



LOWER TRENT
CONSERVATION

**LOWER TRENT REGION CONSERVATION AUTHORITY
HEARING BOARD**

for

O. Reg. 41/24 PERMIT APPLICATION #RP-24-242

MINUTES

DATE: November 20, 2024

TIME: 1:00 p.m.

LOCATION: Administration Office, 714 Murray Street, Trenton / Virtually

PRESENT:

ON SITE		REMOTE SITE
Bob Mullin (Chair)	Eugene (Gene) Brahaney (Vice-Chair)	Jeff Wheeldon
Bobbi Wright	Sherry Hamilton	
Eric Sandford	Rick English	
Mike Ainsworth		

ABSENT: Jim Alyea, Lynda Reid

STAFF: Rhonda Bateman, Chitra Gowda, Gage Comeau, Scott Robertson, Amanda Dixon

APPLICANTS: Property Owners – Lorrie Powers (in person) and Corey Brooks (remotely)
Agent – Adam Wilson, Principal/Senior Engineer, WSE Consulting Inc.

1. Meeting called to order by the Chair

The meeting was called to order by Chair Mullin at 1:00 p.m.

Chair Mullin read a Land Acknowledgment as follows: "This land is located on the traditional territories of the Anishnabek, Huron-Wendat, and Haudenosaunee (Iroquois) peoples. We acknowledge our shared responsibilities and obligations to preserve and protect the land, air and water. We are grateful to have the privilege to meet, explore, and connect here on these shared lands. In the spirit of friendship, peace and respect, we extend our thanks to all the generations that came before us and cared for these lands - for time immemorial."

2. Motion for the Board of Directors to sit as the Hearing Board

RES: HC6/24

Moved by: Sherry Hamilton

Seconded by: Mike Ainsworth

THAT the Board of Directors sit as the Lower Trent Conservation Hearing Board.

Carried

3. Opening Remarks by Chair for RP-24-242

Chair Mullin made the following remarks:

We are now going to conduct a hearing under Section 28.1 of the Conservation Authorities Act in respect of an application by Lorrie Powers and Corey Brooks, for permission to construct a single-family dwelling in the Trent River floodplain in the Municipality of Trent Hills, Northumberland County, Geographic Township of Seymour, Concession 6, Part of Lot 9-10, on vacant property on Saskatoon Avenue.

The Authority has adopted regulations under section 28.1 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, unstable soils or bedrock, 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 28.1 [5]) provides that:

“(5) An authority shall not refuse an application for a permit or attach conditions to a permit unless the applicant for the permit has been given an opportunity to be heard by the authority.”

While 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.

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.

4. Disclosure of pecuniary interests

There was no disclosure of pecuniary interests for this Hearing.

5. Staff Report and Presentation

Gage Comeau, Manager, Watershed Management, Planning and Regulations presented the staff report to the Hearing Board as provided in the agenda package. Gage Comeau noted that the vacant property located on Saskatoon Avenue in Trent Hills is located entirely in the Trent River one-zone floodplain, the mapping of which was delineated and approved by the Board in 2023. Gage Comeau also noted the location and extent of a prominent flood wall along Trent River in relation to the subject property. Gage Comeau noted that the permit application did not meet the intent of the regulation nor the requirements of current staff policies for issuing permits.

Eric Sandford and Rick English sought clarity on the existence and consideration of the flood wall. Gage Comeau confirmed that the flood wall exists; however, it was not considered in the creation of updated floodplain mapping for Trent River. Gage Comeau explained that this is consistent with the 2002 Ministry of Natural Resources (MNR) Technical Guide document, which has not been updated since it was issued. The MNR Technical Guide from 2002 outlines that dykes and flood walls are not regarded as permanent flood control structures and the land behind these structures should continue to require protection to the revised (increased) flood standard. Gage Comeau explained that this Technical Guide is used to implement Ontario Regulation 41/24, such that the depth of flooding considered in reviewing permit applications is based on a potential flood wall failure or not existing.

Sherry Hamilton asked whose responsibility it is to ensure that the flood wall is adequate and that it has a maintenance plan. Mike Ainsworth asked if the flood wall was built to protect the floodplain. Gage Comeau responded that Parks Canada built the concrete flood wall over 100 years ago for navigation purposes and not for flood control. Parks Canada has indicated that the concrete flood wall is included in their asset management plan, is inspected regularly, and is regulated under the Historic Canals Act. Gage Comeau noted that parts of the concrete flood wall seem to provide erosion control rather than flood control.

