


Durham Street North
Cramahe (C)
Con 2, Lot 29


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

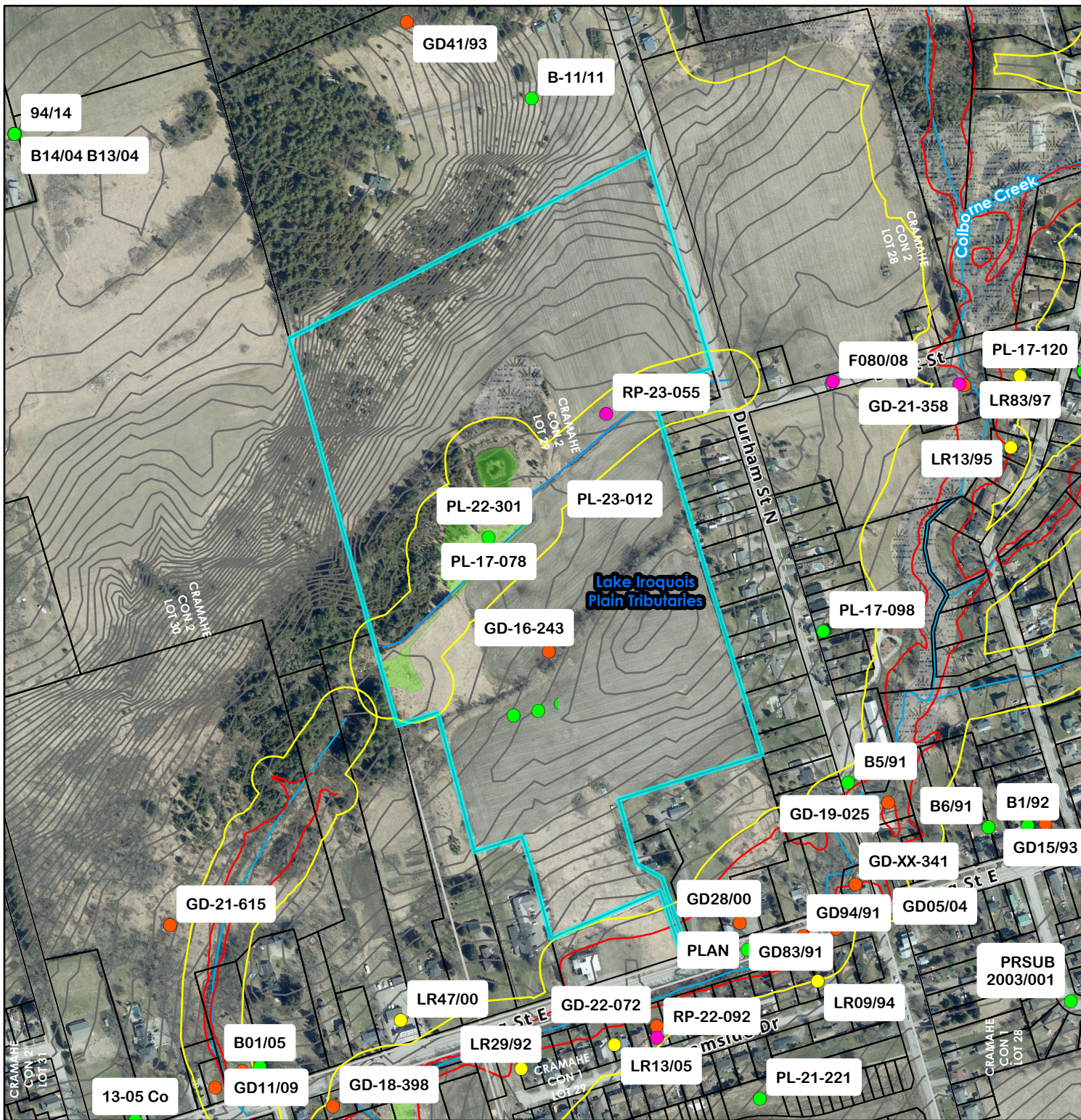
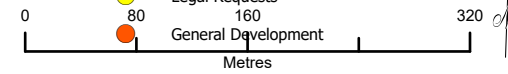
 MurrayCanal_7600_CGVD28

 Planning Files


 Section 28 Permits

 Legal Requests

 General Development



Map produced by Lower Trent Conservation
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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

User: technicaladmin March 7, 2023 4:25 PM

**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 (Ranney 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**

**Ontario Regulation 163/06
Policy Document**

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

February 10, 2022

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.
- 2) Notwithstanding Policy 2. (1), the LTC Board of Directors, sitting as the Hearing Board, may grant permission for development, interference and/or alteration where the applicant provides evidence acceptable to the Board that documents that the development and/or activity will have no adverse effect on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land with respect to Lake Ontario shoreline, river or stream valleys, hazardous land, wetlands, and areas of interference or will not result in an unacceptable interference with a watercourse or wetland.
- 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;
 - b) there is no increase in habitation in the hazard area with the exception of allowable flood fringes or wave uprush hazard areas;
 - 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);
 - 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;
 - g) proposed development is constructed, repaired and/or maintained in accordance with accepted engineering principles and approved engineering standards or to the satisfaction of LTC, whichever is applicable based on the structural scale and scope, and purpose of the project;
 - 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,
 - k) the control of flooding, erosion, dynamic beaches, pollution and/or the conservation of land is not adversely affected during and post development.

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.

7 WATERCOURSES

7.1 Ontario Regulation 163/06

The LTC Regulation contains the following sections dealing with watercourses.

The LTC Regulation contains the following sections dealing with watercourses:

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...

Permission to alter

- 6.(1) The Authority may grant a person permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse
6. (2) The permission of the Authority shall be given in writing, with or without conditions.

7.2 Policy Standards

The following sections outline the policy standards for implementing the LTC Regulation with respect to watercourses. The term “interference” below includes all alterations mentioned within the Regulation (straighten, change, divert or interfere in any way). LTC, in their role through the planning process, should review planning applications to ensure watercourse alterations associated with development are appropriate.

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

7.2.1 Interference with a Watercourse

Background

The following policies apply to watercourses as defined in the Conservation Authorities Act: “An identifiable depression in the ground in which a flow of water regularly or continuously occurs.”

LTC Policies

- 1) Interference with a watercourse shall not be permitted.
- 2) Proposals for channelization and/or re-alignment will not be considered where the purpose of the proposal is to increase the development potential on the lands.
- 3) Notwithstanding Section 7.2.1 1), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within a watercourse subject to the activity being approved through a satisfactory Environmental Assessment process or through other studies deemed necessary by the Conservation Authority and/ or if

- the interference on the natural features and hydrologic and ecological functions of the watercourse has been deemed to be acceptable by the Conservation Authority.
- 4) Notwithstanding Section 7.2.1 1), stream, bank, and channel stabilization to protect existing development or conservation or restoration projects may be permitted within a watercourse if the interference on the natural features and hydrologic and ecological functions of the watercourse has been deemed to be acceptable by the Conservation Authority.
 - 5) Notwithstanding Section 7.2.1 1), any works that are to be located below the bed of the river within a watercourse shall be located below the long-term scour depth to the satisfaction of the Conservation Authority.
 - 6) Notwithstanding Section 7.2.1 1), minor interference and/or alteration may be permitted within a watercourse if it has been demonstrated to the satisfaction of the Conservation Authority that the interference is acceptable on the natural features and hydrologic and ecological functions of the watercourse.
 - 7) Notwithstanding Section 7.2.1 1), major interference (e.g. realignment, dam, enclosure) with a watercourse may be permitted where supported by the recommendations of a sub-watershed study, Environmental Assessment; or other technical approved study. A Complete Application Checklist for Creek Realignments can be found in **Appendix M**. The checklist will be filled out as part of the pre-consultation process for this type of application.
 - 8) Notwithstanding Section 7.2.1 1), watercourse crossings may be permitted if it has been demonstrated to the satisfaction of the Conservation Authority that the interference on the natural features and hydrologic and ecological functions of the watercourse has been deemed to be acceptable by the Conservation Authority. At a minimum, the submitted plans must demonstrate the following based on morphological characteristics of the watercourse system⁴;
 - a) culverts have an open bottom where it is feasible, or where it is not feasible, the culverts should be appropriately embedded into the watercourse;
 - b) crossing location, width, and alignment should be compatible with stream morphology, which typically requires location of the crossing on a straight and shallow/riffle reach of the watercourse with the crossing situated at right angles to the watercourse;
 - c) the crossing is sized and located such that there is no increase in upstream or downstream erosion or flooding;
 - d) the design should consider fish and wildlife passage;
 - e) have regard for upstream and downstream effects when installing/replacing a culvert.
 - f) the design should incorporate site stabilization and erosion control measures;

⁴ Refer to Adaptive Management of Stream Corridors in Ontario (Stream Corridors Project Management Team, 2001) for more information.

- g) the submitted plans should incorporate detailed information related to installation and sequencing; and,
- h) is consistent with Ontario Ministry of Transportation (MTO) Highway Drainage Design Standard WC-1 (January 2008) and follows the MTO Drainage Management Manual 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 ■ Email: information@ltc.on.ca

Registered Charitable Organization No. 107646598RR0001

May 26, 2023

LTC File: **RP-23-055**

Property Owner: 2852243 Ontario Inc.
Jim Pillsworth
Email to: jpillsworth@fidelityeng.com

Agent: Amanda Redden
Jewell Engineering Inc.
Email to: reddena@jewelleng.ca

Re: 37 B Durham Street North, Eastfields Subdivision Lands, Township of Cramahe (Village of Colborne),
Northumberland County, Geographic Township of Cramahe, Concession 2, Part of Lot 29

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

Dear Applicants,

Lower Trent Region Conservation Authority (LTRCA) received the above noted application to undertake a watercourse re-alignment along a tributary stream of Colborne Creek 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 supplementary documents provided as part of the permit submission.

