVATION AUTHORITY

Pursuant to Regulations made under Section 28, Subsection 12 of the said Act

**TAKE NOTICE THAT** a Hearing before the Full Board of the Lower Trent Region Conservation Authority will be held under Section 28, Subsection 12 of the Conservation Authorities Act at the offices of the said Authority located at 714 Murray Street, RR #1 Trenton, Ontario K8V 5P4 at the hour of , **on the day of , 20\_\_**, [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 no adverse effect on **(the control of flooding, erosion, dynamic beaches or pollution or, conservation of land./alter or interfere with a watercourse or wetland)** 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 Hearing Board for the meeting of **(meeting number)**. If you intend to appear, [for electronic hearings: or if you believe holding the hearing is likely to cause significant prejudice], please contact **(name)**. Written material will be required by **(date)**, to enable the Hearing 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 Hearing Board 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 , \_\_\_\_\_ 20\_\_.

APPENDIX G – HEARING GUIDELINES

The Board of Directors of the Lower Trent Region Conservation Authority

Per:

Staff Member, Title: \_\_\_\_\_

Chief Administration Officer/ Secretary Treasurer: \_\_\_\_\_

## Appendix G-2

### HEARING PROCEDURES

1. Motion to sit as Hearing Board.
2. Roll Call followed by the Chair's opening remarks. For electronic hearings, the Chair 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 applicant/owner, his agent and others wishing to speak.
4. Staff will indicate the nature and location of the subject application and the conclusions.
5. Staff will present the staff report included in the Authority agenda.
6. The applicant and/or his agent will speak and also make any comments on the staff report, if he so desires.
7. The Hearing Board will allow others to speak, and, if necessary, the applicant in rebuttal.
8. The Hearing Board will question, if necessary, both the staff and the applicant/agent.
9. The Hearing Board will move into camera. For electronic hearings, the Hearing Board will separate from the other participants.
10. Members of the Hearing Board will move and second a motion.
11. A motion will be carried which will culminate in the decision.
12. The Hearing Board will move out of camera. For electronic meeting, the Hearing Board will reconvene with other participants.
13. The Chair or Acting Chair will advise the owner/applicant of the Hearing Board decision.
14. If decision is "to refuse" or "approve with conditions", the Chair or Acting Chair shall notify the owner/applicant of his/her right to appeal the decision to the Ontario Land Tribunal within 30 days of receipt of the reasons for the decision.
15. Motion to move out of Hearing Board and sit as the Board of Directors.



## Appendix G-3

### CHAIR'S REMARKS WHEN DEALING WITH HEARINGS WITH RESPECT TO ONTARIO REGULATION 163/06.

**Date:** Month XX, XXXX  
**O.Reg. 163/06:** Permit Application # RP-XX-XXX  
**Applicant:** Name

We are now going to conduct a hearing under Section 28 of the Conservation Authorities Act in respect of an application by \_\_\_\_\_: , for permission to: \_\_\_\_\_

The Authority has adopted regulations under section 28 of the Conservation Authorities Act which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse effect on the control of flooding, erosion, dynamic beaches, pollution or conservation of land, or to permit alteration to a shoreline or watercourse or interference with a wetland. This Hearing is about granting permission to develop under the Authority regulations; a separate matter from approvals under the *Planning Act*.

The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The Conservation Authorities Act (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."

In holding this hearing, the Hearing Board 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. It is not our place to suggest alternative development methods.

It is to be noted that if the Hearing Board decision is "to refuse" or not support the proposed work within the permit submission, the Chair or Acting Chair shall notify the owner/applicant of his/her right to appeal the decision to the Ontario Land Tribunals.

The proceedings will be conducted according to the *Statutory Powers Procedure Act*. Under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question. The procedure in general shall be informal without the evidence before it being given under oath or affirmation.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the Board.

## APPENDIX G – HEARING GUIDELINES

At this time, if any member of this Board has intervened on behalf of the Applicant with regards to this matter, they should recuse themselves so there is no apprehension of bias and that a fair and impartial Hearing may be conducted.

## Appendix G-4

(Date) BY REGISTERED MAIL

(name), (address)

Dear:

**RE: NOTICE OF DECISION**

**Hearing Pursuant to Section 28(12) of the Conservation Authorities Act**

**Proposed Residential Development**

**Lot, Plan ; ?? Drive, City of**

**(Application #)**

In accordance with the requirements of the Conservation Authorities Act, the Lower Trent Region Conservation Authority provides the following Notice of Decision:

On **(meeting date and number)**, the Hearing Board of the Lower Trent Region Conservation Authority refused/approved your application/approved your application with conditions. A copy the Board's Resolution # \_\_\_\_\_ has been attached for your records. Please note that this decision is based on the following reasons: **(the proposed development/alteration to a watercourse adversely affects the control of flooding, erosion, dynamic beaches, pollution or conservation of land.)**

In accordance with Section 28 (15) of the Conservation Authorities Act, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may refuse the permission; or grant permission, with or without conditions. Through Order in Council 332/2018 the responsibility for hearing the appeal has been transferred to the Ontario Land Tribunal. For your information, should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

Ontario Land Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario M5G 1E5

A carbon copy of this letter should also be sent to Lower Trent Region Conservation Authority. Should you require any further information, please do not hesitate to contact **(staff contact)** or the undersigned.

Yours truly,

Chief Administration Officer/ Secretary Treasurer

Enclosure

## Appendix G-5

Date

FILE #: RP-XX-XXX

PERMIT#: P-XX-XXX

Name of Applicant

Address of Applicant

**ATTENTION:** It is important that you read and understand the contents of this letter and ensure that all necessary parties (i.e., landowner(s) and anyone conducting site works) are aware of any special mitigation requirements contained herein.

RE: Location where Permission Applies

Application for permission to (development, interference and/or alteration) pursuant to Ontario Regulation 163/06 – *Lower Trent Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.*

As you are aware, your application to allow for (Proposed development/interference/alteration) on the property noted above was heard and approved by the Lower Trent Region Conservation Authority's (LTC) Hearing Board on Hearing Date. The following resolution was passed (draft resolution for final approval at the upcoming LTC's Board of Directors' meeting – Next Meeting Date):

**RES: HC2/17 Moved by: Board Member Seconded by: Board Member**  
***THAT the permit application RP-XX-XXX by Applicant for permission (development/interference/alteration) in the (Regulated Area) be approved.***  
**Carried**

Please accept this letter as formal notice of the decision of the Hearing Board.

The proposed (development/alteration/interference) is situated within regulated areas associated with (Regulated Area). Attached you will find a copy of Permit No. P-XX-XXX issued for the works noted above in accordance with Ontario Regulation 163/06. The permit has been issued based on the information, plans and specifications submitted with the application as well as your acceptance of the general conditions of approval detailed in the application. The plans and specifications are attached as part of the approved documentation.

The following mitigation measures are expected to be implemented as part of the approval from LTC:

- 1) *Listed Conditions of Permission;*

Should you require any further information, please do not hesitate to contact (**staff contact**) or the undersigned.



## Appendix G-6

### NOTICE OF HEARING

(Subsection 28.0.1 (7) of the Conservation Authorities Act)

#### IN THE MATTER OF

The Conservation Authorities Act, R.S.O. 1990, Chapter 27

**AND IN THE MATTER OF** an application by

#### **FOR THE PERMISSION OF THE CONSERVATION AUTHORITY**

Pursuant to Regulations made under Section 28.0.1, Subsection 7 of the said Act

**TAKE NOTICE THAT** a Hearing before the Executive Committee of the Conservation Authority will be held under Section 28.0.1, Subsection 7 of the Conservation Authorities Act at the offices of the said Authority (located at 714 Murray Street, RR #1 Trenton, Ontario K8V 5P4), at the hour of XX:XX, on the XX day of XXX, 20XX, [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 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 members to review the material prior to the meeting.

**TAKE NOTICE THAT** pursuant to Section 28.0.1 of the Conservation Authorities Act, a conservation authority is required to grant the permission applied for and may only impose conditions to the permission. The Hearing will therefore focus on the conditions to be imposed to the granting of the permission.

**TAKE NOTICE THAT** this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the Canada Evidence Act that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the affect of any evidence that a witness may give.

**AND FURTHER TAKE NOTICE** that if you do not attend at this Hearing, the Executive 24 Committee of the Conservation Authority may proceed in your absence, and you will not be entitled to any

APPENDIX G – HEARING GUIDELINES

further notice in the proceedings.

