



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

NOTICE OF HEARING BOARD MEETING LOWER TRENT CONSERVATION

TO BE HELD AT

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

Thursday March 13, 2025, at 1:00 PM

FOR

O. Reg. 41/24 Permit Application #RP-25-022 to RP-25-024

APPLICANT: 2632863 ONTARIO INC. – Nicholson - Property Owner
VanMEER LTD. – Agent

LOCATION: Units 38 to 40 of River Rapids Condominium – North Trent Street
Village of Frankford, City of Quinte West
Geographic Township of Sidney, Concession 6, Part of Lot 3-4

AGENDA

1. Meeting called to order by the Chair
2. Motion for the Board of Directors to sit as the Hearing Board
3. Opening Remarks by Chair for **RP-25-022 to RP-25-024**
4. Disclosure of pecuniary interests
5. Staff Report and Presentation
6. Applicant Presentation
7. Additional Information Sharing
 - a. Additional Questions from the Board
 - b. Comments or Questions from the Applicant
 - c. Comments or Questions from Staff
8. Deliberation (In-Camera if required)
9. Motion on the Hearing Board Decision for RP-25-022 to RP-25-024
10. Motion to adjourn the Hearing Board

Page # 2

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

Chitra Gowda 613-394-3915 ext. #215 | chitra.gowda@ltc.on.ca



STAFF REPORT

Date: February 28, 2025
To: Lower Trent Conservation Hearing Board
Re: Ontario Regulation 41/24 application for permission RP-25-022 to RP-25-024 to develop within the Trent River floodplain
Prepared by: Gage Comeau, Manager, Watershed Management, Planning and Regulations

DATE	February 28, 2025
DATE RECEIVED	Permit application received January 28, 2025 Permit application submission deemed complete – February 6, 2025 Request for Hearing received February 12, 2025
APPLICANT	2632863 ONTARIO INC. – NICHOLSON (Property Owner) VanMEER LTD. (Agent) (Copy of permit applications, site plan with elevations, control of flooding – Flood Analysis from VanMEER Inc. by Arnold H. Vandermeer, P. Eng. <i>Appendices 1-3)</i>
LOCATION	Units 38 to 40 of River Rapids Condominium – North Trent Street (ARN: 1204414025037110000) Village of Frankford, City of Quinte West Geographic Township of Sidney, Concession 6, Part of Lot 3-4 (Map(s) attached, see Appendix 4)
OVERVIEW	Lower Trent Region Conservation Authority (LTC) received an application to undergo site preparation to construct future dwelling structures. The proposed development activities will involve the approximate placement of 200 m ³ fill material within the regulated area associated with the Trent River floodplain. The proposed development is considered major development within the floodplain and does not comply with LTC's Ontario Regulation 41/24 Policy Document (June 2024) and therefore, a permit cannot be issued by staff.
PROPOSAL	The proponent is seeking approval from LTC to undergo site preparation to construct future dwelling structures in the Trent River floodplain on the subject property. The proposed development activities are in the Trent River floodplain (111.513 metres to 111.653 metres CGVD1928) as

identified in their submitted plans, engineering report and LTC map (see **Appendix 2-4**).

SUMMARY

LTC is responsible for the administration of the Conservation Authorities Act and Ontario Regulation 41/24. In order to guide the implementation of Ontario Regulation 41/24 made pursuant to Section 28.5 of the *Conservation Authorities Act*, the LTC Board of Directors has approved policies, most recently updated in June 2024. Where a proposal for development or alteration follows the approved policies or is not a significant deviation from the approved policies, designated authority staff may grant permission.

The vacant property is located within the Trent River floodplain and the current proposal is to undergo site preparation to construct future dwelling structures. The proposed development will involve the placement of approximately 200 m³ of fill material for site preparation and to ensure the future structures are outside of the floodplain.

The proposed development activities trigger the below noted policies with respect to development in the One Zone Regulatory Floodplain. Designated staff are not in a position to grant approval of the Ontario Regulation 41/24 permit application as it does not conform with the policies.

Key issue: A permit from LTC is required for the proposed development activities as they are to take place within a regulated area as described in subparagraph 2 i of subsection 28 (1) of the *Conservation Authorities Act*, specifically, hazardous lands (i.e., floodplain).

Pursuant to Ontario Regulation 41/24, “hazardous land” means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock.

Lower Trent Region Conservation Authority Ontario Regulation 41/24 Policy Document (June 2024)

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

5.3.1.1 Development within One-Zone Regulatory Floodplain of River or Stream Valleys (including inland lakes)

- 1) Development within the Regulatory floodplain shall not be permitted.
- 2) Placement of fill, flood hazard protection and/or bank stabilization works to allow for future/proposed development or an increase in development envelope within the Regulatory floodplain shall not be permitted.
- 4) Major development within the Regulatory floodplain shall not be permitted.

(LTC's 2024 Policies attached, see **Appendix 5**– Relevant sections only).

The applicant was notified that staff could not approve the permit application and of their right to a Hearing before the Authority's Board of Directors (see LTC Permit Status Letter, Feb 7, 2025– **Appendix 6**).

The proponent requested LTC staff to proceed with the necessary arrangements for a Hearing (February 14, 2025, Notice of Hearing scheduled for March 13, 2025 – **Appendix 7**).

The proponent was provided the Hearing Guidelines.
(LTC's 2024 Hearing Guidelines attached, see **Appendix 8**).

FLOODPLAIN MAPPING

In March 2024, the Board of Directors approved the updated one-zone regulatory floodplain mapping for the Trent River. The approved mapping was completed by KGS Engineering and the analyses for the project were conducted in accordance with the requirements outlined in the Ministry of Natural Resources technical guidelines (MNR Technical Guide – River & Stream Systems: Flooding Hazard Limit (2002)) and Natural Resources Canada Federal Flood Mapping Guidelines Series.

Due to the complexity of the Trent River, 5 separate hydraulic models were constructed to prepare the regulatory flood maps. The subject property is within Model 1, which is a 1-D hydraulic model. The final mapping product created by KGS Engineering illustrates the old and new floodplain mapping to illustrate any large changes that were present. **Appendix 9** provides an excerpt of the Trent River Floodplain Mapping report, which identifies the floodplain in the vicinity of the subject property and provides reasoning for the change in the mapping compared to the 1983 mapping by CCL. Prior to the floodplain mapping update in 2024, the subject property was located within the regulatory floodplain for the Trent River; however, the new floodplain mapping indicates that the floodplain is more extensive than

previously mapped. This has resulted in 3 of the condominium units now being located within the floodplain.

BACKGROUND

Planning History

On June 29, 2005, LTC staff was circulated and commented on a condominium preliminary concept plan for the subject property. The condominium concept consisted of 47 unit condominiums with municipal water and sewer systems.

Based on the files at LTC and Quinte West, the draft plan of condominium was approved on January 16, 2006.