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 7.2.1 *Interference with a Watercourse* is the applicable section 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:

7.2.1 Interference with a Watercourse

- 1) Interference with a watercourse shall not be permitted.
- 2) Proposals for channelization and/or re-alignment will not be considered where the purpose of the proposal is to increase the development potential of the lands.

Working with Local Communities to Protect our Natural Environment



Member of Conservation Ontario
Representing Ontario's 36 Conservation Authorities

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 three 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;
- You may modify your development proposal to comply with the LTC Board-approved policies; or,
- You may request a Hearing before the Board as you have a right to a hearing where staff are recommending refusal of the application.

If you intend to proceed with the third bulleted option above the next available date for a Hearing is **July 13, 2023** as our Board Meetings are held on the second Thursday of the month. Please confirm **in writing** by **June 7, 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 require further assistance, please do not hesitate to contact me at 613-394-3915 ext. 224.

Sincerely,



Gage Comeau, M. Sc. Provincial Offences Officer
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 ■ Email: information@ltc.on.ca

Registered Charitable Organization No. 107646598RR0001

June 6, 2023

LTC File #: RP-23-055

Owner: 2852243 Ontario Inc.

Jim Pillsworth

Email to: jpillsworth@fidelityeng.com

Agent: Amanda Redden, P. Eng.

Jewell Engineering Inc.

Email to: reddena@jewelleng.ca

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 JEWELL ENGINEERING INC. for 2852243 ONTARIO INC.

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 13th day of July, 2023** with respect to the application by **JEWELL ENGINEERING INC. for 2852243 ONTARIO INC.** 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 erosion as a result of the proposed alteration to the watercourse feature. Specifically, this Hearing is to request permission to undertake a watercourse re-alignment along a tributary stream of Colborne Creek in the Village of Colborne, Township of Cramahe, Concession 2, Part of Lot 29, on the property known as 37 B Durham Street North in Northumberland County.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Hearing Board for the meeting of July 13, 2023. If you intend to appear, please contact Gage Comeau, Manager, Watershed Management, Planning & Regulations. **Written material will be required by July 4, 2023, to enable the Hearing Board members to review the material prior to the meeting.**

Working with Local Communities to Protect our Natural Environment



Member of Conservation Ontario
Representing Ontario's 36 Conservation Authorities

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 6th day of June, 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

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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.

Sections of the <i>Section 28 Conservation Authorities Act Hearing Guidelines</i>	Specific Guidance and/or Processes for S. 28.0.1 (7) Hearings
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>

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	<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>

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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 Appendix G-4.</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.

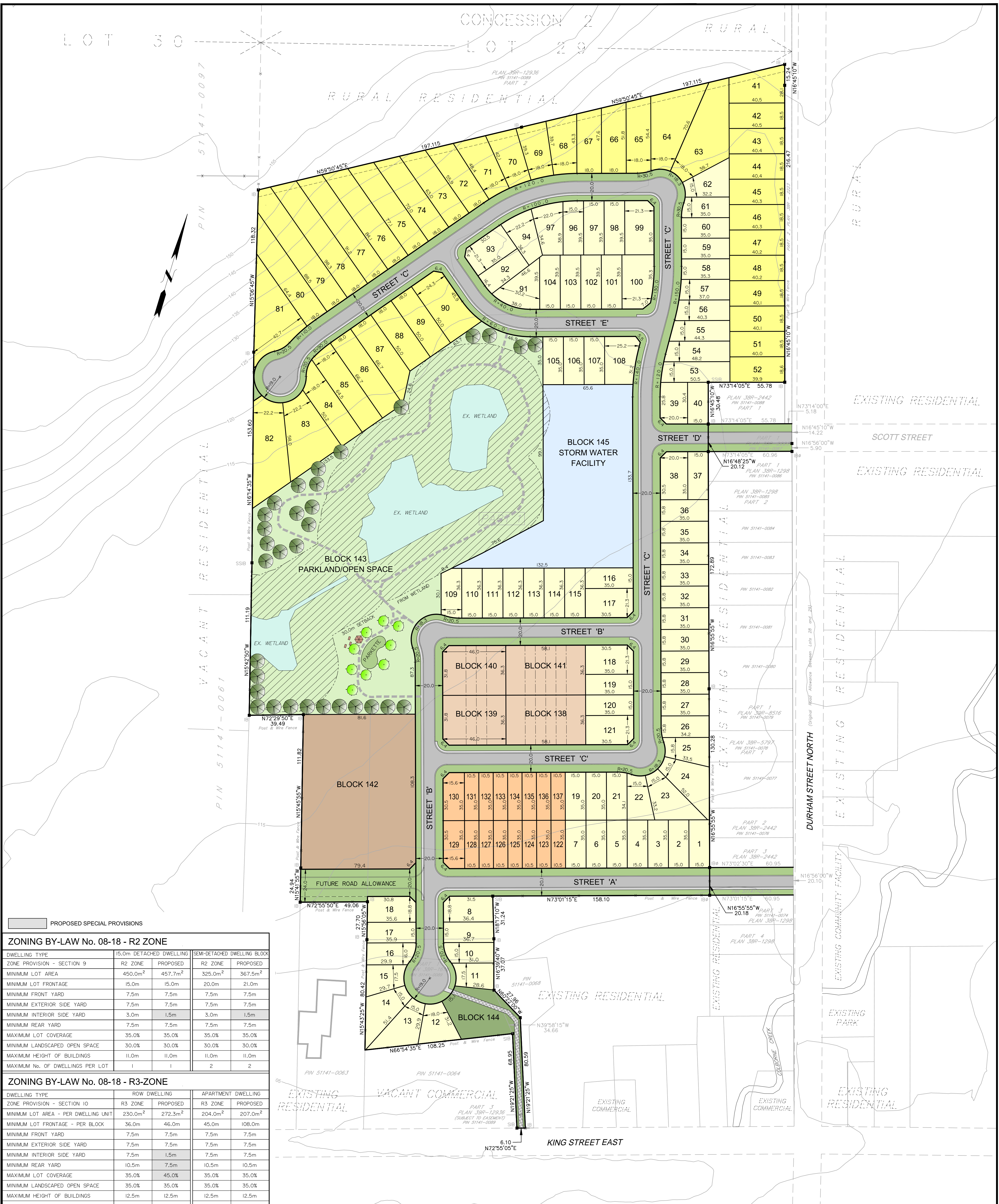
Under Section 28.0.1 (7) of the Conservation Authorities Act, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

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.



PROPOSED SPECIAL PROVISIONS

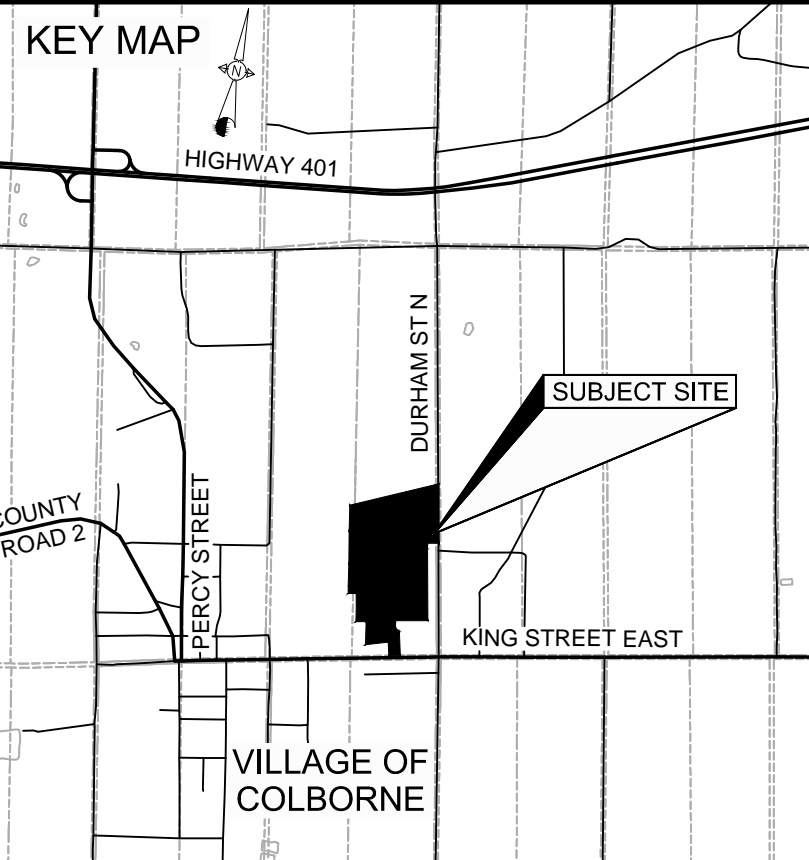
ZONING BY-LAW No. 08-18 - R2 ZONE				
DWELLING TYPE	15.0m DETACHED DWELLING		SEMI-DETACHED DWELLING BLOCK	
ZONE PROVISION - SECTION 9	R2 ZONE	PROPOSED	R2 ZONE	PROPOSED
MINIMUM LOT AREA	450.0m ²	457.7m ²	325.0m ²	367.5m ²
MINIMUM LOT FRONTAGE	15.0m	15.0m	20.0m	21.0m
MINIMUM FRONT YARD	7.5m	7.5m	7.5m	7.5m
MINIMUM EXTERIOR SIDE YARD	7.5m	7.5m	7.5m	7.5m
MINIMUM INTERIOR SIDE YARD	3.0m	1.5m	3.0m	1.5m
MINIMUM REAR YARD	7.5m	7.5m	7.5m	7.5m
MAXIMUM LOT COVERAGE	35.0%	35.0%	35.0%	35.0%
MINIMUM LANDSCAPED OPEN SPACE	30.0%	30.0%	30.0%	30.0%
MAXIMUM HEIGHT OF BUILDINGS	11.0m	11.0m	11.0m	11.0m
MAXIMUM No. OF DWELLINGS PER LOT	1	1	2	2