DATED the \_\_\_ day of , \_\_\_\_\_202X

The Executive Committee of the Conservation Authority

Per:

Chief Administrative Officer/Secretary-Treasurer

## Appendix G-7

### HEARING BOARD CHAIR'S REMARKS WHEN DEALING WITH HEARINGS

(Section 28.0.1, Subsection 7 of the Conservation Authorities Act)

WITH RESPECT TO ONTARIO REGULATION 163/06.

We are now going to conduct a hearing under section 28.0.1 of the Conservation Authorities Act in respect of an application by \_\_\_\_\_: , for permission to: \_\_\_\_\_

Under Section 28.0.1 of the Conservation Authorities Act, an Authority is required to grant permission for any application submitted under a regulation made under subsection 28(1) for permission to carry out all or part of a development project, in an area regulated by the Authority, associated with a Minister's Zoning Order, provided the criteria listed under subsection 28.0.1 (1) are met. A permission is subject to any conditions as may be prescribed by the Authority.

The Staff has 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 28.0.1 (7) of the Conservation Authorities Act, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

In holding this hearing, the Authority Board/Executive Committee is to determine the prescribed conditions to be attached to the approved permission. 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 5 of the *Canada Evidence Act*, a witness may refuse 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 Chair of the board.



May 1, 2023

Lower Trent Conservation  
714 Murray Street  
R.R.#1  
Trenton, Ontario  
K8V 0N1

Mr. Gage Comeau, M.Sc.,  
Manager, Watershed Management, Planning and Regulations

**Re: 111 March Street, Quinte West**

Quinte Conservation staff have reviewed the information provided by email on April 12, 2023 regarding the Cold Creek flood spillway that traverses 111 March Street. Staff offer the following comments:


1. Insufficient information has been provided to assess the impacts of the flood spillway on the proposed development.
  - a. The current report does not compare water levels to the original conditions (prior to the 2004 development). Explain any discrepancies between the current model and the 2004 model.
  - b. The model files and all input data have not been provided. Please include:
    - i. The HEC-RAS model for pre- and post-development conditions (modeling the same extents as the original 2004 model prepared by VanMeer). It is unclear what the impacts are upstream and downstream of the proposed development;
    - ii. Cross-sections showing pre- and post-development conditions; and
    - iii. Plan view drawing with model cross-sections, pre-development and post-development grades, and pre- and post-development inundation lines, as well as, the minimum separation distance between the post-development floodline and the building.
2. The September 30, 2005 letter from Lower Trent Conservation references a finished habitable flood elevation of not less than 111.33 m GSC (which was 0.3 m above the water surface elevation at the upstream house cross-section). It is recommended that 0.3 m of separation be maintained between the lowest finished floor elevation and the water surface elevation.
3. The report shows an increase of 0.05m in water surface elevations between existing and proposed conditions.



4. Provide photos of the existing spillway channel and comment on any proposed changes to the channel.
5. Provide the datum for elevation data on mapping and in the report.

Please contact me if you have any questions about the information provided.

Regards,

  
Christine Phillibert, P.Eng.  
Water Resources Manager

2023-05-31



**HEARING**  
Ontario Regulation 163/06 Permit  
Application: RP-21-203

*Property Owner: Jim CARLISLE  
111 March Street, W Frankford (Sidney)  
Concession 5, Part of Lot 2*

Presented to: Lower Trent Region Conservation Authority Hearing Board  
Presented by: Gage Comeau, Manager, Watershed Management, Planning & Regulations

Date: June 8, 2023

## Contents

- Subject Property
- Floodplain Mapping
  - Two-zone overview
- Development Proposal
- O.Reg. 163/06 LTC Policies
- Staff Conclusion
- File Timelines

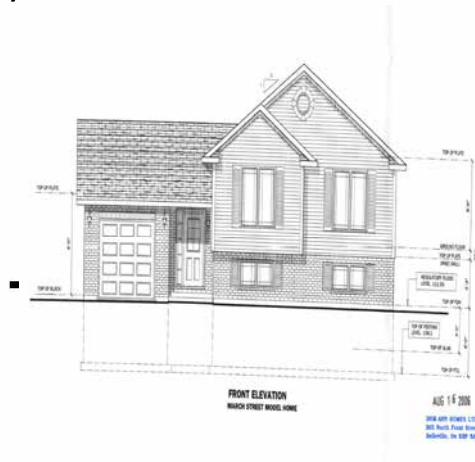
## Subject lands

- Located in Frankford
  - South of March Street
  - Approx. 75 metres from Cold Creek located to the North
  - West of the old C.N.R. track



## Subject Property

- In 2005, LTC issued a permit (file no. F065/05) for a dwelling reconstruction. Original dwelling was damaged due to a fire
- Original dwelling prior to the fire was 65.06 m<sup>2</sup>. Reconstructed dwelling was 112.1 m<sup>2</sup>
- Permit submission included a floodplain analysis and assessment report by VanMeer Limited
  - Report found that the proposed development would have no adverse affects upstream or downstream following the reconstruction (post development)



As-built drawing of reconstructed dwelling, Aug 16, 2006

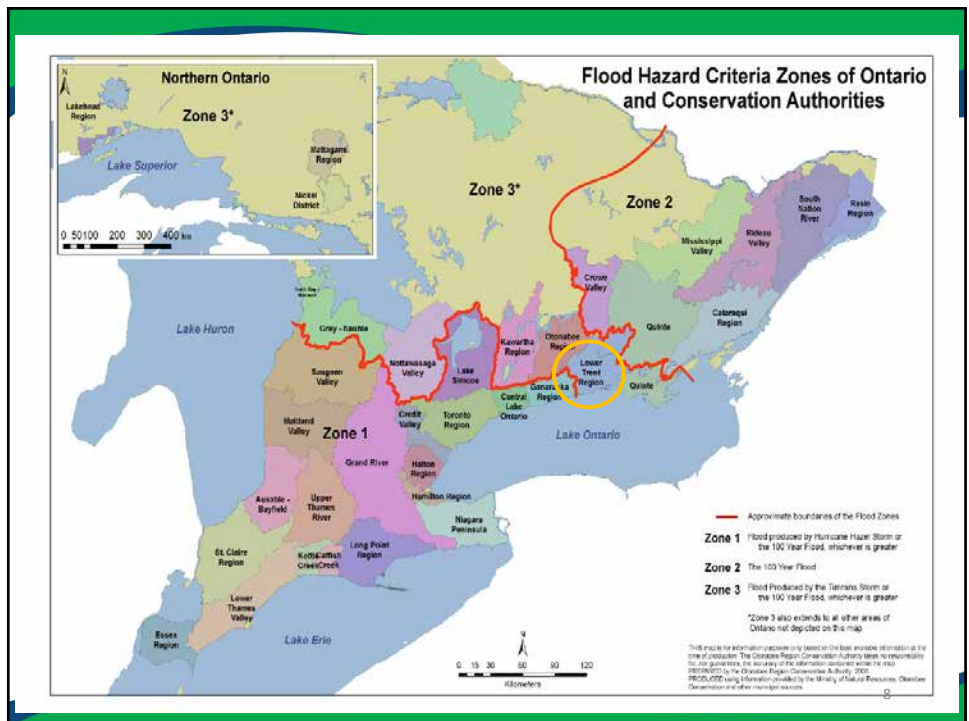
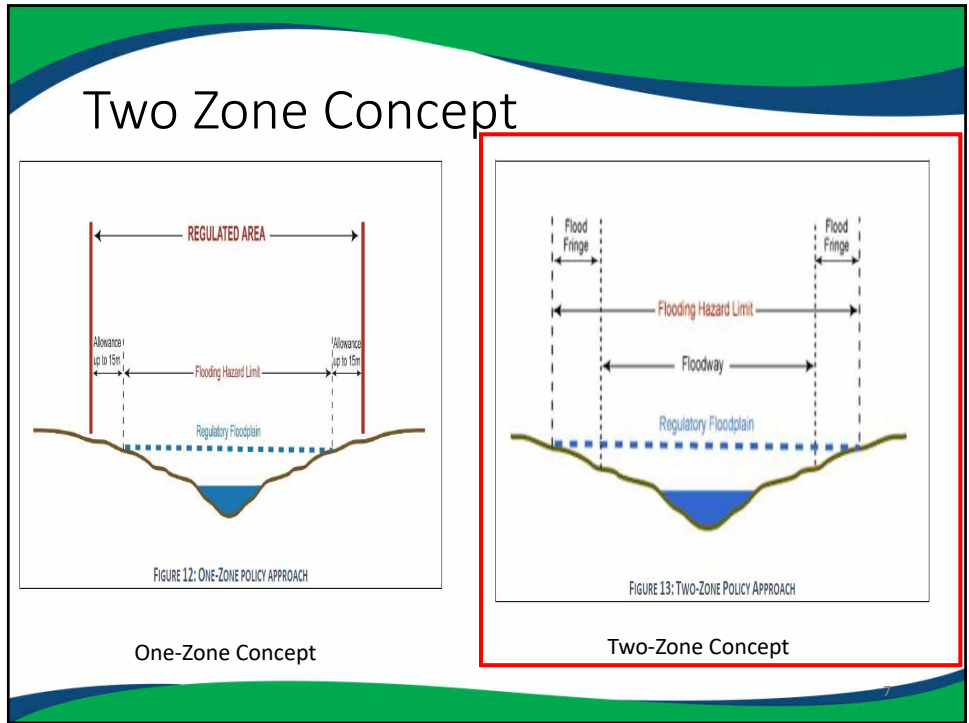
## Subject Property