On June 26, 2007, LTC was circulated on a concept plan for Rapids Road Estate, which included a residential and parking lot layout, and cross sectional elevations for the subject property. Regulatory comments were provided at the time for the development activity. From 2007 until 2016, communications and correspondence between various developers, Quinte West and LTC were undertaken; however, no activities occurred on the property until 2017 when LTC issued a permit to remove contaminated fill material from the site and regrade portions of the property.

In 2019, the property changed hands, and ownership was transferred to Ken Nicholson (2632863 ONTARIO INC.). On November 27, 2019, LTC was circulated a revised concept plan for the draft plan of condominium and Quinte West requested pre-consultation comments for the applicant. LTC comments were provided on December 4, 2019 (see **Appendix 10**). On April 23, 2020, the formal redline amendment for the draft plan of condominium was circulated to LTC for review and comment. Following the submission of LTC comments continued communications were pursued between the owner, LTC and Quinte West regarding the lot lines between 2020 and 2023. Various submissions were provided to ensure compliance with the previous Provincial Policy Statement and *Conservation Authorities Act* regulations (see LTC letters, **Appendices 11-13**).

On October 2, 2023, LTC received the first engineering submission for the draft plan of condominium. The engineering went through a total of 4 submissions for comments and revisions to ensure compliance with all relevant legislation and the draft plan of condominium conditions. During the period of time between the 1st and 4th submission, the new Trent River floodplain mapping completed by KGS Engineering was approved by the LTC Board of Directors on March 14, 2024. As noted in the above comments, this resulted in a section of the property being impacted and resulted in 3 of the condominium units now being located within the floodplain.

On May 30, 2024, staff met with Ken Nicholson and Arnold Vandermeer to

go over the permit application and all the requested supplementary information. On January 29, 2025, the permits for the affected units were submitted and following a thorough review of the submission, the permit was deemed complete on February 6, 2025. As noted above, a letter providing notice regarding staff's inability to issue the permit was issued and possible options were provided for next steps (see **Appendix 6**).

On February 12, 2025, LTC staff received a request for a hearing before the Hearing Board. Following receipt of this request, the hearing was registered, and a Notice of Hearing letter was issued on February 14, 2-25 (see **Appendix 7**).

**DEVELOPMENT
WITHIN HAZARD
LANDS**

The proposed development will involve the placement of fill within hazard lands, specifically the Trent River floodplain. This development activity is considered as a "development activity" pursuant to Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits made under the *Conservation Authorities Act*. Subsection 28 (1) of *Conservation Authorities Act* states that no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are hazard lands. Pursuant to subsection 28.1 (1), the Authority may grant permission for development in or on the areas that would otherwise be prohibited by section 28, if, in the opinion of the Authority,

- (a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock
- (b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and
- (c) any other requirements that may be prescribed by the regulations are met.

The applicant has submitted the requested documentation for a complete application and the submission has been deemed complete. As noted previously, this development proposal the placement of fill within the Trent River floodplain to undergo the preparation of the site for future construction of dwelling structures. 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.

STAFF CONCLUSION

Hazard land management was delegated by the Province to LTC through the administration of the *Conservation Authorities Act* and Ontario Regulation 41/24. Through the administration of the Act and Regulation, LTC staff review development proposals in an effort to limit development and protect people and property in flood susceptible areas. Overall, it is

the goal of the Regulation Policy document and staff to minimize or prevent the impact of flooding. Deviation from the policies represents a risk that requires careful consideration.

The proposal requires a permit from LTC pursuant to the Conservation Authorities Act and O. Reg. 41/24, and does not conform to LTC's Ontario Regulation 41/24 Regulation Policy Document (see **Appendix 5**). Limiting development proposals such as this is intended to minimize the risk of property damage/loss and investment in an area that is susceptible to natural hazards. As such, staff are not in a position to issue the permit as presented.



LOWER TRENT
CONSERVATION

FOR OFFICE USE ONLY			
FILE #	RP-25-022	PERMIT #:	
Watershed:	Trent River Corridor Trb.	Fee Received:	\$550 / Jan. 30, 2025
Date Received:	Jan. 29, 2025	Date Deemed Complete:	
Expiry Date:		Pre-consultation Date:	May 30, 2024

714 Murray Street
Trenton, Ontario
K8V0N1
(613) 394-4829
permits@ltc.on.ca

APPLICATION
FOR DEVELOPMENT ACTIVITIES / INTERFERENCE WITH A
WATERCOURSE / WETLAND
(CONSERVATION AUTHORITIES ACT, PART VI AND ONTARIO REGULATION 41/24)

Owner's Name:	2632863 ONTARIO INC.	Telephone:	705 653-2151	Cell:	
Address:	78 Tanner Industrial Park P.O. Box 1334 Campbellford ON	Postal Code:	K0K 1L0	Email	
Applicant's Name:	Same as Owner	Telephone:		Cell:	
Address:		Postal Code:		Email	
Contractor & Site Contact:	NICHOLSON BROS. CONCRE	Telephone:	705 653-2151	Cell:	

Pre-Consultation: Please indicate if you have conducted any pre-application consultation with a LTC Staff Member.

NO	YES (check method below)				
<input type="checkbox"/>	by phone <input type="checkbox"/>	by meeting <input checked="" type="checkbox"/>	by email <input type="checkbox"/>	by site visit <input checked="" type="checkbox"/>	by other method <input type="checkbox"/>

Location/Address where Development Activity / Interference with a Watercourse or Wetland is proposed (provide Registered Plan and lot number, if known):

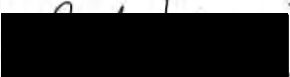
Lot:	3 & 4	Concession:	6	Municipality:	QUINTE WEST (F)	ARN:	120441402503711
------	-------	-------------	---	---------------	-----------------	------	-----------------

Description of Proposed Works:	Construct seven (7) dwellings located within 15m Regulatory Limit Three (3) units have been now been impacted by the 2024 Floodline recently established <i>Unit 38 - site preparation to construct future dwellings</i>						
Type and Approximate Quantity of Fill:	Total 200m3	Unit 35	0 m3	Unit 38	24 m3	Unit 39	60 m3
		Unit 40	45 m3	Unit 41	19 m3	Unit 42	19 m3
		Unit 43	33 m3				
Existing Site Conditions or Use:	Development of site services and road grading has been completed, Five (5) dwelling units have already been constructed within the development						
Previous Applications to LTC for this Property:	P-24-071 and P-24-072						

Are there any violations on this Property under Ontario Regulation 163/06 or 41/24?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (provide details)	<input type="checkbox"/> Unknown
Are Planning Act approvals in place? (e.g. Zoning, Minor Variance, Site Plan, etc.)	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes (provide details and attach confirmation documents)	<input type="checkbox"/> Unknown
Has this project been through an Environmental Assessment review?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes (provide details)	<input type="checkbox"/> Unknown
Are there any other required approvals? (e.g. MNRF, Fisheries and Oceans Canada, Health Unit)	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (provide details)	<input type="checkbox"/> Unknown
Dates when work is to be carried out:	Proposed commencement of work:	2025-06-01	Proposed completion of work: 2025-10-01