ZONING BY-LAW No. 08-18 - R3-ZONE				
DWELLING TYPE	ROW DWELLING		APARTMENT DWELLING	
ZONE PROVISION - SECTION 10	R3 ZONE	PROPOSED	R3 ZONE	PROPOSED
MINIMUM LOT AREA - PER DWELLING UNIT	230.0m ²	272.3m ²	204.0m ²	207.0m ²
MINIMUM LOT FRONTAGE - PER BLOCK	36.0m	46.0m	45.0m	108.0m
MINIMUM FRONT YARD	7.5m	7.5m	7.5m	7.5m
MINIMUM EXTERIOR SIDE YARD	7.5m	7.5m	7.5m	7.5m
MINIMUM INTERIOR SIDE YARD	7.5m	1.5m	7.5m	7.5m
MINIMUM REAR YARD	10.5m	7.5m	10.5m	10.5m
MAXIMUM LOT COVERAGE	35.0%	45.0%	35.0%	35.0%
MINIMUM LANDSCAPED OPEN SPACE	35.0%	35.0%	35.0%	35.0%
MAXIMUM HEIGHT OF BUILDINGS	12.5m	12.5m	12.5m	12.5m
MAXIMUM No. OF DWELLINGS PER LOT	1	1	1	1

DEVELOPMENT SITE PLAN
COLBORNE RIDGE SUBDIVISION
 PARTS 1 AND 3, PLAN 12981
 PART OF LOT 182, REID PLAN AND
 PART OF LOT 29, CONCESSION 2
 (FORMER VILLAGE OF COLBORNE)
 TOWNSHIP OF CRAMAHE
 COUNTY OF NORTHUMBERLAND

METRIC NOTE:
 DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE
 CONVERTED TO FEET BY DIVIDING BY 0.3048.

CONTOURS NOTE:
 CONTOURS PREPARED USING DATA OBTAINED BY OTHERS. CONTOURS
 DRAWN AT INTERVALS OF 5.0m.
 SCALE 1:1250



LAND USE

LAND USE	AREA(m ²)	AREA%	UNITS
'R2 ZONE' SINGLE DETACHED BUILDING LOTS	43417.1	21.4	40
'R2 ZONE' SINGLE DETACHED BUILDING LOTS	48515.8	24.0	81
'R2 ZONE' SEMI-DETACHED BUILDING LOTS	6237.8	3.1	16
'R3 ZONE' TOWNHOUSE BUILDING BLOCKS	7536.8	3.7	20
'R3 ZONE' APARTMENT BLOCK	9320.6	4.6	45
PARKLAND/OPEN SPACE	9654.5	4.8	
ENVIRONMENTAL SENSITIVE AREA	28439.1	14.0	
WALKWAY AND SERVICE CORRIDOR	1989.1	0.9	
STORM WATER FACILITY	9875.2	4.9	
20.0m MUNICIPAL ROAD ALLOWANCE	37561.8	18.6	
SUB TOTAL	202547.8m²	100.0%	202

LEGEND

- PROPOSED 7.8m WIDE ASPHALT AND CURB
- LANDSCAPED BOULEVARD
- SURVEYED WETLAND FROM EIS REPORT
- 30.0m SETBACK FROM SURVEYED WETLAND
- 1.5m WIDE SIDEWALK
- 3.0m WIDE WALKING TRAIL
- NATURE TRAIL (BARKCHIP)
- GAZEBO AND PICNIC TABLES
- PROPOSED TREE PLANTINGS
- EXISTING TREES AND VEGETATION TO BE PRESERVED ACCORDING TO EIS

PLAN COPYRIGHT

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 PREPARED. THE PLAN IS NOT AVAILABLE TO THIRD PARTY WITHOUT
 THE WRITTEN CONSENT OF RFA PLANNING CONSULTANT INC.

211 Dundas Street East, Suite 202,
Belleville, Ontario, K8N 1E2

JOB No. 481-DSP

Notice of Decision
With Respect to a Plan of Subdivision
Section 51(37) of the Planning Act

Plan of Subdivision D12-CR1702 – Eastfields Development, Colborne, Cramahe

The Council of the County of Northumberland, as the approval authority, made a decision on April 20, 2022 to approve Plan of Subdivision application D12-CR1702 in the Township of Cramahe.

Purpose of the Application:

The plan of subdivision would allow 202 new residential units on a property north of King Street and west of Durham Street in the Village of Colborne. The plan would create 121 lots for detached units, 16 lots for semi-detached units, five blocks for 20 townhouse units, a block for a 45-unit apartment building, a parkland/open space block, a stormwater facility block, walkways, and roads.

Effect of Public Input:

The Township of Cramahe Council considered all written and oral public comments about the plan. As a result of public input, sidewalks along Durham Street and privacy fencing in specified areas within the subdivision will be provided. Also, an updated traffic impact study and an environmental site assessment are required prior to subdivision registration.

When Draft Approval Is In Effect:

If the Clerk for the County of Northumberland does not receive a notice of appeal in respect of the decision within 20 days of this notice, the application is deemed draft approved on the day after the last day of appeal.

When And How To Submit an Appeal:

A notice of appeal must be received by the County Clerk no later than 4:30 p.m. on May 12, 2022.

The notice of appeal must be addressed to the Clerk, County of Northumberland, at the address shown below, and must;

1. set out the reasons for the appeal; and
2. be accompanied by a certified cheque or money order, payable to the Minister of Finance, in the amount of \$1,100.00 for the appeal fee.

Mailing Address For Notice of Appeal:

Nancy MacDonald, Clerk
County of Northumberland
555 Courthouse Road,
Cobourg, Ontario K9A 5J6

Who Can Submit an Appeal:

Only the applicant, a public body, a person prescribed by the Planning Act, the municipality or the Minister may appeal this decision. The applicant, a public body, the municipality or the Minister may appeal any of the conditions prior to final approval by filing a notice of appeal with the County Clerk.

Only individuals, corporations or public bodies may appeal decisions in respect of a plan of subdivision to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council, or made a written request to be notified of changes to the conditions or, in the Local Planning Appeal Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

For Further Information:

Information about Plan of Subdivision application D12-CR1702 and the decision is available for public inspection during office hours at the County of Northumberland Land Use Planning Office, 600 William Street, Cobourg

Please contact Dwayne Campbell, Manager of Land Use Planning, at (905) 372-3329 extension 2408 if you have any questions regarding the decision.

Date Notice Was Given: April 22, 2022

Decision
With Respect to a Plan of Subdivision
Section 51(31) of the Planning Act

Plan of Subdivision D12-CR1702 – Eastfields Development, Colborne, Cramahe

The Council of the County of Northumberland has decided to grant draft approval to plan of subdivision application D12-CR1702 in the Township of Cramahe, subject to the conditions attached.



Nancy MacDonald, County Clerk
County of Northumberland

Dated at Cobourg, Ontario on April 22, 2022

Conditions of Draft Approval for Plan of Subdivision D12-CR1702 – Eastfields
Subdivision, Colborne

General

1. The Owner shall prepare the final plan in accordance with the approved draft plan, prepared by RFA Planning Consultants Incorporated, dated March 27, 2017, which illustrates:
 - 121 residential lots for detached units
 - 16 residential lots for semi-detached units
 - 4 blocks for 20 townhouse units
 - a block for a 45-unit apartment building
 - a parkland block
 - a walkway/service corridor block
 - a stormwater management block
 - blocks for future road allowances
 - a road reserve block
 - roadways
2. The Owner shall satisfy all requirements, financial and otherwise, of the Township of Cramahe, including entering into a Subdivision Agreement with the Township concerning the provision and installation of roads, sanitary sewers, water supply, drainage, fencing, lighting, landscaping, sidewalks, and other services.
3. The Owner shall obtain all necessary permits from the Lower Trent Region Conservation Authority.
4. The Owner shall submit an updated financial impact summary to the satisfaction of the Township of Cramahe.
5. The Owner shall submit an environmental site assessment(s) to identify previous uses on the site and determine the potential for site contamination and need for detailed assessment and/or recommendations. Any recommendations shall be incorporated into the Subdivision Agreement which shall contain provisions for the Owner agrees to implement the recommendations to the satisfaction of the Township of Cramahe.

Phasing

6. The Owner shall submit plans showing development phasing to the Township of Cramahe for review and approval. The phasing of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings. The phasing shall take into account the temporary termination of roadways, underground services, interim stormwater management, access for operations and maintenance vehicles and emergency vehicles, to the satisfaction of the Township of Cramahe.

The phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of area road improvements, infrastructure, and other services.