## Floodplain Mapping

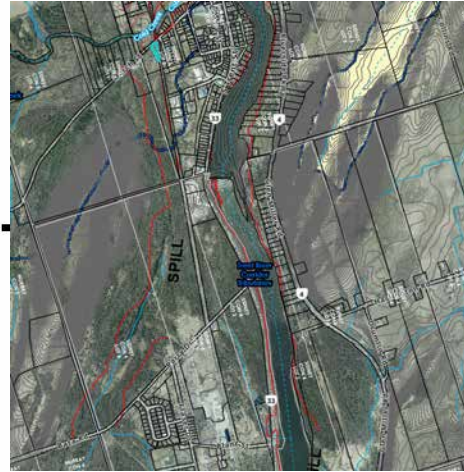






# Cold Creek Floodplain

- Information is from the 1983 Cold Creek Two Zone Floodplain mapping project
- Property is located in Flood Fringe based on the mapping; however, the report notes this area along March Street as an exception\*



# Cold Creek Floodplain

LOWER TRENT REGION CONSERVATION AUTHORITY  
 FLOODPLAIN ASSESSMENT & POLICY FORMULATION  
 FOR A  
 TWO ZONE CONCEPT APPLICATION  
 IN THE  
 VILLAGE OF FRANKFORD

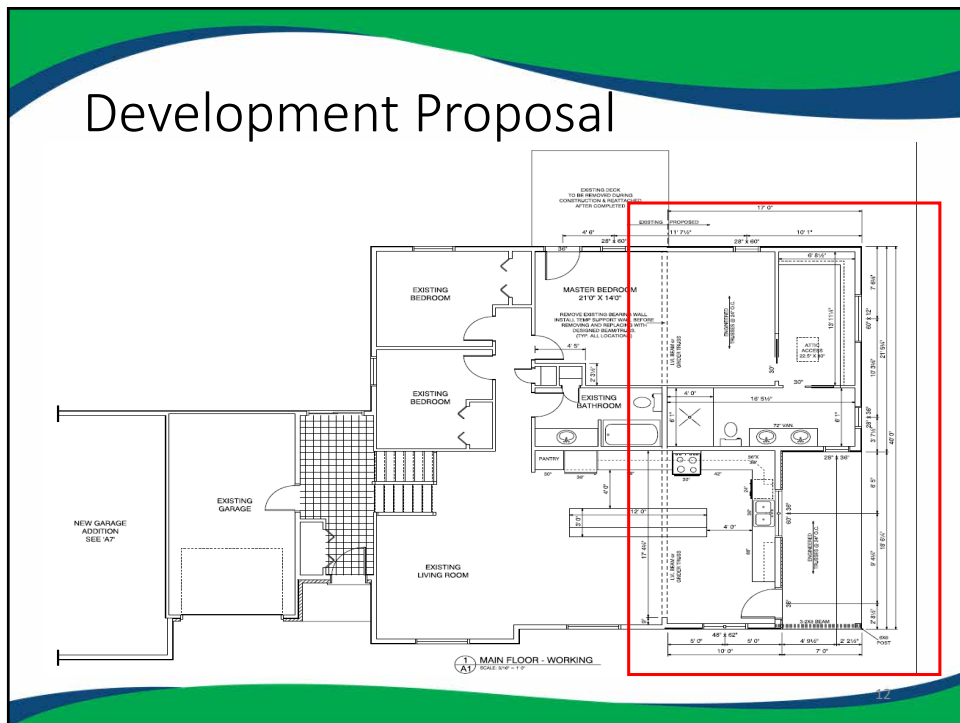
FINAL REPORT  
 JULY 1983

On March Street, west of the C.N.R., the Flood Fringe is caused by spill from Cold Creek towards Batawa, when the Cold Creek flow is subjected to a 100 year flood or greater. In our March 1981 Report we addressed this problem, but found that it was not economical to construct works that would eliminate the spill.

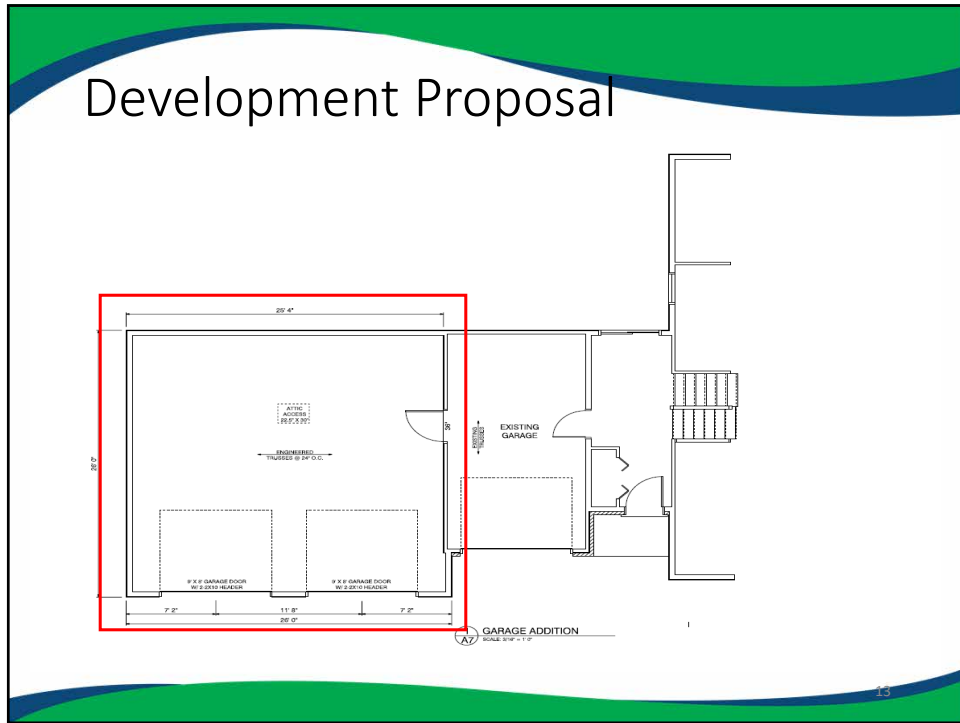
Any alteration in the Flood Fringe along March Street would reduce the spill to Batawa, and increase the flow and flooding problems in Frankford. No obstruction of the spill watercourse can be permitted without a very careful analysis of the effect on flood levels in Frankford.

It should also be remembered that obstruction of the spill on March Street will not aggravate flood levels in Frankford for flows less severe than a 100 year storm, because floodwaters would not spill across March Street with floods less severe than a 100 year storm.

2023-05-31



2023-05-31



## Ontario Regulation 163/06 Policy Document

- **General Policies**
  - c) Susceptibility to natural hazards is not increased nor new hazards created (e.g., there will be no impacts on adjacent properties with respect to natural hazards).
  - k) the control of flooding, erosion, dynamic beaches, pollution and/or the conservation of land is not adversely affected during and post development.
- **5.2.1.2 Development within Two-Zone Regulatory Floodplain of River or Stream Valleys**
  - 6) Development within the floodway of the two-zone regulatory floodplain shall not be permitted.
  - 9) Notwithstanding Policy 5.2.1.2 7) development within the floodway of the Regulatory floodplain in the defined NO FILL zone along March Street west of the rail trail (Former CNR train track) shall not be permitted.



## Staff Conclusion

Based on a review of the relevant policies that are applicable to this proposal, staff are not in a position to support the application as it does not conform with the policies.