Application is hereby made, to (check appropriate boxes):

<input checked="" type="checkbox"/> Site Grading, Place, Dump or Remove Fill	<input type="checkbox"/> Place, Dump or Remove Fill in Flood Plain	<input type="checkbox"/> Interference with Wetland
<input type="checkbox"/> Alter, Add to, Reconstruct, Renovate Building	<input type="checkbox"/> Development within Hazardous Land	<input type="checkbox"/> Alteration to Shorelines
<input checked="" type="checkbox"/> Demolish, Erect, Place, Construct a New Building/Structure	<input type="checkbox"/> Alter an Existing Watercourse	<input type="checkbox"/> Large Fill Site

1	Arnold H. Vandermeer	<p>declare that the above information is correct to the best of my knowledge, and I agree to abide by the provisions of the <i>Conservation Authorities Act</i> and <i>Ontario Regulation 41/24</i>. By signing this application, I agree to allow Lower Trent Region Conservation Authority (LTC) staff to enter onto the subject property as part of the review process. I also acknowledge and agree to abide by conditions of any permit issued pursuant to this application. Further, any permit issued pursuant to this application may be cancelled if it is issued on the basis of false, inaccurate or misleading information. The personal information on this form is collected under the authority of the <i>Conservation Authorities Act</i>, R.S.O. 1990, c 27, as amended. The personal information will be used for the purposes of administering Parts VI and VII of the <i>Conservation Authorities Act</i> and <i>Ontario Regulation 41/24</i>. Specifically, the information will be used to:</p> <ul style="list-style-type: none"> • Evaluate the development proposal • Liaise with other regulatory agencies having jurisdiction • Make a decision on the application or report to the LTC Board of Directors for a decision <p>I understand that this information is part of the public record and is available to the general public.</p>
Date:	2025-01-28	Signature: 
		<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Applicant Agent

LANDOWNER AUTHORIZATION

Subject Property	Lot:	3 & 4	Concession:	6
	Street Address:	260 North Trent Street		
	Municipality:	Quinte West (Frankford Ward)		

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

NOTE TO THE OWNER(S):

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

I/WE Ken Nicholson HEREBY AUTHORIZE vanMEER limited TO PROVIDE AS MY AGENT ANY REQUIRED AUTHORIZATIONS, TO SUBMIT THE ENCLOSED APPLICATION TO THE LOWER TRENT REGION CONSERVATION AUTHORITY, AND TO APPEAR ON MY BEHALF AT ANY HEARING(S) OF THE APPLICATION AND TO PROVIDE ANY INFORMATION OR MATERIAL REQUIRED BY THE BOARD RELEVANT TO THE APPLICATION FOR PURPOSES OF OBTAINING A PERMIT FOR DEVELOPMENT ACTIVITY/INTERFERE WITH A WATERCOURSE/WETLAND, IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONSERVATION AUTHORITIES ACT AND ONTARIO REGULATION 41/24.

SIGNATURE OF OWNER



DATE

Feb 6/25

FOR OFFICE USE ONLY																					
Application File Number: <u>RP-25-022</u>	Permit File Number:																				
Subwatershed: <u>Trent River Corridor Trib.</u>	Regulated Feature: <u>Trent River floodplain & field verified wetland</u>																				
Permit application rec'd: <u>Jan. 29, 2025</u>	Application complete:																				
Deposit Required: Ontario Land Surveyor (\$500) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Coastal Engineer (\$1,000) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																					
Amendment request rec'd:	Amended application complete:																				
Fee Required: <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;"><input type="checkbox"/> Routine</td> <td style="width: 30%; text-align: right;">\$100</td> </tr> <tr> <td><input type="checkbox"/> Minor</td> <td style="text-align: right;">\$220</td> </tr> <tr> <td><input checked="" type="checkbox"/> Standard</td> <td style="text-align: right;"><u>\$550</u></td> </tr> <tr> <td><input type="checkbox"/> Complex (require review of 1 technical study)</td> <td style="text-align: right;">\$825</td> </tr> <tr> <td><input type="checkbox"/> Complex (require review of 2 or more technical studies)</td> <td style="text-align: right;">\$1,100</td> </tr> <tr> <td><input type="checkbox"/> Permit amendment (administrative)</td> <td style="text-align: right;">\$100</td> </tr> <tr> <td><input type="checkbox"/> Permit amendment (significant) - 1/2 original application fee</td> <td style="text-align: right;">_____</td> </tr> <tr> <td><input type="checkbox"/> Compliance permit - double the application fee</td> <td style="text-align: right;">_____</td> </tr> <tr> <td><input type="checkbox"/> Restoration agreement - double the application Fee</td> <td style="text-align: right;">_____</td> </tr> <tr> <td><input type="checkbox"/> Deposit</td> <td style="text-align: right;">_____</td> </tr> </table>		<input type="checkbox"/> Routine	\$100	<input type="checkbox"/> Minor	\$220	<input checked="" type="checkbox"/> Standard	<u>\$550</u>	<input type="checkbox"/> Complex (require review of 1 technical study)	\$825	<input type="checkbox"/> Complex (require review of 2 or more technical studies)	\$1,100	<input type="checkbox"/> Permit amendment (administrative)	\$100	<input type="checkbox"/> Permit amendment (significant) - 1/2 original application fee	_____	<input type="checkbox"/> Compliance permit - double the application fee	_____	<input type="checkbox"/> Restoration agreement - double the application Fee	_____	<input type="checkbox"/> Deposit	_____
<input type="checkbox"/> Routine	\$100																				
<input type="checkbox"/> Minor	\$220																				
<input checked="" type="checkbox"/> Standard	<u>\$550</u>																				
<input type="checkbox"/> Complex (require review of 1 technical study)	\$825																				
<input type="checkbox"/> Complex (require review of 2 or more technical studies)	\$1,100																				
<input type="checkbox"/> Permit amendment (administrative)	\$100																				
<input type="checkbox"/> Permit amendment (significant) - 1/2 original application fee	_____																				
<input type="checkbox"/> Compliance permit - double the application fee	_____																				
<input type="checkbox"/> Restoration agreement - double the application Fee	_____																				
<input type="checkbox"/> Deposit	_____																				
Amount Received: <u>\$550.00</u>	Date Received: <u>Jan. 30, 2025</u>																				
Method of Payment: <input type="checkbox"/> Cheque <input type="checkbox"/> Credit Card <input type="checkbox"/> Cash																					
Deposit Returned: _____	Date Returned: _____																				
<input type="checkbox"/> Permission for Minor Works: <ul style="list-style-type: none"> <input type="checkbox"/> Undertake minor landscaping involving the placement, removal or re-grading of material up to 20m³ (minor fill) <input type="checkbox"/> Minor shoreline protection up to 20m³ <input type="checkbox"/> Undertake watercourse or shoreline alteration involving less than 20m² (minor alteration) <input type="checkbox"/> Construct a non-habitable accessory structure up to 10m² <input type="checkbox"/> Construct a habitable addition up to 10m² <input type="checkbox"/> Construct a deck up to 23m² <input type="checkbox"/> Install a pool up to 10m² 	<input checked="" type="checkbox"/> Permission for Standard or Complex Permit: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Construct, reconstruct, erect or place a building or structure (greater than 10m²) <input type="checkbox"/> Change building/structure so that it increases its size by 10m² or more, or increases the number of dwelling units <input checked="" type="checkbox"/> Temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere greater than 20m³ <input type="checkbox"/> Change or interfere with a wetland <input type="checkbox"/> Change or interfere with a watercourse <input type="checkbox"/> Shoreline protection work <input type="checkbox"/> Construct a deck greater than 23m² <input type="checkbox"/> Install a pool greater than 10m² 																				
Permit Approval: <div style="border: 1px solid black; height: 80px; margin-top: 10px;"></div>	Amendment: <div style="border: 1px solid black; height: 80px; margin-top: 10px;"></div>																				