Roads

7. The Owner shall submit an updated traffic study to the satisfaction of the Township of Cramahe.
8. The Owner shall design and construct the roads included in the draft plan to an urban standard; such standard is to be set out in the subdivision agreement, to the satisfaction of the Township of Cramahe.
9. The Owner shall design roads to have a minimum 20 metre right-of-way width with a minimum 8.5 metre curb to curb width and a sidewalk on one side.
10. The Owner shall design the radius of any cul-de-sacs be a minimum of 19 metres with a minimum outside curb radius of 14.0 metres.
11. The Owner shall dedicate all road allowances included in this draft plan as public highways.
12. The Owner shall name roads to the satisfaction of the Township of Cramahe and County of Northumberland.
13. The Owner shall convey Blocks 146 and 147 in the draft plan to the Township of Cramahe for future road allowances.
14. The Owner shall convey any dead ends and open sides of road allowances created by this draft as a 0.3 metre reserve, including block 148, to the Township of Cramahe
15. The Developer shall agree in the Township of Cramahe subdivision agreement that the pavement structure for the roadways within the plan of subdivision shall be designed to accommodate highway vehicle loading for waste collection vehicles.

Engineering

16. The Owner shall submit a geotechnical study to the satisfaction of the Township of Cramahe. Any recommendations including those related to ground water elevations, road design and the suitability of the material for development, shall be incorporated into the Subdivision Agreement which shall contain provisions for the Owner to agree to implement the study recommendations to the satisfaction of the Township of Cramahe.
17. The Owner shall submit to the Township of Cramahe and appropriate authority, and agree to implement all works referenced in the following:
 - i) servicing plan

- ii) drainage and grading control plan
- iii) stormwater management plan
- iv) landscaping/fencing plan
- v) utility distribution plan

18. The Owner shall submit a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies, and including construction costs which shall be prepared and stamped by a professional engineer and submitted in a format acceptable to the Township of Cramahe for incorporation into the Subdivision Agreement.
19. The Owner shall submit subdivision design drawings, including design plans of all public works and services, prepared, and certified by a Professional Engineer and designed pursuant to Township of Cramahe requirements and to the satisfaction of the Township, and that such plans are to form part of the Subdivision Agreement.
20. The Owner shall submit a digital file of the approved engineering drawings to the Township of Cramahe.

Water Supply and Sanitary Sewage Services

21. The Owner shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the owner shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan and which are required to service other development external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Township of Cramahe.
22. The Township of Cramahe shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed development and allocate services upon execution of the Subdivision Agreement. Prior to final approval of any phase the Township will confirm the servicing allocation for such phase.
23. The Owner shall design fire hydrants to be equipped with integral 4" Storz connection and two 2.5" CSA thread ports.
24. The Owner shall agree in the Subdivision Agreement that the connection of sanitary sewer and water supply into the existing systems is to be done under the supervision of the Township.

Stormwater Management

25. The Owner shall submit and obtain approval from the Township of Cramahe and the Lower Trent Region Conservation Authority for the following:

- i) a detailed engineering report(s) that describes the storm drainage system for the proposed development and includes a detailed analysis of the proposed drainage pattern; plans illustrating how this drainage system will be tied into the surrounding drainage systems and whether it is part of an overall drainage scheme, the design capacity of the receiving system, the level of protection to be provided, and how external flows will be accommodated; the location and description of all outlets and other facilities; stormwater management techniques which may be required to control minor and major flows; proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction; overall grading plans for the subject lands; and stormwater management practices to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources.
 - ii) Lot grading, stormwater management and erosion and sediment control plans, prepared by a qualified Professional Engineer. Such plans shall include the design and location of any temporary erosion and sediment control facilities (including ponds) as required, and the provision of any required environmental compliance certificate(s) from the Ministry of the Environment and Climate Change, to the satisfaction of the Township and Lower Trent Region Conservation Authority.
26. The Owner shall provide the Township of Cramahe with a report that details the Owner's share of all costs for stormwater management facilities that have been provided or will be provided to service this subdivision development. These costs shall include any upgrades required for existing storm sewers, expansion of stormwater management ponds and quality control devices as well as costs to provide future maintenance of facilities.
27. The Owner shall agree in the Subdivision Agreement to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Township of Cramahe and Lower Trent Region Conservation Authority.

Utilities and Canada Post

28. The Owner shall grant easements as may be required for utilities, drainage, and servicing purposes to the appropriate authority, free of all charges and encumbrances. A utility distribution plan shall be submitted to the satisfaction of the Township of Cramahe
29. The Owner shall consult with Lakefront Utilities Incorporated regarding the installation of electricity infrastructure and distribution to service the development.
30. The Owner shall consult with the appropriate service providers regarding the installation of underground communication / telecommunication utility services for this

land to enable, at a minimum, the effective delivery of broadband internet services and communication / telecommunication services for 911 Emergency Services.

31. The Owners shall consult with Enbridge Gas regarding the installation of natural gas services for the development.
32. The Owner shall consult with Canada Post to identify the location of mailboxes within the development.

Trees and Landscaping

33. The Owner shall submit a landscaping plan to the Township of Cramahe. The landscaping plan shall be prepared by a Landscape Architect to the satisfaction of the Township of Cramahe and shall include all proposed street tree plantings and plantings associated with any stormwater management facilities, and parkland/open space blocks. All planted trees and vegetation are to be native species.
34. The Municipality may, at its sole discretion, accept cash in lieu for some or all boulevard trees, to be determined by the Municipality and established in the Subdivision Agreement.

Parkland, sidewalks, and public space

35. The Owner shall convey Block 143 on the draft to the Township of Cramahe as public parkland.
36. The Owner shall agree in the Subdivision Agreement to construct a sidewalk adjacent to Durham Street North from the south limit of lot 52 through to the north limit of lot 41, to the satisfaction of the Township of Cramahe. Alternatively, the Township of Cramahe may, at its sole discretion, require a cash contribution in lieu of construction of such sidewalk, the details of which will be included in the Subdivision Agreement.
37. The Owner shall convey Block 144 on the draft plan to the Township of Cramahe as a public walkway.
38. The Owner shall consult with the Inter Municipal Accessibility Advisory Committee regarding the design and construction of sidewalks, walkways, and public space areas.
39. The Owner shall agree in the Subdivision Agreement to provide a pedestrian walkway or dedicated pedestrian use only area throughout the subdivision to accommodate and promote safe walking. The Owner shall submit a plan illustrating pedestrian route details to the Kawartha Pine Ridge District School Board which shall be incorporated into the Subdivision Agreement to implement the plans and details to the satisfaction of the Kawartha Pine Ridge District School Board.

Fencing

40. The Owner shall agree in the Subdivision Agreement to design and construct privacy fencing along the rear and/or side yards of lots in the draft plan that abut the proposed park block (block 143) including lots 82 to 90, to the satisfaction of the Township of Cramahe.
41. The Owner shall agree in the Subdivision Agreement to install chain link fencing at the following locations:
- i) permitter of walkway block (block 144)
 - ii) around the perimeter of the stormwater management facility (Block 145). The details, including design and cost estimates, related to the fencing will be contained in a detailed engineering report
 - iii) along the south side of street 'A'/reserve block (block 148)
42. The Owner shall consult with the Township of Cramahe regarding privacy fencing along the rear and/or side yards of lots in the draft plan that abut the existing residential lots fronting on the west side of Durham Street North and the north side of King Street East.

Warning Clauses

43. The Owner shall agree in the Subdivision Agreement to include the following in all purchase and sale agreements for prospective home buyers:
- i) "Purchasers and/or tenants are advised that the planting of trees on municipal boulevards in front of residential units is a requirement of the Township of Cramahe and a conceptual location plan is included in the subdivision agreement with the municipality. While every attempt will be made to plant trees as shown, the Township of Cramahe reserves the right to relocate or delete any boulevard tree without further notice."
 - ii) "Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings."
 - iii) "Purchasers and/or tenants are not permitted to alter the constructed and approved drainage pattern in any manner which includes but is not limited to re-grading, the installation of fences and the installation or planting trees, shrubs flower beds or gardens."
 - iv) "Purchasers and/or tenants are advised that due to the proximity of this plan to an existing quarry, purchasers should be aware that noise and vibrations from quarry operations may interfere with some activities of the dwelling occupants."
 - v) "Purchasers and/or tenants are advised that due to the proximity of this plan to rail lines and level crossings, purchasers should be aware that noise and vibrations from rail operations and train whistles may interfere with some activities of the dwelling occupants."

- vi) "Purchasers and/or tenants are advised that the adjacent parkland or stormwater management facility may be left in a naturally-vegetated condition and receive minimal maintenance."
- vii) "Purchasers and/or tenants are advised that if school buses are required within the development in accordance with Kawartha Pine Ridge District School Board Transportation policies, as may be amended from time to time, school bus pick up points will generally be located on the through street at a location as determined by the Student Transportation Services of Central Ontario."

Zoning By-law Compliance

- 44. The Owner shall apply to the Township of Cramahe and obtain approval of the zoning for the land uses shown on the draft plan and may include the use of holding zone ('H') in accordance with the Planning Act
- 45. The Owner shall submit a Surveyor's Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area to the satisfaction of the Township of Cramahe.