-

## Permit Application: RP-21-203

- Permit Application received: July 8, 2021
- Complete Application: May 4, 2023
- Denial Letter: May 10, 2023
- Request for Hearing: May 12, 2023
- Notice of Hearing: May 23, 2023
- Hearing Date: June 8, 2023





**NOTES:**

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THESE PLANS ARE THE PROPERTY OF MACLAN DESIGNS. PLANS AND DETAILS MAY NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT WRITTEN PERMISSION FROM MACLAN DESIGNS. ALL COPIES OF DRAWINGS ARE TO BE RETURNED TO MACLAN DESIGNS UPON COMPLETION OF PROJECT.

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**LUMBER SPANS AS PER 2009 CWC SPAN BOC**

DO NOT SCALE DRAWINGS. CONTRACTOR TO USE WRITTEN DIMENSIONS ONLY. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO DESIGNER.

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY THEREIN AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

**QUALIFICATION INFORMATION**

NAME: *John P. Ryan* SIGNATURE: *[Signature]*

**REGISTRATION INFORMATION**

MACLAN DESIGNS  
FIRM NAME: \_\_\_\_\_

**REVISIONS**

NO.	REVISION	D.

1	ISSUED FOR PERMITS	06/
NO.	DETAIL	D.



264 COLEMAN ST., BELLEVILLE  
K8P 3H9 613.919.47

DRAWN BY:	
DATE:	JUNE 1,
SCALE:	AS SH

PROJECT:  
ADDITION TO  
SINGLE FAMILY DWELLING  
111 MARCH ST.,  
FRANKFORD., ON

EXISTING AREA = 1178 sq ft  
PROPOSED ADDITION = 490 sq ft  
TOTAL PROPOSED AREA = 1668 sq ft

TITLE: \_\_\_\_\_ DWG. NO. \_\_\_\_\_

FRONT ELEVATION **A3**

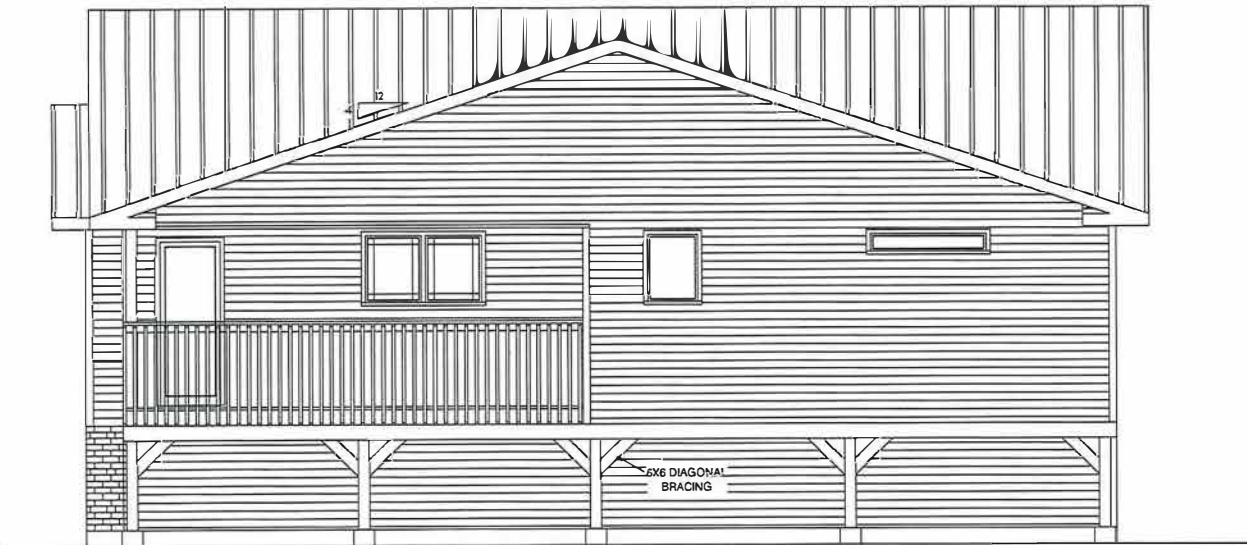
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**A3** FRONT ELEVATION  
SCALE: 3/16" = 1'-0"

NEW GARAGE  
ADDITION. SEE 'A7'

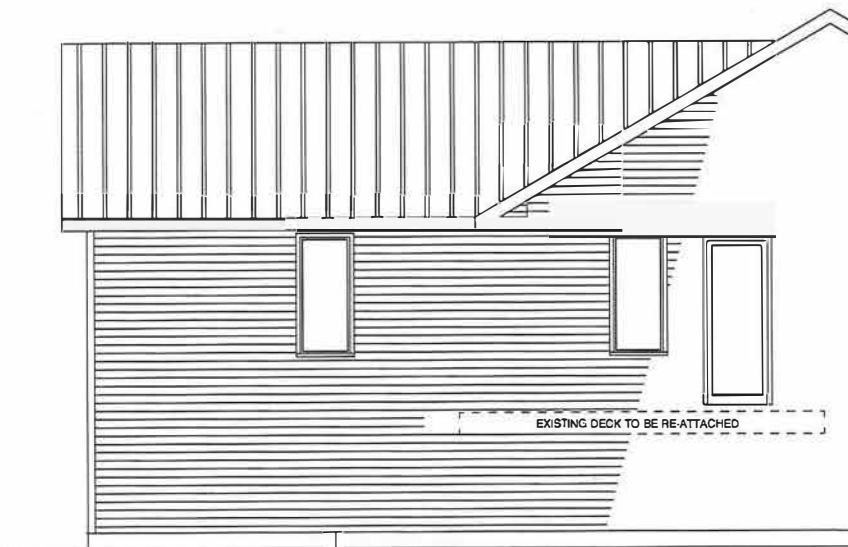








1 RIGHT ELEVATION  
A4 SCALE: 3/16" = 1' 0"



2 REAR ELEVATION  
A4 SCALE: 3/16" = 1' 0"

**NOTES:**  
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2009 CWC SPAN BOC**

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**QUALIFICATION INFORMATION**  
 NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
**REGISTRATION INFORMATION**  
 REG. NO.: \_\_\_\_\_ FIRM NAME: \_\_\_\_\_