**LOWER TRENT
CONSERVATION**

FOR OFFICE USE ONLY			
FILE #	RP-25-023	PERMIT #:	
Watershed:	Trent River Corridor Trib.	Fee Received:	\$550 / Jan. 30, 2025
Date Received:	Jan. 29, 2025	Date Deemed Complete:	
Expiry Date:		Pre-consultation Date:	May 30, 2024

714 Murray Street
Trenton, Ontario
K8V0N1
(613) 394-4829
permits@ltc.on.ca

APPLICATION
FOR DEVELOPMENT ACTIVITIES / INTERFERENCE WITH A
WATERCOURSE / WETLAND
(CONSERVATION AUTHORITIES ACT, PART VI AND ONTARIO REGULATION 41/24)

Owner's Name:	2632863 ONTARIO INC.	Telephone:	705 653-2151	Cell:	
Address:	78 Tanner Industrial Park P.O. Box 1334 Campbellford ON	Postal Code:	K0K 1L0	Email:	
Applicant's Name:	Same as Owner	Telephone:		Cell:	
Address:		Postal Code:		Email:	
Contractor & Site Contact:	NICHOLSON BROS. CONCRE	Telephone:	705 653-2151	Cell:	

Pre-Consultation: Please indicate if you have conducted any pre-application consultation with a LTC Staff Member.

NO	YES (check method below)				
<input type="checkbox"/>	by phone <input type="checkbox"/>	by meeting <input checked="" type="checkbox"/>	by email <input type="checkbox"/>	by site visit <input checked="" type="checkbox"/>	by other method <input type="checkbox"/>

Location/Address where Development Activity / Interference with a Watercourse or Wetland is proposed (provide Registered Plan and lot number, if known):


Lot:	3 & 4	Concession:	6	Municipality:	QUINTE WEST (F)	ARN:	120441402503711
------	-------	-------------	---	---------------	-----------------	------	-----------------

Description of Proposed Works:	Construct seven (7) dwellings located within 15m Regulatory Limit Three (3) units have been now been impacted by the 2024 Floodline recently established <i>Unit 39 - site preparation to construct future dwellings</i>						
Type and Approximate Quantity of Fill:	Total 200m3	Unit 35	0 m3	Unit 38	24 m3	Unit 39	60 m3
		Unit 40	45 m3	Unit 41	19 m3	Unit 42	19 m3
		Unit 43	33 m3				
Existing Site Conditions or Use:	Development of site services and road grading has been completed, Five (5) dwelling units have already been constructed within the development						
Previous Applications to LTC for this Property:	P-24-071 and P-24-072						

Are there any violations on this Property under Ontario Regulation 163/06 or 41/24?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (provide details)	<input type="checkbox"/> Unknown
Are Planning Act approvals in place? (e.g. Zoning, Minor Variance, Site Plan, etc.)	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes (provide details and attach confirmation documents)	<input type="checkbox"/> Unknown
Has this project been through an Environmental Assessment review?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes (provide details)	<input type="checkbox"/> Unknown
Are there any other required approvals? (e.g. MNRF, Fisheries and Oceans Canada, Health Unit)	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (provide details)	<input type="checkbox"/> Unknown
Dates when work is to be carried out:	Proposed commencement of work:	2025-06-01	Proposed completion of work: 2025-10-01

Application is hereby made, to (check appropriate boxes):

<input checked="" type="checkbox"/> Site Grading, Place, Dump or Remove Fill	<input type="checkbox"/> Place, Dump or Remove Fill in Flood Plain	<input type="checkbox"/> Interference with Wetland
<input type="checkbox"/> Alter, Add to, Reconstruct, Renovate Building	<input type="checkbox"/> Development within Hazardous Land	<input type="checkbox"/> Alteration to Shorelines
<input checked="" type="checkbox"/> Demolish, Erect, Place, Construct a New Building/Structure	<input type="checkbox"/> Alter an Existing Watercourse	<input type="checkbox"/> Large Fill Site

I, Arnold H. Vandermeer	declare that the above information is correct to the best of my knowledge, and I agree to abide by the provisions of the <i>Conservation Authorities Act</i> and <i>Ontario Regulation 41/24</i> . By signing this application, I agree to allow Lower Trent Region Conservation Authority (LTC) staff to enter onto the subject property as part of the review process. I also acknowledge and agree to abide by conditions of any permit issued pursuant to this application. Further, any permit issued pursuant to this application may be cancelled if it is issued on the basis of false, inaccurate or misleading information. The personal information on this form is collected under the authority of the <i>Conservation Authorities Act</i> , R.S.O. 1990, c 27, as amended. The personal information will be used for the purposes of administering Parts VI and VII of the <i>Conservation Authorities Act</i> and <i>Ontario Regulation 41/24</i> . Specifically, the information will be used to:
<ul style="list-style-type: none"> • Evaluate the development proposal • Liaise with other regulatory agencies having jurisdiction • Make a decision on the application or report to the LTC Board of Directors for a decision 	
I understand that this information is part of the public record and is available to the general public.	
Date: 2025-01-28	Signature: 
<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Applicant Agent	

LANDOWNER AUTHORIZATION

Subject Property	Lot:	3 & 4	Concession:	6
	Street Address:	260 North Trent Street		
	Municipality:	Quinte West (Frankford Ward)		

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

NOTE TO THE OWNER(S):

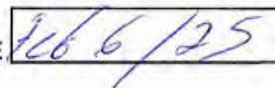
If the application is to be prepared by a solicitor or agent, authorization should not be given until the application and its attachments have been examined and approved by you, the owner(s).