Other Subdivision Agreement Requirements

- 46. The Subdivision Agreement between the Owner and the Township of Cramahe shall contain, among other matters, the following provisions:
 - i) The Owner agrees to maintain the roads and other services and facilities to the satisfaction of the Township Engineer, until assumption of such roads, services and facilities by the Township of Cramahe
 - ii) The Owner agrees to provide individual lot grading plans consistent with the overall approved lot grading plan to the Chief Building Official as part of the building permit application process. Building permits will only be issued in compliance with the approved lot grading plan(s).
 - iii) The Owner agrees that topsoil shall not be removed from the site without prior approval of the Township of Cramahe and shall be kept stockpiled and stabilized for use as topsoil for final lot grading.
 - iv) The Owner agrees to notify the Township of Cramahe and the Lower Trent Conservation Authority Conservation at least 48 hours prior to the initiation of any on-site development.
 - v) The Owner agrees to install street lighting to the satisfaction of the Township of Cramahe.
 - vi) The Owner agrees to install temporary and permanent signage for the subdivision to the satisfaction of the Township of Cramahe.

- vii) The Owner agrees to reimburse the Township of Cramahe for the cost of any peer reviews of the studies/reports submitted in support of the proposed Plan of Subdivision.
- viii) The Owner agrees to reimburse the Township of Cramahe for all administrative, planning, legal, engineering, inspection and/or other costs or expenses incurred by the Municipality or any of its agents, in connection with the development.
- ix) The Owner agrees to bear the expense of all off-site work attributable to the subdivision resulting from the approved public works design where such works are not subsidized under the policies and by-laws of the Township of Cramahe.
- x) The Owner agrees to strictly adhere to the mitigation, restoration and monitoring measures as outlined in the report Species at Risk and Environmental Impact Study, prepared by Lakeside Green Environmental Consulting, revise dated June 2017.
- xi) The Owner agrees that waste collection services within the subdivision will only be provided to detached, semi-detached and townhouse units at such time as the roads are assumed by the municipality and advise initial purchasers within the subdivision of such in all offers of purchase and sale. The apartment block (block 142) will require private waste collection service.

47. The Subdivision Agreement shall contain the appropriate wording regarding the payment of development charges to the Township of Cramahe in accordance with the provisions of the Cramahe and Northumberland County Development Charges By-Laws.

48. The Owner shall submit a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies and including construction costs which shall be prepared and stamped by a professional engineer and submitted in a format acceptable to the Township of Cramahe for incorporation into the Subdivision Agreement

Final Approval

49. Prior to final approval of this plan for registration, the Northumberland County Planning Department shall be advised in writing by:

- a) Cramahe Township how all conditions have been satisfied;
- b) Lower Trent Region Conservation Authority that conditions 3, 25, 27 and 46(x) have been satisfied;
- c) Northumberland County Works Department that conditions 15 and 46(xi) have been satisfied;

- d) Lakefront Utilities Incorporated that condition 29 has been satisfied;
- e) Communication/Telecommunication service provider that condition 30 has been satisfied;
- f) Enbridge Gas that condition 31 has been satisfied;
- g) Canada Post how condition 32 has been satisfied; and
- h) Kawartha Pine Ridge District School Board that conditions 39 and 43(vii) have been satisfied.

Notes to Draft Approval

1. As the Owner of the draft approved plan, it is your responsibility to satisfy all conditions of draft approval in an expeditious manner. The conditions of draft approval will be reviewed periodically and may be amended at any time prior to final approval. The Planning Act provides that draft approval may be withdrawn at any time prior to final approval.
2. All plans of subdivision must be registered in the Land Titles system in accordance with Section 144 of the *Land Titles Act*,
3. If final approval is not given to this plan within five years of the draft approval date, and no extensions have been granted, draft approval shall lapse, and the file shall be closed. Extensions may be granted provided valid reason is given and is submitted to the County of Northumberland at least six months in advance of the lapsing date.
4. For conditions of draft approval that require agency clearance, the address and phone number of the agencies are below:

Township of Cramahe
P.O. Box 357
Colborne, ON K0K 1S0
Attn: Victoria Heffernan
Phone: 905.355-2821

Lower Trent Region Conservation Authority
714 Murray Street, RR1
Trenton, Ontario K8V 5P4
Attn: Ashley Anastasio
Phone: 613.394.4829

Northumberland County Works Department
555 Courthouse Road
Cobourg, Ontario K9A 5J6

Attn: Brooke Gillispie
Phone: 905-372-3329

Lakefront Utility Incorporated
207 Division Street
Cobourg, Ontario K9A 4L3
Attn: Chris Callaghan
905-372-2193 x 5204

Enbridge Gas Inc
1653 Venture Drive
Kingston, ON K7P 0E9
Phone: 905-376-6288

Canada Post - Delivery Planning
PO BOX 8037 Ottawa T CSC
Ottawa, Ontario K1G 3H6
Attn: Stephen McGraw
Phone: 613.894.9519

Kawartha Pine Ridge District School Board
1994 Fisher Drive
Peterborough, Ontario K9J 6X6
Attn: Jeannette Thompson
Phone: (705) 742-9773

5. The final plan must include the following inscription along the right-hand margin of the plan:

Approved under Section 51 of the Planning Act and the authority of Ontario Regulation 177/14 on this _____ day of _____, 20____.

Nancy McDonald, Clerk
County of Northumberland

CONCESSION 2

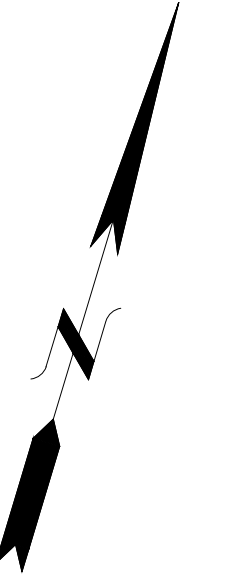
LOT 30

LOT 29

LOT 28

RURAL RESIDENTIAL

VACANT LAND



EXISTING RESIDENTIAL
SCOTT STREET

REDLINE
AMENDED - APPROVED PLAN
OF SUBDIVISION D12-CR1702

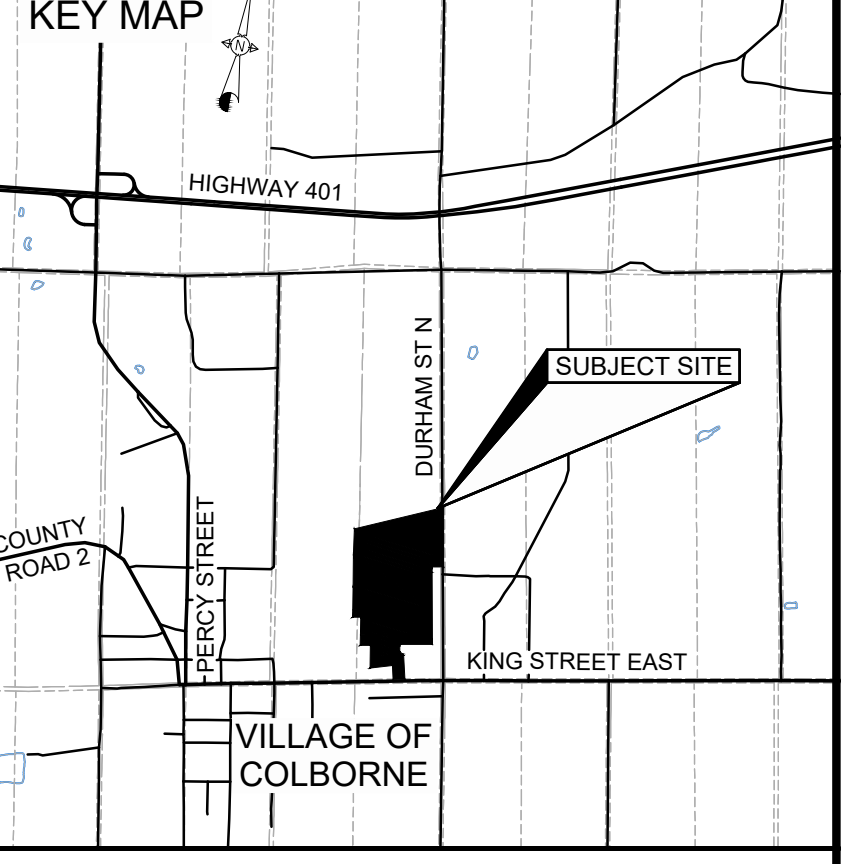
DEVELOPMENT SITE PLAN
EASTFIELDS SUBDIVISION - REDLINE PLAN
PARTS 1 AND 2, PLAN 39R-14479
PART OF LOT 182, REID PLAN AND
PART OF LOT 29, CONCESSION 2
(FORMER VILLAGE OF COLBORNE)
TOWNSHIP OF CRAMAHE
COUNTY OF NORTHUMBERLAND

METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

CONTOURS NOTE:
CONTOURS PREPARED USING DATA OBTAINED BY OTHERS. CONTOURS DRAWN AT INTERVALS OF 5.0m.
SCALE: 1:1000

1	RELINE - DRAINAGE CHANNEL AND LOT ADJUSTMENTS	APRIL 03, 2023	R.F.A.
2	EXISTING DRAFT PLAN REVISED TO INCLUDE NEW ABSOLUTE TITLES	NOV. 25, 2022	R.F.A.
3	EXISTING DRAFT PLAN REVISED TO INCLUDE NEW ABSOLUTE TITLES	NOV. 25, 2022	R.F.A.
4	STORM WATER PLAN EASTFIELDS DRAFT PLAN NO. 2300000000	MARCH 17/17	R.F.A.
5	STORM PLAN APPROVED BY NORTHUMBERLAND COUNTY (APRIL 2022)		
6	REVISION		