**REVISIONS**

NO.	DETAIL	DATE
1	ISSUED FOR PERMITS	06/11/11



264 COLEMAN ST., BELLEVILLE, ONTARIO  
 K8P 3H9 613.919.47

DRAWN BY: \_\_\_\_\_  
 DATE: JUNE 1, 2011  
 SCALE: AS SHOWN

**PROJECT:**  
 ADDITION TO SINGLE FAMILY DWELLING  
 111 MARCH ST., FRANKFORD, ON

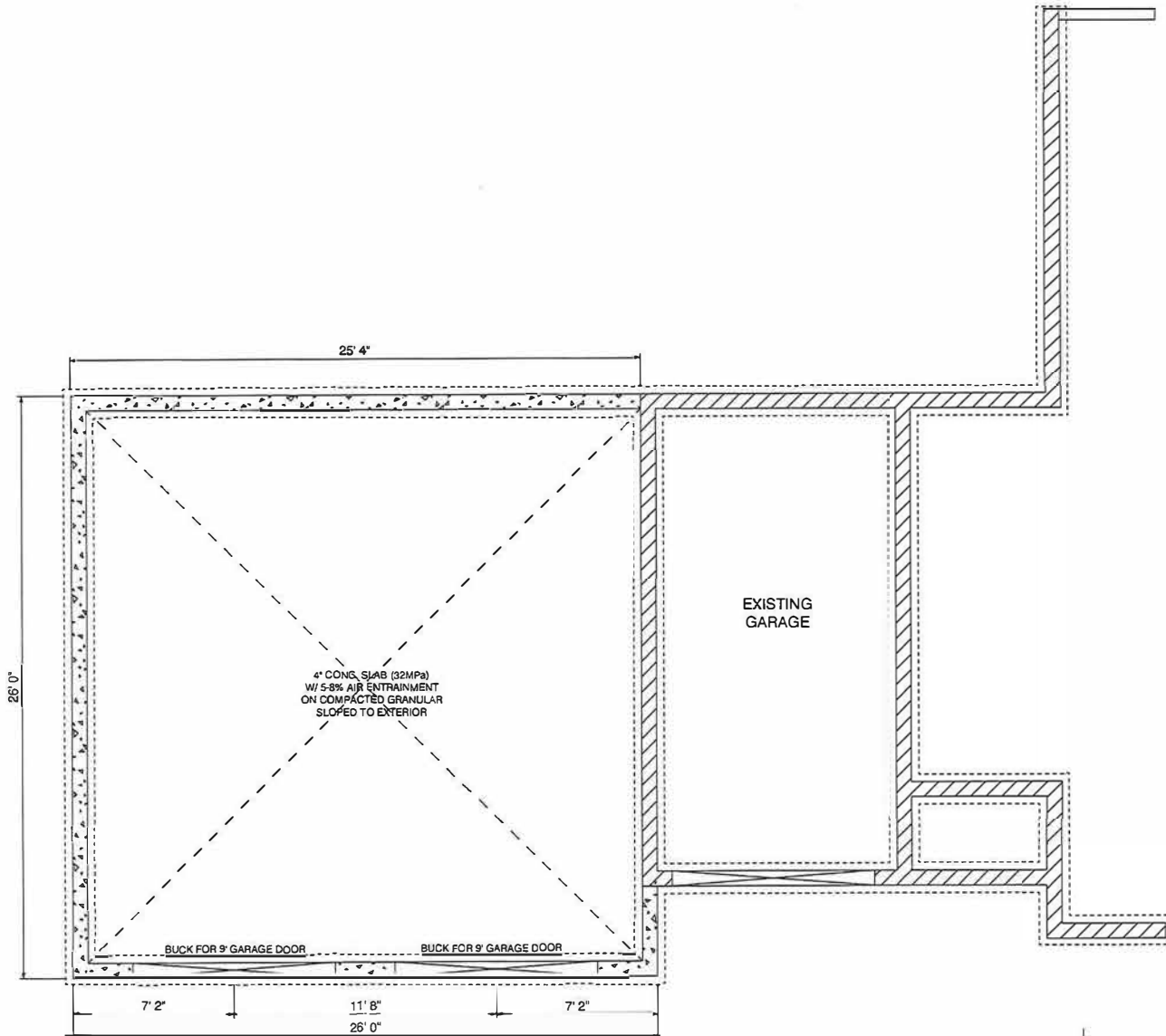
EXISTING AREA = 1178 S.F.  
 PROPOSED ADDITION = 490 S.F.  
 TOTAL PROPOSED AREA = 1668 S.F.

TITLE: \_\_\_\_\_ DWG. NO. \_\_\_\_\_

RIGHT & REAR ELEVATIONS







1 GARAGE FOUNDATION  
 A8 SCALE: 3/16" = 1' 0"

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**QUALIFICATION INFORMATION**  
 DESIGNER NAME: [Signature] SIGNATURE

**REGISTRATION INFORMATION**  
 REGISTRATION NO.: [Blank] FIRM NAME: [Blank]

**REVISIONS**

NO.	DETAIL	D.
2	REVISIONS	07/
1	ISSUED FOR PERMITS	06/



264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.47

DRAWN BY: [Blank]  
 DATE: JUNE 1,  
 SCALE: AS SH

PROJECT:  
 ADDITION TO  
 SINGLE FAMILY DWELLING  
 111 MARCH ST.,  
 FRANKFORD., ON

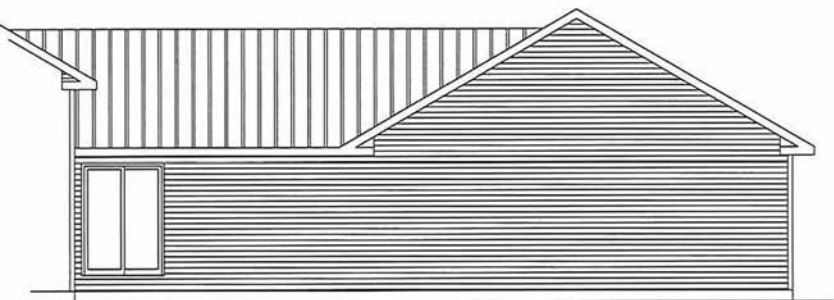
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 PROPOSED ADDITION = 490 sq ft  
 TOTAL PROPOSED AREA = 1668 sq ft

TITLE: GARAGE FOUNDATION DWG. NO. A8

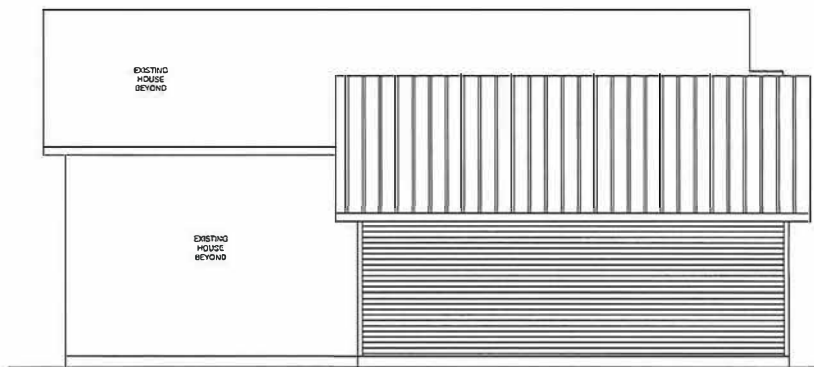




1 FRONT ELEVATION  
A9 SCALE: 1/8" = 1' 0"



2 REAR ELEVATION  
A9 SCALE: 1/8" = 1' 0"



3 LEFT ELEVATION  
A9 SCALE: 1/8" = 1' 0"

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**QUALIFICATION INFORMATION**  
DESIGNER'S NAME: MACLAN DESIGNS INC. REG. NO. 100  
PROFESSIONAL DESIGNER'S NAME: SCOTT LUTCH REG. NO. BC

**REGISTRATION INFORMATION**  
PROJECT NO. 100  
FIRM NAME: BC

**REVISIONS**

NO.	DETAIL	DATE

1	ISSUED FOR PERMITS	06/01/20
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264 COLEMAN ST., BELLEVILLE  
K8P 3H9 613.919.4714

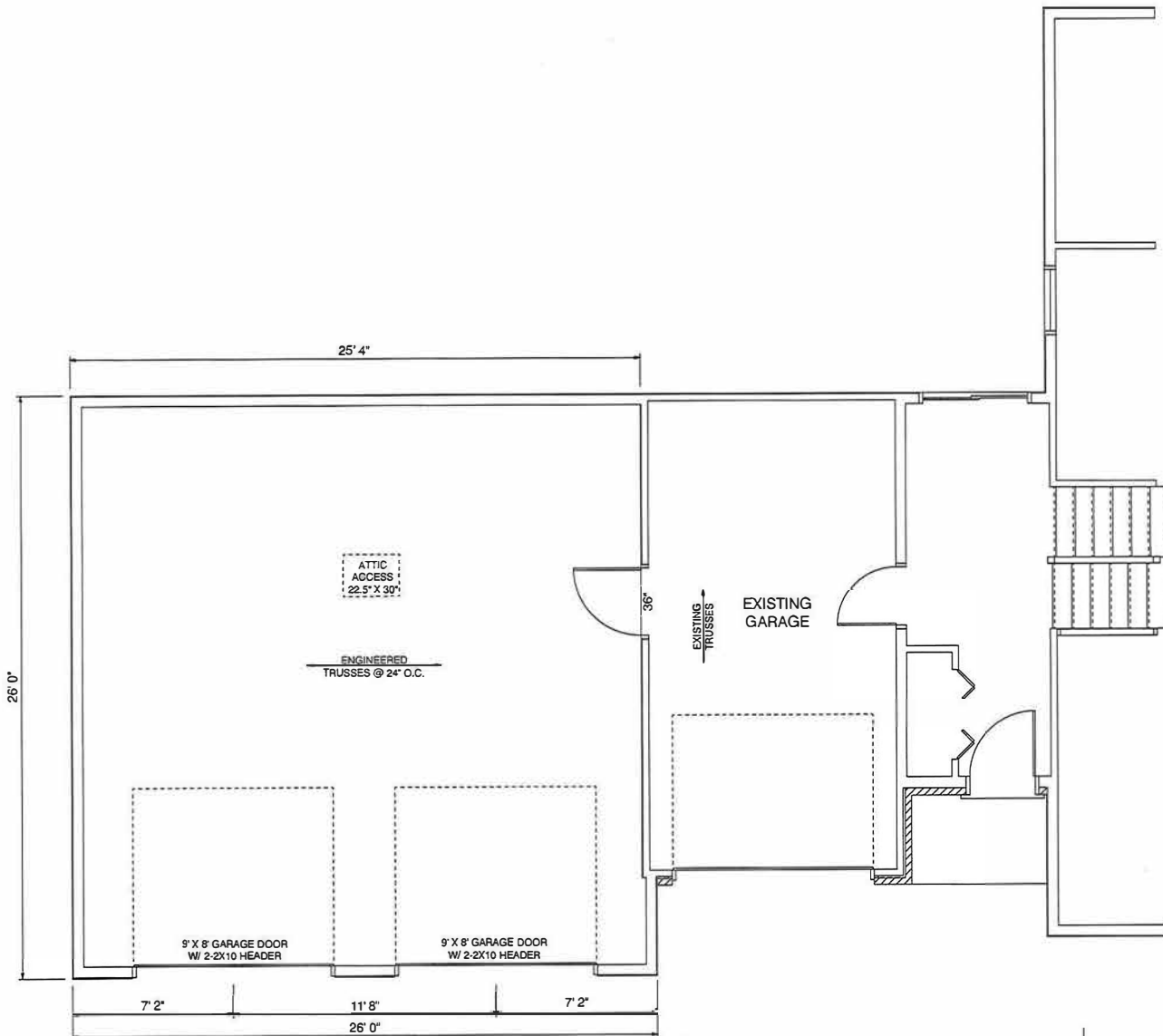
DRAWN BY:	A.
DATE:	JUNE 1, 20
SCALE:	AS SHOWN