I/WE Ken Nicholson HEREBY AUTHORIZE vanMEER limited TO PROVIDE AS MY AGENT ANY REQUIRED AUTHORIZATIONS, TO SUBMIT THE ENCLOSED APPLICATION TO THE LOWER TRENT REGION CONSERVATION AUTHORITY, AND TO APPEAR ON MY BEHALF AT ANY HEARING(S) OF THE APPLICATION AND TO PROVIDE ANY INFORMATION OR MATERIAL REQUIRED BY THE BOARD RELEVANT TO THE APPLICATION FOR PURPOSES OF OBTAINING A PERMIT FOR DEVELOPMENT ACTIVITY/INTERFERE WITH A WATERCOURSE/WETLAND, IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONSERVATION AUTHORITIES ACT AND ONTARIO REGULATION 41/24.

SIGNATURE OF OWNER-



DATE



FOR OFFICE USE ONLY				
Application File Number: <u>RP-25-023</u>	Permit File Number:			
Subwatershed: <u>Trent River Corridor Trib.</u>	Regulated Feature: <u>Trent River floodplain & field verified wetland</u>			
Permit application rec'd: <u>Jan. 29, 2025</u>	Application complete:			
Deposit Required: Ontario Land Surveyor (\$500) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Coastal Engineer (\$1,000) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Amendment request rec'd:	Amended application complete:			
<table style="width: 100%; border: none;"> <tr> <td style="width: 20%;">Fee Required:</td> <td style="width: 60%;"> <input type="checkbox"/> Routine <input type="checkbox"/> Minor <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Complex (require review of 1 technical study) <input type="checkbox"/> Complex (require review of 2 or more technical studies) <input type="checkbox"/> Permit amendment (administrative) <input type="checkbox"/> Permit amendment (significant) - 1/2 original application fee <input type="checkbox"/> Compliance permit - double the application fee <input type="checkbox"/> Restoration agreement - double the application Fee <input type="checkbox"/> Deposit </td> <td style="width: 20%; text-align: right; vertical-align: top;"> \$100 \$220 <u>\$550</u> \$825 \$1,100 \$100 _____ _____ _____ _____ </td> </tr> </table>		Fee Required:	<input type="checkbox"/> Routine <input type="checkbox"/> Minor <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Complex (require review of 1 technical study) <input type="checkbox"/> Complex (require review of 2 or more technical studies) <input type="checkbox"/> Permit amendment (administrative) <input type="checkbox"/> Permit amendment (significant) - 1/2 original application fee <input type="checkbox"/> Compliance permit - double the application fee <input type="checkbox"/> Restoration agreement - double the application Fee <input type="checkbox"/> Deposit	\$100 \$220 <u>\$550</u> \$825 \$1,100 \$100 _____ _____ _____ _____
Fee Required:	<input type="checkbox"/> Routine <input type="checkbox"/> Minor <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Complex (require review of 1 technical study) <input type="checkbox"/> Complex (require review of 2 or more technical studies) <input type="checkbox"/> Permit amendment (administrative) <input type="checkbox"/> Permit amendment (significant) - 1/2 original application fee <input type="checkbox"/> Compliance permit - double the application fee <input type="checkbox"/> Restoration agreement - double the application Fee <input type="checkbox"/> Deposit	\$100 \$220 <u>\$550</u> \$825 \$1,100 \$100 _____ _____ _____ _____		
Amount Received: <u>\$550.00</u> Date Received: <u>Jan 30, 2025</u>				
Method of Payment: <input type="checkbox"/> Cheque <input type="checkbox"/> Credit Card <input type="checkbox"/> Cash				
Deposit Returned: _____ Date Returned: _____				
<input type="checkbox"/> Permission for Minor Works: <input type="checkbox"/> Undertake minor landscaping involving the placement, removal or re-grading of material up to 20m ³ (minor fill) <input type="checkbox"/> Minor shoreline protection up to 20m ³ <input type="checkbox"/> Undertake watercourse or shoreline alteration involving less than 20m ² (minor alteration) <input type="checkbox"/> Construct a non-habitable accessory structure up to 10m ² <input type="checkbox"/> Construct a habitable addition up to 10m ² <input type="checkbox"/> Construct a deck up to 23m ² <input type="checkbox"/> Install a pool up to 10m ²	<input checked="" type="checkbox"/> Permission for Standard or Complex Permit: <input checked="" type="checkbox"/> Construct, reconstruct, erect or place a building or structure (greater than 10m ²) <input type="checkbox"/> Change building/structure so that it increases its size by 10m ² or more, or increases the number of dwelling units <input checked="" type="checkbox"/> Temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere greater than 20m ³ <input type="checkbox"/> Change or interfere with a wetland <input type="checkbox"/> Change or interfere with a watercourse <input type="checkbox"/> Shoreline protection work <input type="checkbox"/> Construct a deck greater than 23m ² <input type="checkbox"/> Install a pool greater than 10m ²			
Permit Approval: <div style="border: 1px solid black; height: 100px; border-radius: 10px; margin-top: 10px;"></div>	Amendment: <div style="border: 1px solid black; height: 100px; border-radius: 10px; margin-top: 10px;"></div>			



**LOWER TRENT
CONSERVATION**

FOR OFFICE USE ONLY			
FILE #	RP-25-024	PERMIT #:	
Watershed:	Trent River Corridor Trb	Fee Received:	\$550.00 / Jan. 30, 2025
Date Received:	Jan. 29, 2025	Date Deemed Complete:	
Expiry Date:		Pre-consultation Date:	May 30, 2024

714 Murray Street
Trenton, Ontario
K8V0N1
(613) 394-4829
permits@ltc.on.ca

APPLICATION
FOR DEVELOPMENT ACTIVITIES / INTERFERENCE WITH A
WATERCOURSE / WETLAND
(CONSERVATION AUTHORITIES ACT, PART VI AND ONTARIO REGULATION 41/24)

Owner's Name:	2632863 ONTARIO INC.	Telephone:	705 653-2151	Cell:	
Address:	78 Tanner Industrial Park P.O. Box 1334 Campbellford ON	Postal Code:	K0K 1L0		
		Email			
Applicant's Name:	Same as Owner	Telephone:		Cell:	
Address:		Postal Code:			
		Email			
Contractor & Site Contact:	NICHOLSON BROS. CONCRE	Telephone:	705 653-2151	Cell:	

Pre-Consultation: Please indicate if you have conducted any pre-application consultation with a LTC Staff Member.