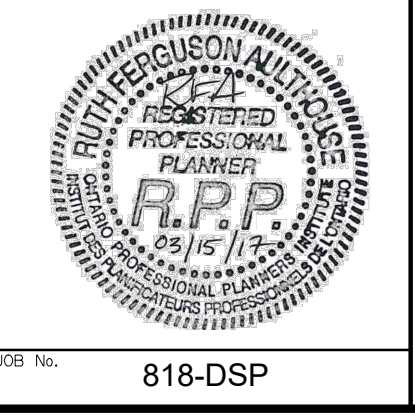
DRAWN BY: LB CHECKED BY: R.F.A. DATE: 03/17/17



LAND USE	AREA(m ²)	AREA%	UNITS
LOTS 7-17, 47, 50-59, 66-75, 79-82, 116-129 & 131-135 -12.2m MIN. SINGLE DETACHED LOTS (418.2m ²)	31829.3	15.7	60
LOTS 18-25, 36-46, 48, 49, 60-65, 76-78, 88-95, 110-115 & 130 -15.0m MIN. SINGLE DETACHED LOTS (507.8m ²)	33667.2	16.6	45
LOTS 96-109 -18.0m MIN. SINGLE DETACHED LOTS (618.9m ²)	25493.1	12.6	14
LOTS 1-6 & 26-35 -10.0m MIN. SEMI-DETACHED LOTS (350.0m ²)	7399.9	3.6	16
BLOCKS 136-142 - ROW DWELLINGS 36.0m MIN. FRONTAGE PER BLOCK (230.0m ² PER UNIT)	9646.4	4.8	29
MULTI-UNIT DWELLING (50 UNITS/ha)	9691.5	4.8	48
STORM WATER FACILITY	7676.0	3.8	
PARKLAND/OPEN SPACE EXCLUDING EIS AREA = 10980.6 WETLAND & BUFFER EIS AREA = 28438.2	39418.8	19.4	(14.0)
FUTURE STREET 'A' EXTENSION	999.6	0.5	
20.0m MUNICIPAL ROAD ALLOWANCE = 1720.3m (STREETS 'A', 'C', 'D', 'E' & 'F') WALKWAYS, SERVICE EASEMENT AND RESERVE	35735.0	17.6	
SUB TOTAL	202588.0m²	100.0%	212

ZONING BY-LAW No. 08-18 - R2 ZONE		PROPOSED SPECIAL PROVISIONS	
DWELLING TYPE	SINGLE DETACHED DWELLING	SEMI-DETACHED DWELLING	MULTI-UNIT DWELLING
ZONE PROVISION - SECTION 9	R2 ZONE	PROPOSED	R2 ZONE
MINIMUM LOT AREA	450.0m ²	386.0m ²	325.0m ²
MINIMUM LOT FRONTAGE	15.0m	12.2m	10.0m/UNIT 21.0m/BLOCK
MINIMUM FRONT YARD	7.5m	6.0m	7.5m
MINIMUM EXTERIOR SIDE YARD	7.5m	4.5m	7.5m
MINIMUM INTERIOR SIDE YARD	3.0m	1.2m	3.0m
MINIMUM REAR YARD	7.5m	7.5m	11.4m
MAXIMUM HEIGHT OF BUILDINGS	11.0m	11.0m	11.0m
MAXIMUM LOT COVERAGE	35.0%	45.0%	35.0%
MINIMUM LANDSCAPED OPEN SPACE	30.0%	50.0%	30.0%
MAXIMUM No. OF DWELLINGS PER LOT	1	1	1
MAXIMUM No. OF DWELLING UNITS PER LOT	2	2	2

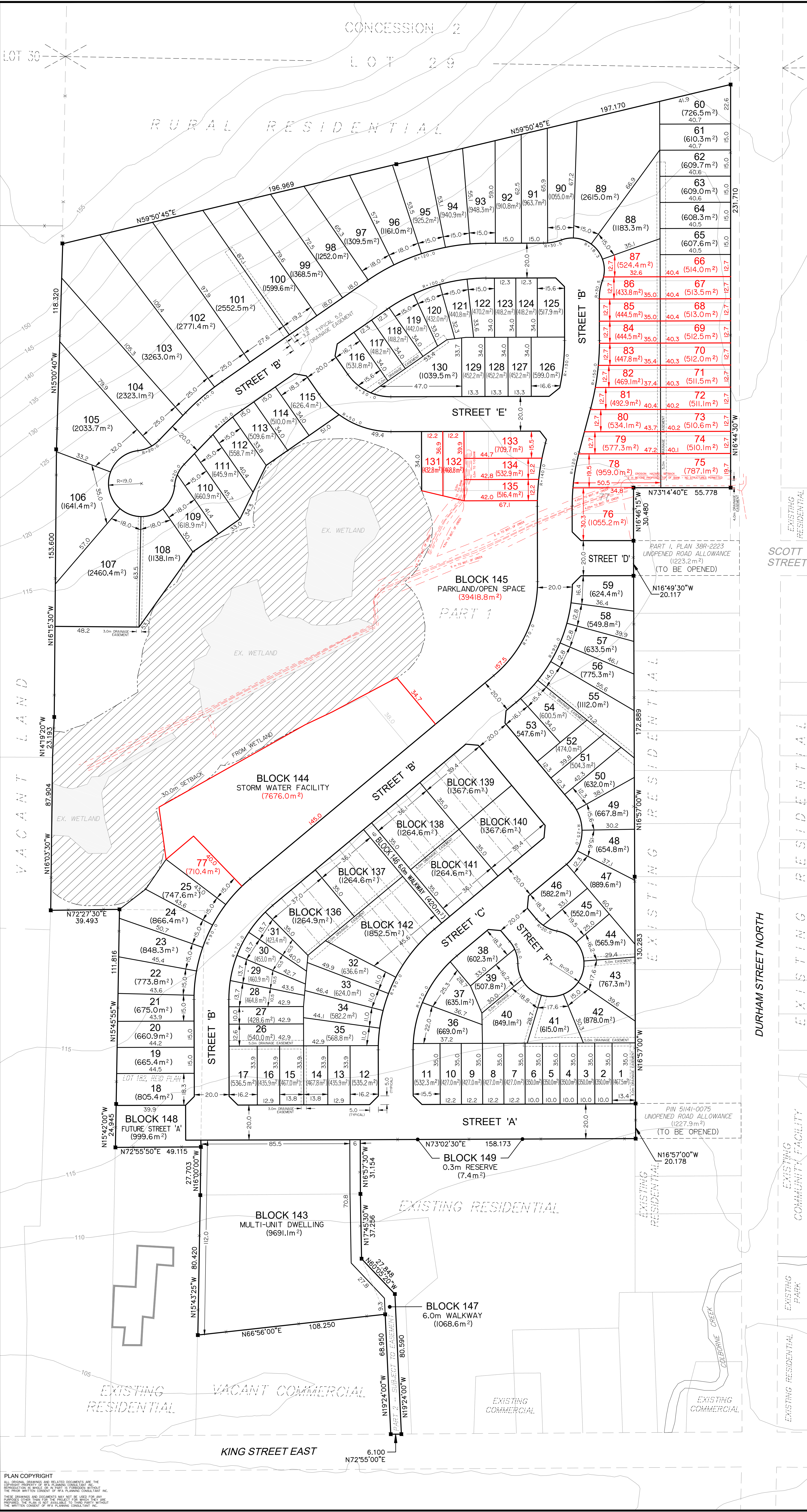
ZONING BY-LAW No. 08-18 - R3 ZONE		MULTI-UNIT DWELLING	
DWELLING TYPE	ROW DWELLING	R3 ZONE	PROPOSED
ZONE PROVISION - SECTION 10	R3 ZONE	PROPOSED	R3 ZONE
MINIMUM LOT AREA - PER UNIT	230.0m ²	256.0m ²	204.0m ²
MINIMUM LOT FRONTAGE - PER BLOCK	36.0m	36.1m	45.0m
MINIMUM FRONT YARD	7.5m	6.0m	7.5m
MINIMUM EXTERIOR SIDE YARD	7.5m	4.5m	7.5m
MINIMUM INTERIOR SIDE YARD	7.5m	1.2m	7.5m
MINIMUM REAR YARD	10.5m	7.5m	10.5m
MAXIMUM HEIGHT OF BUILDINGS	12.5m	12.5m	12.5m
MAXIMUM LOT COVERAGE	35.0%	55.0%	35.0%
MINIMUM LANDSCAPED OPEN SPACE	35.0%	40.0%	35.0%