Rick English asked about the extent of the flood wall, to which Gage Comeau noted that it extends north of Bridge Street bridge, and is along Grant Road, Canada Road 50 and 38. Rick English also asked about the water level difference upstream and downstream along the extent of the flood wall, relative to the subject property. Gage Comeau responded that the floodplain varies as you traverse the Trent River moving downstream from the Bridge Street bridge; however, he noted that the flood wall is higher than the floodplain elevation that is applicable to the property area. Gage also noted that the concrete flood wall is higher than the floodplain along the majority of the concrete wall south of Bridge Street bridge with the exception of a small area where it would over top the flood wall. Gage noted it is not known if a flood spill from the upstream location would reach the subject property nor if the water depth would decrease. Mike Ainsworth asked how much water would flood the properties. Gage Comeau responded that the properties would be under water if there was no flood wall, as the current water level is higher than the properties. Rick English added that stormwater also is cored into the wall.

6. Applicant Presentation

Property owner Lorrie Powers spoke about buying the vacant property around one and a half years ago with her partner Corey Brooks for their family. They were told that they could build on the property based on the previous floodplain mapping that applied at that time.

7. Additional Information Sharing

a. Additional Questions from the Board

As noted below, additional questions arose from Board members after the property owner's agent presented.

b. Comments or Questions from the Applicant

The property owner's agent Adam Wilson, Principal/Senior Engineer, WSE Consulting Inc., noted that if the flood wall failed, pedestrian access would be limited. Adam Wilson added that there is no modelling study to show the impacts of a spill upstream of the property. Rick English asked how much fill would be needed at the property. Gage Comeau responded that fill would be needed to level the block foundation, which is not a large amount of fill. Rick English asked what the displacement of flood water could be after grading. Adam Wilson responded that it is immeasurable because it would be a small amount. Gage Comeau added that a flood would result in loss of the placed fill. Adam Wilson recommended that the house be one foot above the water level, in case the wall failed. Eric Sandford asked if the space under the house would be empty or filled. Gage Comeau responded that it would be empty, and that the fill would be placed under the block and pier foundation.

c. Comments or Questions from Staff

There were no additional comments or questions from Staff.

8. Deliberation (In-Camera/Closed Session)

RES: HC7/24

Moved by: Eric Sandford

Seconded by: Gene Brahaney

THAT the Hearing Board move to in-camera session.

Carried

Guests and Staff left the meeting for the Board to carry out deliberation in closed session.

Time 1:43 pm

RES: HC8/24

Moved by: Eric Sandford

Seconded by: Gene Brahaney

THAT the Lower Trent Conservation Hearing Board move out of in-camera session.

Carried

Time 1:59 pm

Guests and Staff returned to the Hearing Board meeting.

9. Motion on the Hearing Board Decision for RP-24-242

The Board will approve the permit with the following conditions:

- *The finished floor elevation (FFE) of the dwelling structure is to be at a minimum elevation of*

- 146.03 metres CGVD2013 and there are to be no openings below the minimum FFE elevation;
- Electrical and heating equipment in the dwelling structure is to be situated at an elevation no lower than 146.03 metres CGVD2013;
 - Any fill placed in the floodplain on the property (i.e., below the 145.73 metre flood contour) is to be limited to that strictly required to accommodate the elevations noted in mitigation measures 1-2 of this letter, frost protection and proper drainage around the structure. No fill placement is supported beyond the building footprint;
 - Appropriate erosion and sediment control measures are to be implemented prior to construction, maintained in good repair during the construction phase, and remain in place until all disturbed soil surfaces have become stabilized and/or revegetated to prevent the movement of sediment away from the construction site;
 - All disturbed areas are to be revegetated (e.g., reseeded using a native seed mix) upon completion of the permitted works as soon as planting conditions permit;
 - Local drainage is to be maintained; and,
 - LTC staff are to be contacted and advised of when the work is being undertaken.

RES: HC9/24

Moved by: Rick English

Seconded by: Bobbi Wright

THAT the permit application RP-24-242 be approved with conditions as provided by staff.

Carried

10. Motion to adjourn the Hearing Board

There being no further business, the meeting was adjourned.

RES: HC10/24

Moved by: Gene Brahaney

Seconded by: Sherry Hamilton

THAT the Hearing Board meeting for permit application RP-24-242 be adjourned.

Carried

Time: 2:03 pm



Bob Mullin, Chair



Rhonda Bateman, CAO/ST