NO	YES (check method below)				
<input type="checkbox"/>	by phone <input type="checkbox"/>	by meeting <input checked="" type="checkbox"/>	by email <input type="checkbox"/>	by site visit <input checked="" type="checkbox"/>	by other method <input type="checkbox"/>

Location/Address where Development Activity / Interference with a Watercourse or Wetland is proposed (provide Registered Plan and lot number, if known):


Lot:	3 & 4	Concession:	6	Municipality:	QUINTE WEST (F)	ARN:	120441402503711
------	-------	-------------	---	---------------	-----------------	------	-----------------

Description of Proposed Works:	Construct seven (7) dwellings located within 15m Regulatory Limit Three (3) units have been now been impacted by the 2024 Floodline recently established <i>Unit 40 - site preparation to construct future dwellings</i>						
Type and Approximate Quantity of Fill:	Total 200m3	Unit 35	0 m3	Unit 38	24 m3	Unit 39	60 m3
		Unit 40	45 m3	Unit 41	19 m3	Unit 42	19 m3
		Unit 43	33 m3				
Existing Site Conditions or Use:	Development of site services and road grading has been completed, Five (5) dwelling units have already been constructed within the development						
Previous Applications to LTC for this Property:	P-24-071 and P-24-072						

Are there any violations on this Property under Ontario Regulation 163/06 or 41/24?		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (provide details)	<input type="checkbox"/> Unknown
Are Planning Act approvals in place? (e.g. Zoning, Minor Variance, Site Plan, etc.)		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes (provide details and attach confirmation documents)	<input type="checkbox"/> Unknown
Has this project been through an Environmental Assessment review?		<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes (provide details)	<input type="checkbox"/> Unknown
Are there any other required approvals? (e.g. MNRF, Fisheries and Oceans Canada, Health Unit)		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes (provide details)	<input type="checkbox"/> Unknown
Dates when work is to be carried out:	Proposed commencement of work:	2025-06-01	Proposed completion of work:	2025-10-01

Application is hereby made, to (check appropriate boxes):

<input checked="" type="checkbox"/> Site Grading, Place, Dump or Remove Fill	<input type="checkbox"/> Place, Dump or Remove Fill in Flood Plain	<input type="checkbox"/> Interference with Wetland
<input type="checkbox"/> Alter, Add to, Reconstruct, Renovate Building	<input type="checkbox"/> Development within Hazardous Land	<input type="checkbox"/> Alteration to Shorelines
<input checked="" type="checkbox"/> Demolish, Erect, Place, Construct a New Building/Structure	<input type="checkbox"/> Alter an Existing Watercourse	<input type="checkbox"/> Large Fill Site

I, Arnold H. Vandermeer	declare that the above information is correct to the best of my knowledge, and I agree to abide by the provisions of the <i>Conservation Authorities Act</i> and <i>Ontario Regulation 41/24</i> . By signing this application, I agree to allow Lower Trent Region Conservation Authority (LTC) staff to enter onto the subject property as part of the review process. I also acknowledge and agree to abide by conditions of any permit issued pursuant to this application. Further, any permit issued pursuant to this application may be cancelled if it is issued on the basis of false, inaccurate or misleading information. The personal information on this form is collected under the authority of the <i>Conservation Authorities Act</i> , R.S.O. 1990, c 27, as amended. The personal information will be used for the purposes of administering Parts VI and VII of the <i>Conservation Authorities Act</i> and <i>Ontario Regulation 41/24</i> . Specifically, the information will be used to:
<ul style="list-style-type: none"> • Evaluate the development proposal • Liaise with other regulatory agencies having jurisdiction • Make a decision on the application or report to the LTC Board of Directors for a decision 	
I understand that this information is part of the public record and is available to the general public.	
Date: 2025-01-28	Signature: 
<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Authorized Applicant Agent	

LANDOWNER AUTHORIZATION

Subject Property	Lot:	3 & 4	Concession:	6
	Street Address:	260 North Trent Street		
	Municipality:	Quinte West (Frankford Ward)		

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

NOTE TO THE OWNER(S):

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

I/WE Ken Nicholson HEREBY AUTHORIZE vanMEER limited TO PROVIDE AS MY AGENT ANY REQUIRED AUTHORIZATIONS, TO SUBMIT THE ENCLOSED APPLICATION TO THE LOWER TRENT REGION CONSERVATION AUTHORITY, AND TO APPEAR ON MY BEHALF AT ANY HEARING(S) OF THE APPLICATION AND TO PROVIDE ANY INFORMATION OR MATERIAL REQUIRED BY THE BOARD RELEVANT TO THE APPLICATION FOR PURPOSES OF OBTAINING A PERMIT FOR DEVELOPMENT ACTIVITY/INTERFERE WITH A WATERCOURSE/WETLAND, IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONSERVATION AUTHORITIES ACT AND ONTARIO REGULATION 41/24.