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818-DSP

211 Dundas Street East, Suite 202, Belleville, Ontario, K8N 1E2



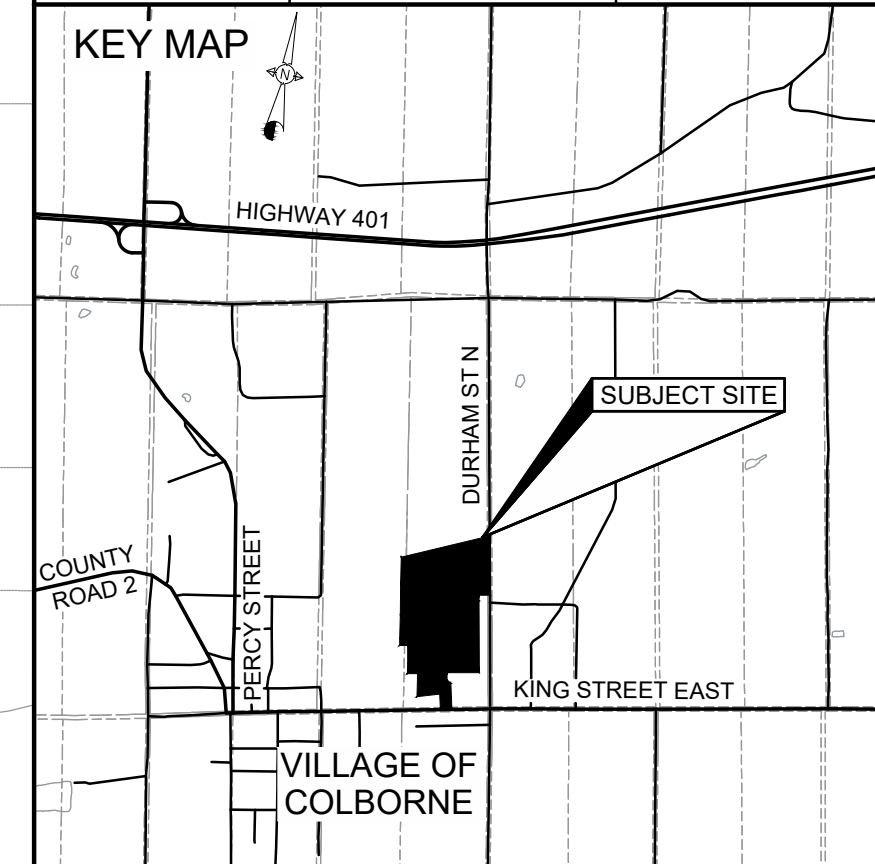
REDLINE
AMENDED - APPROVED PLAN
OF SUBDIVISION D12-CR1702

DRAFT PLAN OF SUBDIVISION
EASTFIELDS SUBDIVISION - REDLINE PLAN
 PARTS 1 AND 2, PLAN 39R-14479
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 SCALE: 1:1000

1	REDLINE - DRAINAGE CHANNEL AND LOT ADJUSTMENTS	MARCH 30/23	R.F.A.
2	EXISTING DRAFT PLAN REVISED TO INCLUDE NEW ABSOLUTE TITLES	NOV. 25, 2022	R.F.A.
3	BOUNDARY SURVEY, STABILIZATION REQUIREMENTS AND STORM WATER FOR EASTFIELDS DRAFT PLAN OF SUBDIVISION	MARCH 17/17	R.F.A.
4	DRAFT PLAN APPROVED BY NORTHUMBERLAND COUNTY (MARCH 2020)	MARCH 17/17	R.F.A.
5	REVISION	DATE	APPROV
DRAWN BY: LB		CHECKED BY: R.F.A.	DATE: 03/17/17



ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT.

- (a) SEE SURVEYORS CERTIFICATE.
- (b) AS SHOWN ON DRAFT PLAN.
- (c) AS SHOWN ON DRAFT PLAN.
- (d) SEE DRAFT PLAN SUMMARY.
- (e) SEE DRAFT PLAN.
- (f) AS SHOWN ON DRAFT PLAN.
- (g) AS SHOWN ON DRAFT PLAN.
- (h) MUNICIPAL WATER AND SANITARY SEWER SANDY LOAM
- (i) AS SHOWN ON DRAFT PLAN.
- (j) GARBAGE COLLECTION, FIRE PROTECTION, ROAD MAINTENANCE, SCHOOL BUSES, ETC.
- (k) AS SHOWN ON DRAFT PLAN.

LAND USE SCHEDULE

LAND USE	AREA(m ²)	AREA%	UNITS
LOTS 7-17, 47, 50-59, 66-75, 79-87, 116-129 & 131-135	31829.3	15.7	60
12.2m MIN. SINGLE DETACHED LOTS (418.2m ²)			
LOTS 18-25, 36-46, 48, 49, 60-65, 76-78, 88-95, 110-115 & 130	33667.2	16.6	45
15.0m MIN. SINGLE DETACHED LOTS (507.8m ²)			
LOTS 96-109	25493.1	12.6	14
-10.0m MIN. SINGLE DETACHED LOTS (618.9m ²)			
LOTS 1-6 & 26-35	7399.9	3.6	16
-10.0m MIN. SEMI-DETACHED LOTS (350.0m ²)			
BLOCKS 136-142 - ROW DWELLINGS	9646.4	4.8	29
36.0m MIN. FRONTAGE PER BLOCK (230.0m ² PER UNIT)			
BLOCK 143 - MULTI-UNIT DWELLING (50 UNITS/ha)	9691.5	4.8	48
BLOCK 144 - STORM WATER FACILITY	7676.0	3.8	
BLOCK 145 - PARKLAND/OPEN SPACE EXCLUDING EIS AREA = 10986.6	39418.8	19.4	
WETLAND & BUFFER (EIS) AREA = 28438.2			
BLOCK 146 & 147 - WALKWAYS AND SERVICE EASEMENT	1488.6	0.7	
BLOCKS 148 & 149 - FUTURE STREET 'A'	999.6	0.5	
BLOCK 149 - 0.3m RESERVE	7.4	0.0	
20.0m MUNICIPAL ROAD ALLOWANCE = 1720.3m	34239.0	16.9	
(STREETS 'A', 'B', 'C', 'D', 'E' & 'F')			
SUB TOTAL	202588.0m²	100.0%	212

LEGEND

- EXISTING WETLAND
- 30.0m SETBACK AND BUFFER FROM EXISTING WETLAND

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ARE CORRECTLY SHOWN.

Steve Gifford *Maria 15, 2022*
 STEVEN GIFFORD DATE
 ONTARIO LAND SURVEYOR

GIFFORD, HARRIS SURVEYING LTD.
 255 Glen Miller Road, Unit 1, Trenton, Ontario K8V 5P8
 613-392-2177 • 1-877-394-6646



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HEARING
Ontario Regulation 163/06 Permit
Application: RP-23-055

*Property Owner: 2852243 Ontario Inc.
Agent: Amanda Redden–Jewell Engineering
Eastfields Subdivision Lands (37 B Durham Street N)
Village of Colborne, Cramahe, Concession 2, Part of Lot 29*

Presented to: Lower Trent Region Conservation Authority Hearing Board
Presented by: Gage Comeau, Manager, Watershed Management, Planning & Regulations

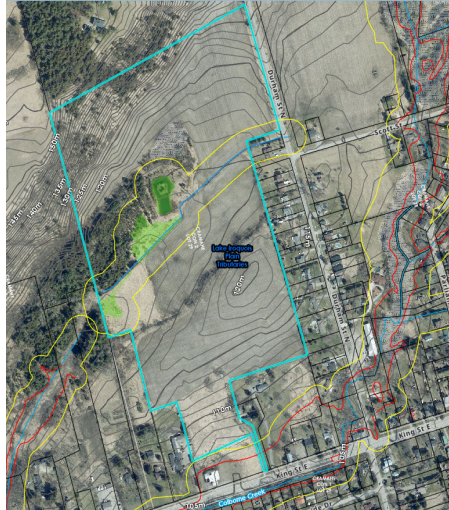
Date: July 13, 2023

Contents

- Subject Property
- Background Information
- Development Proposal
- O.Reg. 163/06 LTC Policies
- Staff Conclusion
- File Timelines

Subject Property

- Property located to the North of King Street and East of Durham Street North in Colborne
- Small Wetlands and 2 tributary streams cut through the centre of the parcel



Subject Property



Subject Property – Reach 2

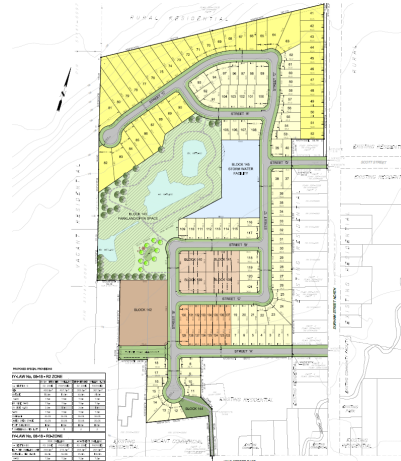


Subject Property -Reach 3A Photos



Background Considerations

- Draft Plan of Subdivision circulated to LTC in 2017
- 202 total units proposed
- LTC staff recommended approval at the time of submission
- Subdivision recirculated under a new owner in 2021 – LTC noted our comments were still relevant/applicable
- Notice of decision provided in April 2022



Background Considerations -Redline Submission

- Preconsultation meeting in September 2022
- Formal circulation of the Redline application on December 8, 2022
 - Purpose of the redline was to revise the overall road network, the type and positioning of 212 residential units and the location of the stormwater and parkland blocks
 - EIS Addendum showed a watercourse feature not present in the 2017 EIS submission or plans
 - Watercourse alteration/realignment proposed as part of Redline submission
 - February 2022 - Staff recommended deferral on the Redline submission until all features were mapped – noted requirement for permit related to the watercourse alteration/realignment