PROJECT:  
ADDITION TO  
SINGLE FAMILY DWELLING  
111 MARCH ST.,  
FRANKFORD., ON

EXISTING AREA = 1178 SQ.F  
PROPOSED ADDITION = 490 SQ.F  
TOTAL PROPOSED AREA = 1668 SQ.F

TITLE:	DWG. NO.
GARAGE ELEVATIONS	<b>A9</b>





1 GARAGE ADDITION  
A7 SCALE: 3/16" = 1' 0"

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**QUALIFICATION INFORMATION**  
 NAME: [Signature] SIGNATURE

**REGISTRATION INFORMATION**  
 PROFESSIONAL DESIGNER  
 FIRM NAME:

**REVISIONS**

NO.	DETAIL	D.
2	REVISION	07/
1	ISSUED FOR PERMITS	06/

**MACLAIN DESIGN**

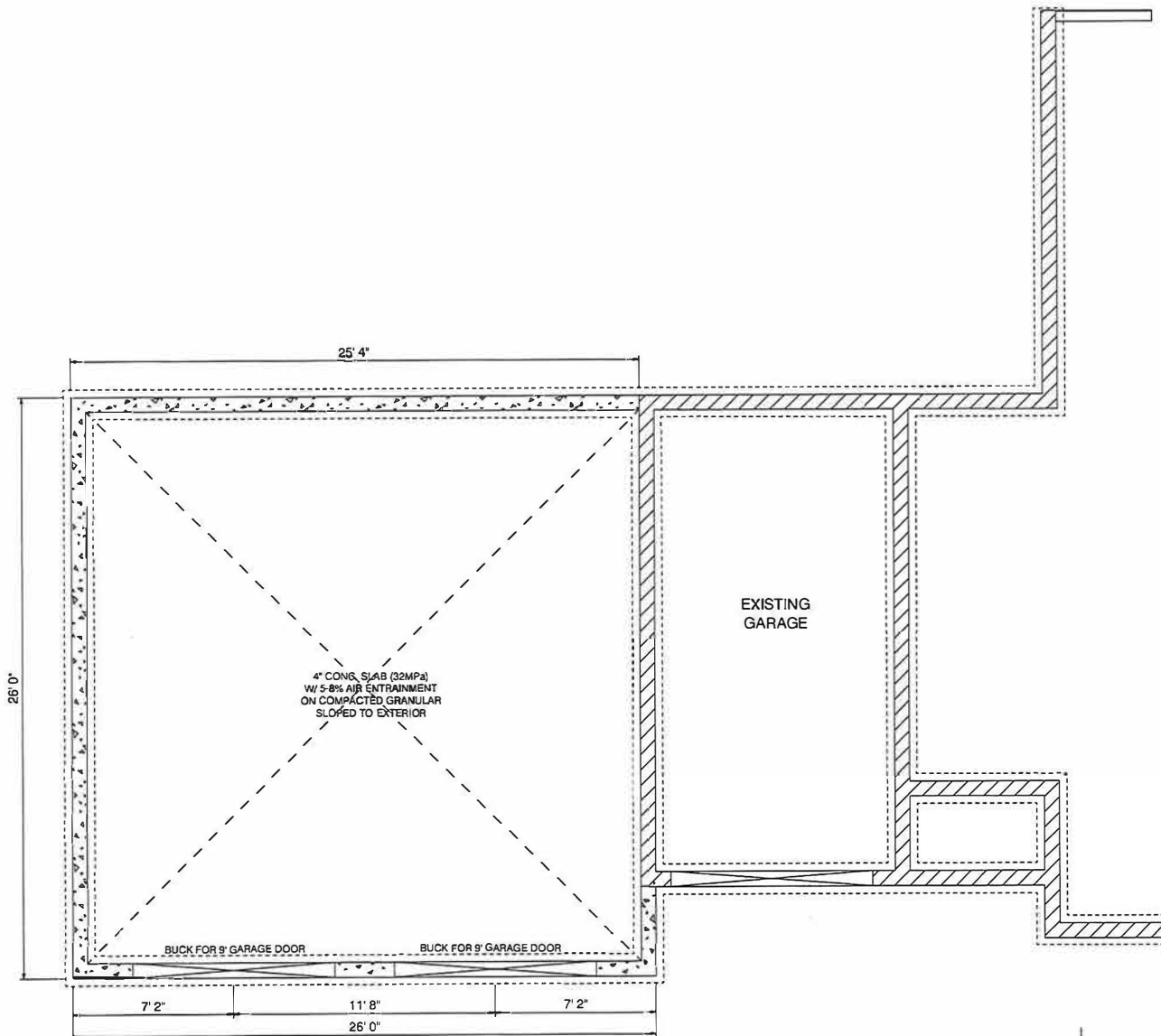
264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.47

DRAWN BY: [Blank]  
 DATE: JUNE 1,  
 SCALE: AS SH

**PROJECT:**  
 ADDITION TO  
 SINGLE FAMILY DWELLING  
 111 MARCH ST.,  
 FRANKFORD., ON

EXISTING AREA = 1178 sq ft  
 PROPOSED ADDITION = 490 sq ft  
 TOTAL PROPOSED AREA = 1668 sq ft

TITLE: MAIN FLOOR WORKING DWG. NO. **A7**



1 GARAGE FOUNDATION  
 AB SCALE: 3/16" = 1' 0"

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DESIGNER IS NOT RESPONSIBLE FOR THE DESIGNS OF ANY SPECIAL COMPONENTS INCLUDING ENGINEERED TRUSSES, ICF & REPAIR, IN-FLOOR HEATING PROFESSIONALS WHO ARE QUALIFIED TO DESIGN THESE COMPONENTS SHOULD BE USED.

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THESE PLANS ARE THE PROPERTY OF MACLAI DESIGNS. PLANS AND DETAILS MAY NOT BE COPIED OR REPRODUCED IN ANY WAY WITHOUT WRITTEN PERMISSION FROM MACLAI DESIGNS. ALL COPIES OF DRAWINGS ARE TO BE RETURNED TO MACLAI DESIGNS UPON COMPLETION OF PROJECT.

DESIGNER IS NOT RESPONSIBLE FOR ANY ENGINEERING COSTS. EVERY EFFORT HAS BEEN MADE BY THE DESIGNER TO ENSURE PLANS COMPLY WITH THE LATEST EDITION OF THE ONTARIO BUILDING CODE. ANY ENGINEERING THAT MAY BE REQUIRED DUE TO ISSUES WITH STRUCTURE ARE THE RESPONSIBILITY OF THE CLIENT.

**LUMBER SPANS AS PER  
 2009 CWC SPAN BOC**

DO NOT SCALE DRAWINGS. CONTRACTOR TO USE WRITTEN DIMENSIONS ONLY. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO DESIGNER.