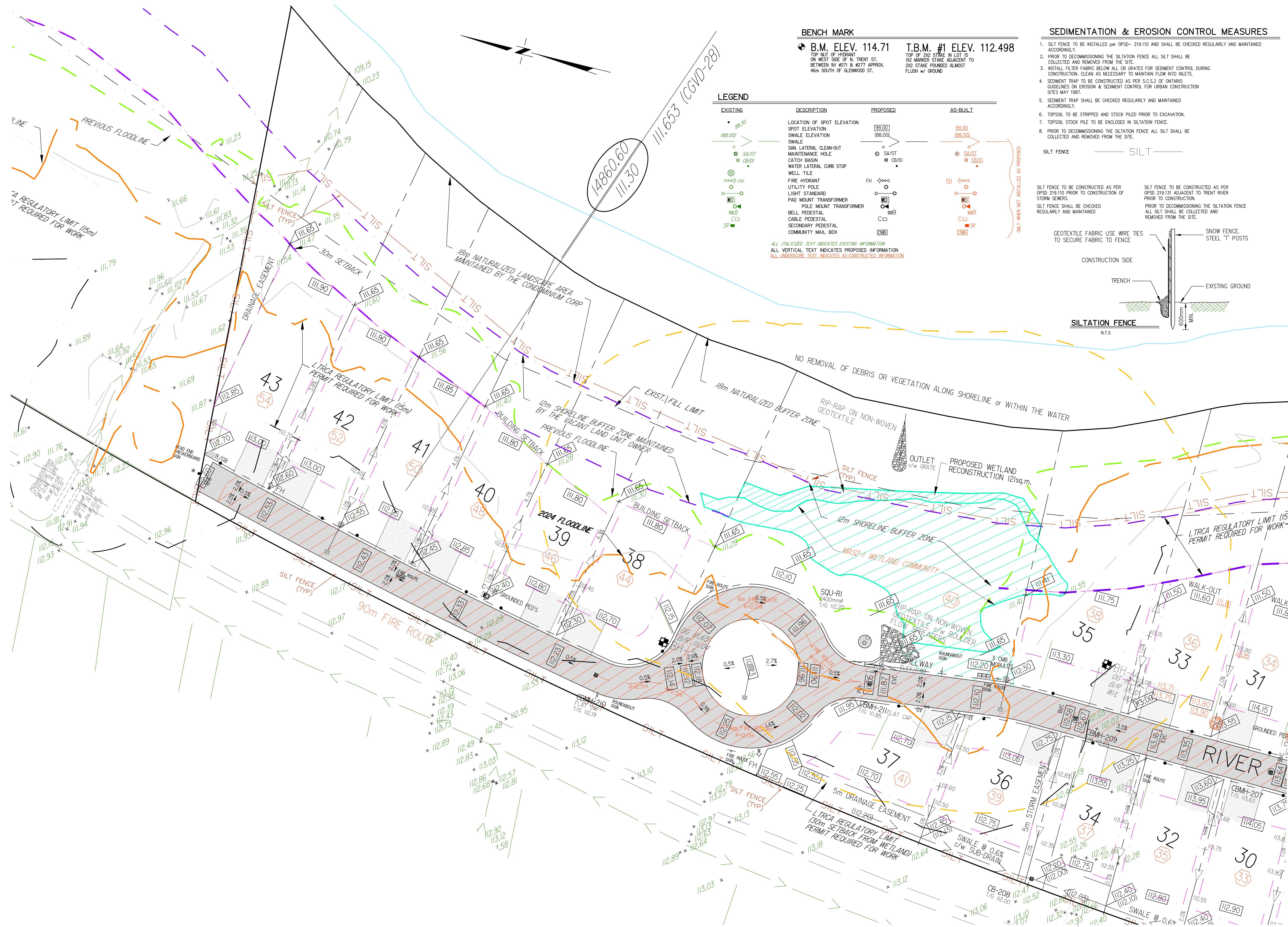
SIGNATURE OF OWNER



DATE



FOR OFFICE USE ONLY				
Application File Number: <u>RP-25-024</u>	Permit File Number:			
Subwatershed: <u>Trent River Corridor Trib.</u>	Regulated Feature: <u>Trent River Floodplain & field verified wetlands</u>			
Permit application rec'd: <u>Jan. 29, 2025</u>	Application complete:			
Deposit Required: Ontario Land Surveyor (\$500) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Coastal Engineer (\$1,000) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Amendment request rec'd:	Amended application complete:			
<table style="width: 100%; border: none;"> <tr> <td style="width: 20%;">Fee Required:</td> <td style="width: 60%;"> <input type="checkbox"/> Routine <input type="checkbox"/> Minor <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Complex (require review of 1 technical study) <input type="checkbox"/> Complex (require review of 2 or more technical studies) <input type="checkbox"/> Permit amendment (administrative) <input type="checkbox"/> Permit amendment (significant) - 1/2 original application fee <input type="checkbox"/> Compliance permit - double the application fee <input type="checkbox"/> Restoration agreement - double the application Fee <input type="checkbox"/> Deposit </td> <td style="width: 20%; text-align: right; vertical-align: top;"> \$100 \$220 <u>\$550</u> \$825 \$1,100 \$100 _____ _____ _____ _____ </td> </tr> </table>		Fee Required:	<input type="checkbox"/> Routine <input type="checkbox"/> Minor <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Complex (require review of 1 technical study) <input type="checkbox"/> Complex (require review of 2 or more technical studies) <input type="checkbox"/> Permit amendment (administrative) <input type="checkbox"/> Permit amendment (significant) - 1/2 original application fee <input type="checkbox"/> Compliance permit - double the application fee <input type="checkbox"/> Restoration agreement - double the application Fee <input type="checkbox"/> Deposit	\$100 \$220 <u>\$550</u> \$825 \$1,100 \$100 _____ _____ _____ _____
Fee Required:	<input type="checkbox"/> Routine <input type="checkbox"/> Minor <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Complex (require review of 1 technical study) <input type="checkbox"/> Complex (require review of 2 or more technical studies) <input type="checkbox"/> Permit amendment (administrative) <input type="checkbox"/> Permit amendment (significant) - 1/2 original application fee <input type="checkbox"/> Compliance permit - double the application fee <input type="checkbox"/> Restoration agreement - double the application Fee <input type="checkbox"/> Deposit	\$100 \$220 <u>\$550</u> \$825 \$1,100 \$100 _____ _____ _____ _____		
Amount Received: <u>\$550.⁰⁰</u> Date Received: <u>Jan. 30, 2025</u>				
Method of Payment: <input type="checkbox"/> Cheque <input type="checkbox"/> Credit Card <input type="checkbox"/> Cash				
Deposit Returned: _____ Date Returned: _____				
<input type="checkbox"/> Permission for Minor Works: <input type="checkbox"/> Undertake minor landscaping involving the placement, removal or re-grading of material up to 20m ³ (minor fill) <input type="checkbox"/> Minor shoreline protection up to 20m ³ <input type="checkbox"/> Undertake watercourse or shoreline alteration involving less than 20m ² (minor alteration) <input type="checkbox"/> Construct a non-habitable accessory structure up to 10m ² <input type="checkbox"/> Construct a habitable addition up to 10m ² <input type="checkbox"/> Construct a deck up to 23m ² <input type="checkbox"/> Install a pool up to 10m ²	<input checked="" type="checkbox"/> Permission for Standard or Complex Permit: <input checked="" type="checkbox"/> Construct, reconstruct, erect or place a building or structure (greater than 10m ²) <input type="checkbox"/> Change building/structure so that it increases its size by 10m ² or more, or increases the number of dwelling units <input checked="" type="checkbox"/> Temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere greater than 20m ³ <input type="checkbox"/> Change or interfere with a wetland <input type="checkbox"/> Change or interfere with a watercourse <input type="checkbox"/> Shoreline protection work <input type="checkbox"/> Construct a deck greater than 23m ² <input type="checkbox"/> Install a pool greater than 10m ²			
Permit Approval: <div style="border: 1px solid black; height: 150px; margin-top: 10px;"></div>	Amendment: <div style="border: 1px solid black; height: 150px; margin-top: 10px;"></div>			



January 28, 2025

FLOOD ANALYSIS

2632863 ONTARIO INC. (Ken Nicholson) - OWNER
RIVER RAPIDS VACANT LAND CONDOMINIUM
260 NORTH TRENT STREET, Village of Frankford

River Rapids Vacant Land Condominium development is located adjacent to the Trent River at the northerly limits of the Village of Frankford.

The development approvals were based on the original floodplain mapping existing prior to the updating Floodplain Mapping in 2024 by KGS Group for Lower Trent Conservation Authority.

The previous flood elevation through this area was 111.20 m. The updated flood elevation now ranges from 111.513 at Sta 14784.60 to 111.653 (GVD-28) at Sta 14860.60 through the affected units.

A drawing has been provided herewith showing the impact units and comparing the previous floodline in green and the new flood line in red.

The 2024 floodline are based on the Regulatory Floodplain Map Sheets 106 and 107, copies have been attached for reference.

At Station 14784.60, just downstream of the affected units, the west channel of the Trent River is significantly reduced therefore creating an ineffective flow area not actively conveying flows that contribute to the river's ability to move the water in its naturally desired flow path.

Proposed Units 35, 41, 42 & 43 can be built beyond the regulated flood line, we anticipate some minor grading around the dwelling placed minimal fill within the floodplain.

Constructing units 38, 39 & 40 to the original building setback would require approval to construct within the floodplain. The depth of fill would be less than 0.3m.