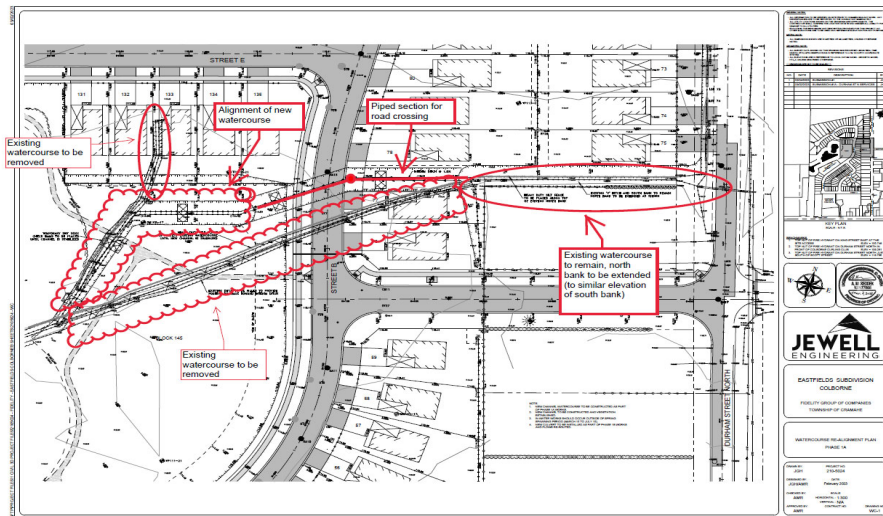


Background Considerations -Redline Submission

- April 2023 – staff were circulated on a second Redline submission
- New set of plans illustrated all 212 units could be accommodated without an alteration to the watercourse features
- Staff provided comments in support of the revised plans and second Redline submission



Development Proposal



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).
 - h) There are no adverse hydraulic or fluvial effects on rivers, creeks, streams or watercourses;
 - i) There are no adverse effects on the hydrologic function of wetlands; and,
 - k) the control of flooding, erosion, dynamic beaches, pollution and/or the conservation of land is not adversely affected during and post development.
- **Section 7.2.1 Interference with a Watercourse**
 - 1) Interference with a watercourse shall not be permitted.
 - 2) Proposals for channelization and/or realignment will not be considered where the purpose of the proposal is to increase the development potential on the lands.

1.1

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-23-055

- Permit Application received: March 7, 2023
- Complete Application: May 26, 2023
- Denial Letter: May 26, 2023
- Request for Hearing: May 26, 2023
- Notice of Hearing: June 6, 2023
- Hearing Date: July 13, 2023



Fidelity Group

EASTFIELDS SUBDIVISION – WATERCOURSE RE-ALIGNMENT PERMIT APPLICATION HEARING

JULY 13, 2023



PERMIT APPLICATION

- Applicant:
 - Fidelity Group
- Location:
 - Eastfields Subdivision, Durham St. N, Colborne
- Permit Application RP-22-029:
 - To permit minor watercourse re-alignment/alterations within an area regulated by the Authority in order to facilitate efficient development and use of lands at Eastfields Subdivision
- Objective:
 - To obtain issuance of a permit based on the complete application submitted to LTC in March, 2023.





PERMIT APPLICATION

- Supporting Documentation provided with the Permit Application:
 - Cover Letter/Project Description – Jewell Engineering – April 2023
 - Environmental Impact Study Review – Cambium Inc. – April 2023
 - DFO Review & Letter of Advice– April 2023
 - Detailed Drawings of Existing & Proposed Watercourse – Jewell Engineering – April 2023
 - Stormwater Management Report – Jewell Engineering – February 2023



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PRE-CONSULTATION

- Lower Trent Region Conservation Authority
 - Staff was consulted throughout the process to ensure an understanding of project requirements and intent
 - Consultation with staff identified points of concern to guide the proposed design and selection of the consultant team
- Department of Fisheries and Oceans (DFO):
 - The proposed solution was submitted to DFO for review
 - Subsequent meetings and written communication to ensure a thorough understanding of the proposal
 - DFO supports the proposal & provided Letter of Advice

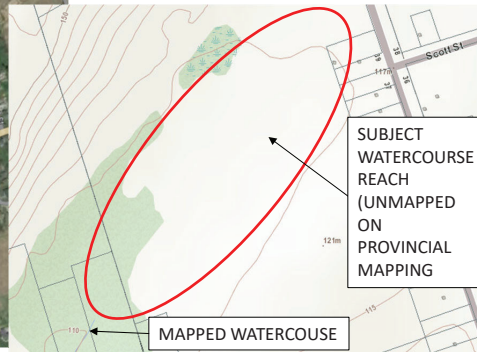


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LOCATION



- Durham St N. @ Scott St. - Colborne



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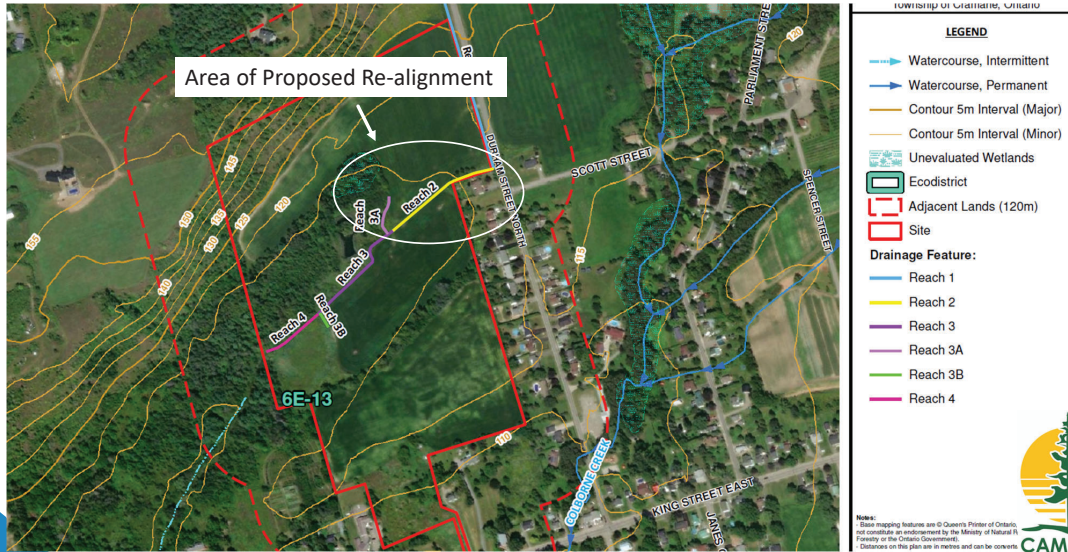
HISTORICAL IMAGERY

- Historical imagery from 1962 shows no visible drainage course on site
- EIS characterized the drainage course as an excavated feature

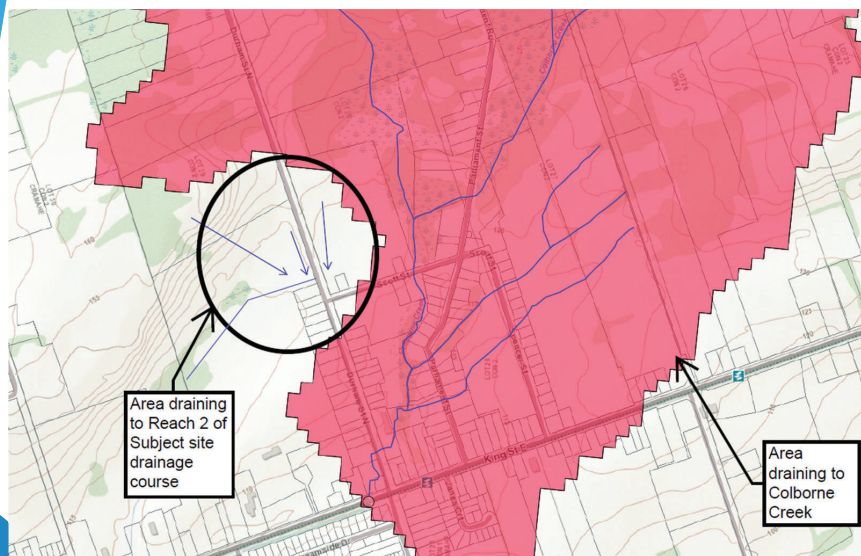


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EXISTING DRAINAGE COURSE



EXISTING DRAINAGE COURSE



- receives minimal flows due to proximity to Colborne Creek system



EXISTING DRAINAGE COURSE

- Commences on north side of 39 Durham St N
- Flow from upstream agricultural field is concentrated by the 450mm cross-culvert under Durham St (equivalent to driveway culvert)



Upstream View from Culvert

Google, 2014



EXISTING DRAINAGE COURSE

- Culvert discharges through ditch to the west, running alongside a residential property



Reach 2 - Downstream View from Culvert

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EXISTING DRAINAGE COURSE



- Drains west through active agricultural field in poorly protected channel
- Discharges at west side of property to wetland/mapped tributary of Colborne Creek



Reach 2



Reach 3A

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EXISTING DRAINAGE COURSE



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SURFACE WATER & AQUATIC HABITAT ASSESSMENT

Reach 2

- No groundwater contributions
- Primarily receives roadside drainage
- Unlikely to exhibit a permanent flow regime
- Dug channel
- 3 - 4" flow depth
- 0.3 – 1.0m surveyed channel depth
- In-stream cover includes phragmites
- Choked with in-channel vegetation and no coarse substrates therefore highly unlikely to support fish species



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SURFACE WATER & AQUATIC HABITAT ASSESSMENT

Reach 3A

- Intermittent flow
- Dug channel
- 1.5" - 4" flow depth
- 0.1 – 0.2m surveyed channel depth
- In-stream cover includes phragmites
- Choked with in-channel vegetation and no coarse substrates therefore highly unlikely to support fish species



Cambium EIS, 2021



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