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY DESIGN, AND HAS THE QUALIFICATIONS AND MEETS THE REQUIREMENT SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

**QUALIFICATION INFORMATION**

DESIGNER NAME: *[Signature]* SIGNATURE

**REGISTRATION INFORMATION**

PROFESSIONAL DESIGNER FIRM NAME: \_\_\_\_\_

**REVISIONS**

NO.	DETAIL	D.
2	REVISIONS	07/
1	ISSUED FOR PERMITS	08/



264 COLEMAN ST., BELLEVILLE  
 K8P 3H9 613.919.47

DRAWN BY: \_\_\_\_\_  
 DATE: JUNE 1,  
 SCALE: AS SH

PROJECT:  
 ADDITION TO  
 SINGLE FAMILY DWELLING  
 111 MARCH ST.,  
 FRANKFORD., ON

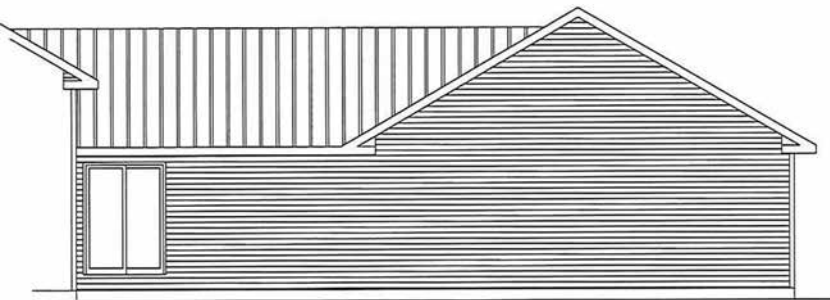
EXISTING AREA = 1178 sq ft  
 PROPOSED ADDITION = 490 sq ft  
 TOTAL PROPOSED AREA = 1668 sq ft

TITLE: DWG. NO.

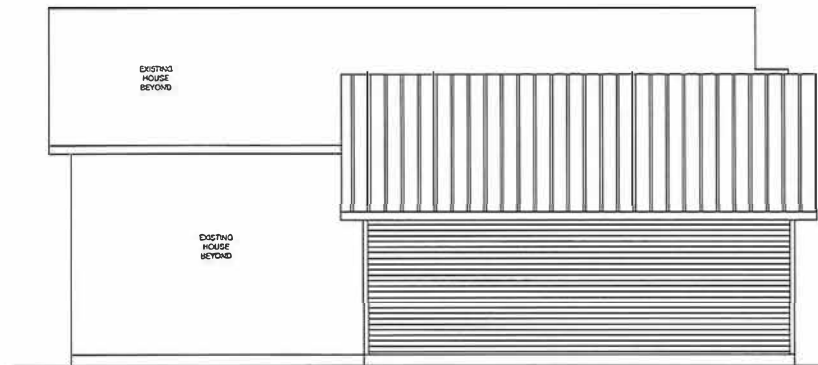
GARAGE FOUNDATION **AE**



1 FRONT ELEVATION  
A9 SCALE: 1/8" = 1'-0"



2 REAR ELEVATION  
A9 SCALE: 1/8" = 1'-0"



3 LEFT ELEVATION  
A9 SCALE: 1/8" = 1'-0"

**NOTES:**

DESIGNER IS NOT RESPONSIBLE FOR THE DESIGN OF ANY SPECIAL COMPONENTS INCLUDING ENGINEERED TRUSSES, IDF & REAR, IN-FLOOR HEATING. PROFESSIONALS WHO ARE QUALIFIED TO DESIGN THESE COMPONENTS SHOULD BE USED.

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DESIGNER IS NOT RESPONSIBLE FOR ANY ENGINEERING COSTS. EVERY EFFORT HAS BEEN MADE BY THE DESIGNER TO ENSURE PLANS COMPLY WITH THE LATEST EDITION OF THE ONTARIO BUILDING CODE. ANY ENGINEERING THAT MAY BE REQUIRED DUE TO ISSUES WITH STRUCTURE ARE THE RESPONSIBILITY OF THE CLIENT.

**LUMBER SPANS AS PER  
2009 CWC SPAN BOOK**

DO NOT SCALE DRAWINGS. CONTRACTOR TO USE WRITTEN DIMENSIONS ONLY. CONTRACTOR TO VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES TO DESIGNER.

THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THE ACCURACY AND THE QUALITY AND MEETS THE REQUIREMENTS SET OUT IN THE ONTARIO BUILDING CODE TO BE A DESIGNER.

**QUALIFICATION INFORMATION**  
NAME: [Signature] DESIGNER

**REGISTRATION INFORMATION**  
FIRM NAME: [Signature]

**REVISIONS**

NO.	DETAIL	DATE

1 ISSUED FOR PERMITS 06/01/20  
NO. DETAIL DATE



264 COLEMAN ST., BELLEVILLE  
K8P 3H9 613.919.4714

DRAWN BY: A.  
DATE: JUNE 1, 20  
SCALE: AS SHOWN

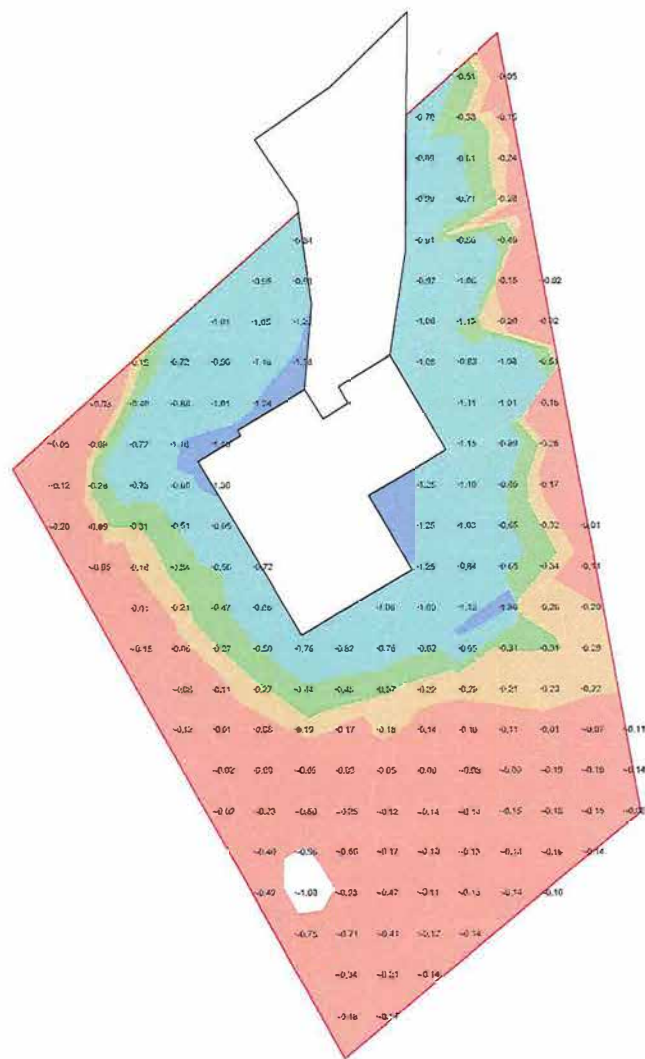
PROJECT:  
ADDITION TO  
SINGLE FAMILY DWELLING  
111 MARCH ST.,  
FRANKFORD., ON

EXISTING AREA = 1178 SQ.F  
PROPOSED ADDITION = 490 SQ.F  
TOTAL PROPOSED AREA = 1668 SQ.F

TITLE: GARAGE ELEVATIONS DWG. NO. **A9**

**PROJECT INFORMATION**  
For 111 MARCH STREET FRANKFORD, ON

**NOTES:**  
- BENCHMARK TOP OF HIRE MOUNT 11124M-D-KIT ON JAN 6.



**Cut/Fill Summary**

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
vol_prop_in	1.000	1.000	1086.31sq.m	82.54 Cu. M.	430.39 Cu. M.	347.85 Cu. M.<Fill>
<b>Totals</b>			<b>1086.31sq.m</b>	<b>82.54 Cu. M.</b>	<b>430.39 Cu. M.</b>	<b>347.85 Cu. M.&lt;Fill&gt;</b>

**LEGEND:**

- EXISTING ELEVATION
- PROPOSED ELEVATION
- BUILDING ENTRANCE
- EXISTING FIRE HYDRANT
- LIGHT STANDARD
- DRAINAGE FLOW DIRECTION
- SUBSURFACE DRAIN
- WATER VALVE
- WATER SHUT OFF VALVE
- WATER GATE VALVE
- SANITARY TEES/RISER/FLUSH
- SANITARY SEWER CLEANOUT
- PRIMARY SEWER
- TRAFFIC CONTROL SIGN/STOP
- LIGHT
- PROPERTY LINE

4		
3		
2		
1	17/01/2023	ISSUED FOR REVIEW
NO.	DATE	ISSUED / REVISION

CLIENT: MGA Development Company  
275 Coleman St. Belleville

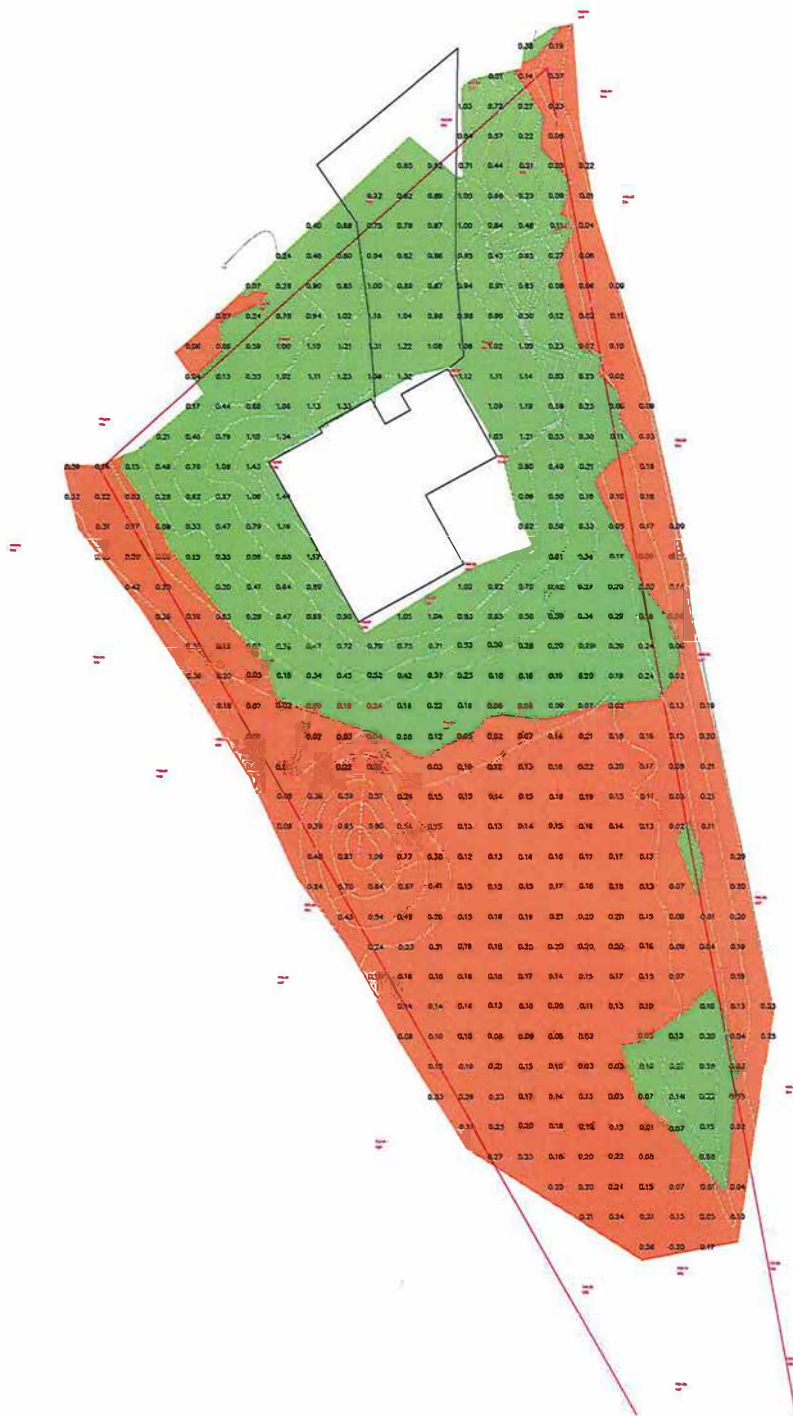
PROJECT:  
111 MARCH ST. FRANKFO

DWG TITLE:  
CUT/ FILL  
SUMMARY

PROJECT # 0152201199

DESIGNED		
DRAWN	L.D.	PROJ. MGR. D.T.
CHECKED	CREATED ON	17 JANUARY 2023
DWG. NO.	C-100	





**Cut/Fill Summary**

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
Volume2	1.000	1.000	1894.34sq.m	177.87 Cu. M.	501.74 Cu. M.	323.86 Cu. M.<Fill>
<b>Totals</b>			<b>1894.34sq.m</b>	<b>177.87 Cu. M.</b>	<b>501.74 Cu. M.</b>	<b>323.86 Cu. M.&lt;Fill&gt;</b>



To:

Feb 15, 2023

Lower Trent Conservation,  
714 Murray St. RR#1, Trenton,  
Ontario K8V 5P4

Attn: Gage Comeau, M. Sc, Provincial Offences Officer  
Regulation & Enforcement Officer

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**Re: 111 March Street, Frankford**

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Please accept this letter, commenting on the potential impacts of proposed addition of the above-described property located at 111 March Street, Frankford.

The owner is proposing to do 49.2 m<sup>2</sup> addition to the west face of the existing building and also intends to add approximately a 62 m<sup>2</sup> garage addition to east face of the existing residential dwelling. The property has an area of 0.213ha with existing 112.1m<sup>2</sup> dwelling. The property is located within spillway of cold creek as identified in a report dated September 1978 prepared by Totten Sims Hubicki and was also identified in report letter by VanMeer Limited dated 03 September 2004.

It was noted that mapping from Totten Sims Hubicki reports identify the land being subject to spillage from cold creek during the regional storm event. The flow along the spillway was identified as 132 m<sup>3</sup>/s. The flow restriction was due the abandoned railway bridge and existing topography of the land.

VanMeer conducted a flood analysis, to identify the flood elevation along the spillway during the regional storm event, and to assess the affect on the local flood elevation/floodplain as a result of the fill required on the lot to grade around the building. Total fill quantity of 102 m<sup>3</sup> was brought in, allowing 3:1 slope from foundation walls to the original ground. The study noted that there is only a slight increase in elevations between 20 to 40mm and it was only localized to the cross-sections affected by the development. It was noted that there's no adverse affects upstream or downstream of the development.

Using prior information for VanMeer analysis and a topographical survey conducted by Three Hills Engineering, a flood analysis using HEC-RAS was completed. It is noted during the site visit that, fill for driveway, garage and a retaining wall along the driveway was already in-place. Cross-sections similar to VanMeer's Drawing 249-01 were drawn to compare grading from "2004 as-built (pre-development)" and "2023 existing grade with proposed additions (post-development)". Steady flow analysis was performed comparing predevelopment to post development conditions.

A substantial amount of fill was brought in during the initial build and any additional fill required on lot to address any flood proofing for proposed addition would not affect the spillway adversely. The proposed addition would be graded 3:1 from foundation to existing grade and will conform to the existing grading pattern, there won't be any alterations to drainage pattern on site. Given that, the flow along the spillway remains same (132 m<sup>3</sup>/s), the increase in flood elevation would be of similar nature and would be local to the cross-sections affected by the proposed addition.



Cross-section	Pre-development WSEL (m)	Post development WSEL (m)	Difference (m)
ST 10.96 (Front of House)	110.88	110.93	0.05
ST 18.53 (Back of House)	110.93	110.98	0.05

An increase of 50mm in flooding was observed at the front of house and back of house due to existing fill on driveway, retaining wall, and fill for garage addition and potential addition to west face of the building. TSH, 1983 report identifies that the structures constructed in flood fringe should be above the regulatory flood levels. From VanMeer letter, the flood elevation at the house was determined to be around 110.92m and 111.03m. Elevation of 111.30m was proposed, to protect against flood and also to provide for some freeboard against any wave action. THE analysis indicates a rise of 0.05m in flood elevation. Maximum Flood elevation of 110.98m was noted at back of house. The top of proposed foundation will match existing foundation with elevation of 111.30m.

In our opinion, this minor increase in flood elevation will be localized to the house area and should be acceptable. It is suggested that earth fill may not be added beyond what's required. Further to reduce the fill, it is recommended to grade 2' below top of foundation maintaining current grading around back and side of the garage and proposed addition to west face of building and provide a frost protected foundation. It should be noted that this review is done based on available information from Vanmeer Drawing -249-01 and Letter dated 3<sup>rd</sup> September 2004 and a recent topographical survey conducted by Three Hills Engineering.

Respectfully Submitted by,



Curtis Vreugdenhil, P. Eng  
Three Hills Engineering Ltd.

Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. Three Hills Engineering Ltd. accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report.