We calculated the volume of fill / building to be placed within the Regulatory Floodplain would total only 132 m³ and placed on each of the respective units as follows:

Unit 35	0 m ³
Unit 38	35 m ³
Unit 39	42 m ³
Unit 40	32 m ³
Unit 41	10 m ³
Unit 42	4 m ³
Unit 43	9 m ³

It is recommended that no habitable space be below the Regulatory Flood elevation. All openings into the building should be above elevation 111.95 (Regulatory Flood of 111.65 plus 0.3m). Additional floodproofing measures can also be undertaken.

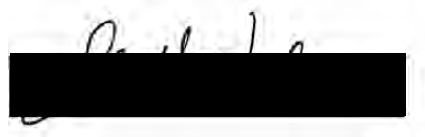
.... / 2

Flood Analysis
January 28, 2025
Page 2

Trust this information addresses the requirements to obtain the necessary approvals for Permits.
If you have any questions, or require additional information, please do not hesitate to contact me.

Yours Truly,

van MEER limited

A handwritten signature in blue ink, which appears to read "Arnold H. Vandermeer", is positioned above a solid black rectangular redaction box.

Arnold H. Vandermeer, P.Eng.,
Pres.

AHV/

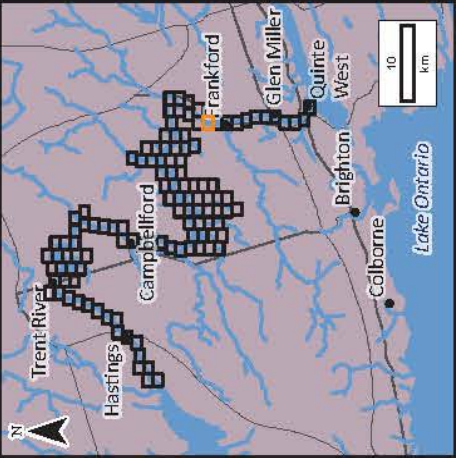
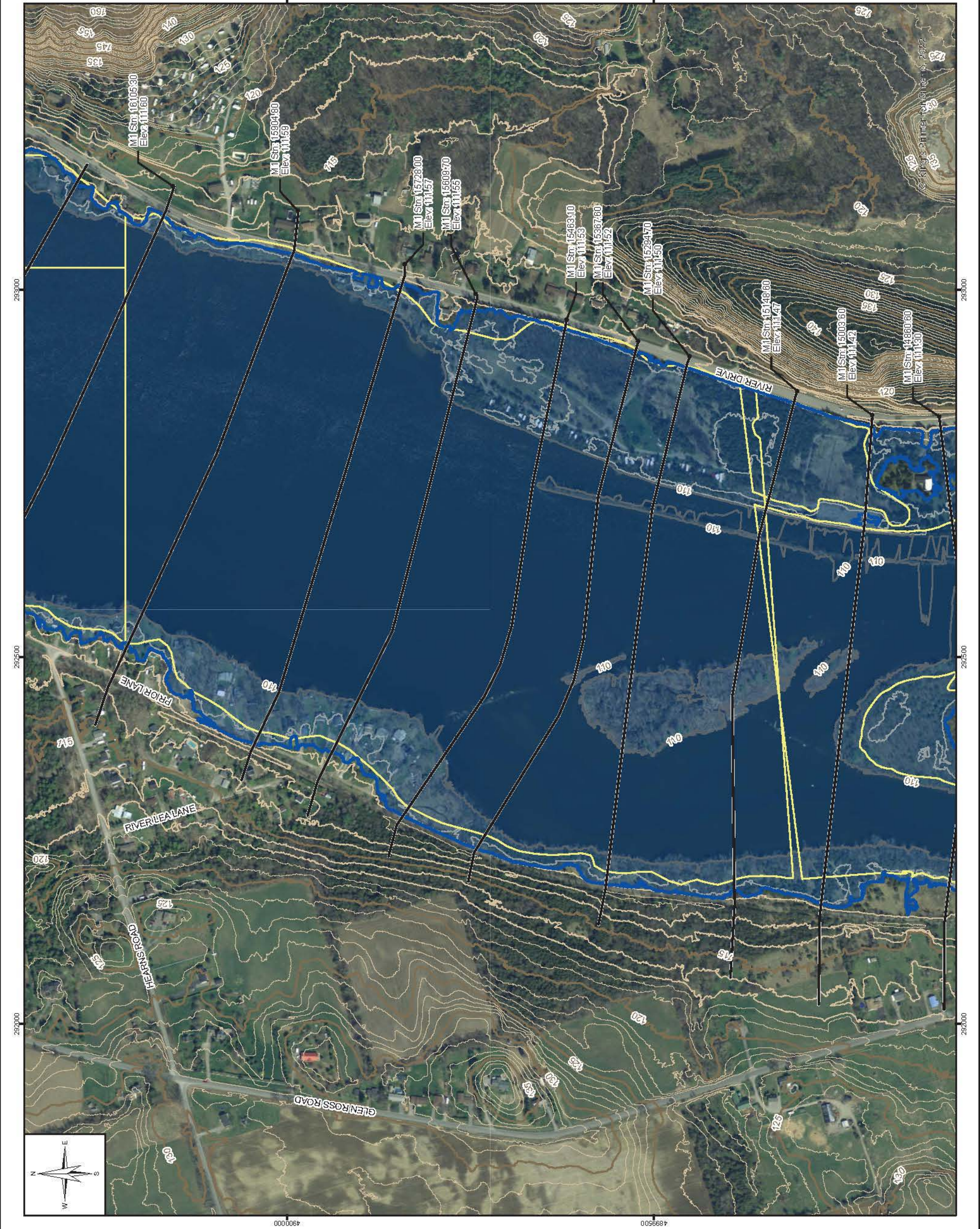
Attachments:

Dwg No NTre/260-02N

Regulatory Floodplain Map Sheet 106 of 117

Regulatory Floodplain Map Sheet 107 of 117

\\NICHOLSON\RIVER RAPIDS\CORRESPONDENCE\2025\FLOOD ANALYSIS-Jan 28-25.doc



LEGEND:

- Station Number, Regulatory Flood Elevation (metres)
- Water Surface Elevation
- Cross Section
- 5 m Index Contour
- 1 m Contour
- Existing Floodlines
- Regulatory Floodplain (100 Year - 1% AEP)



NOTES:

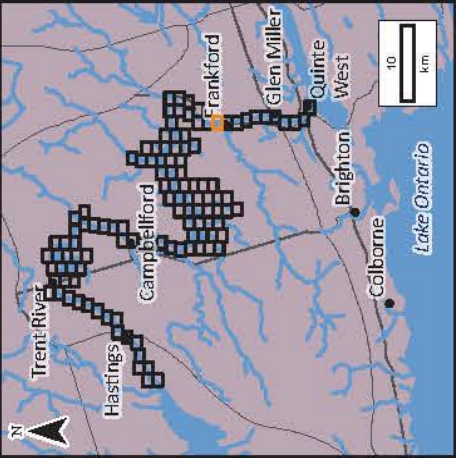
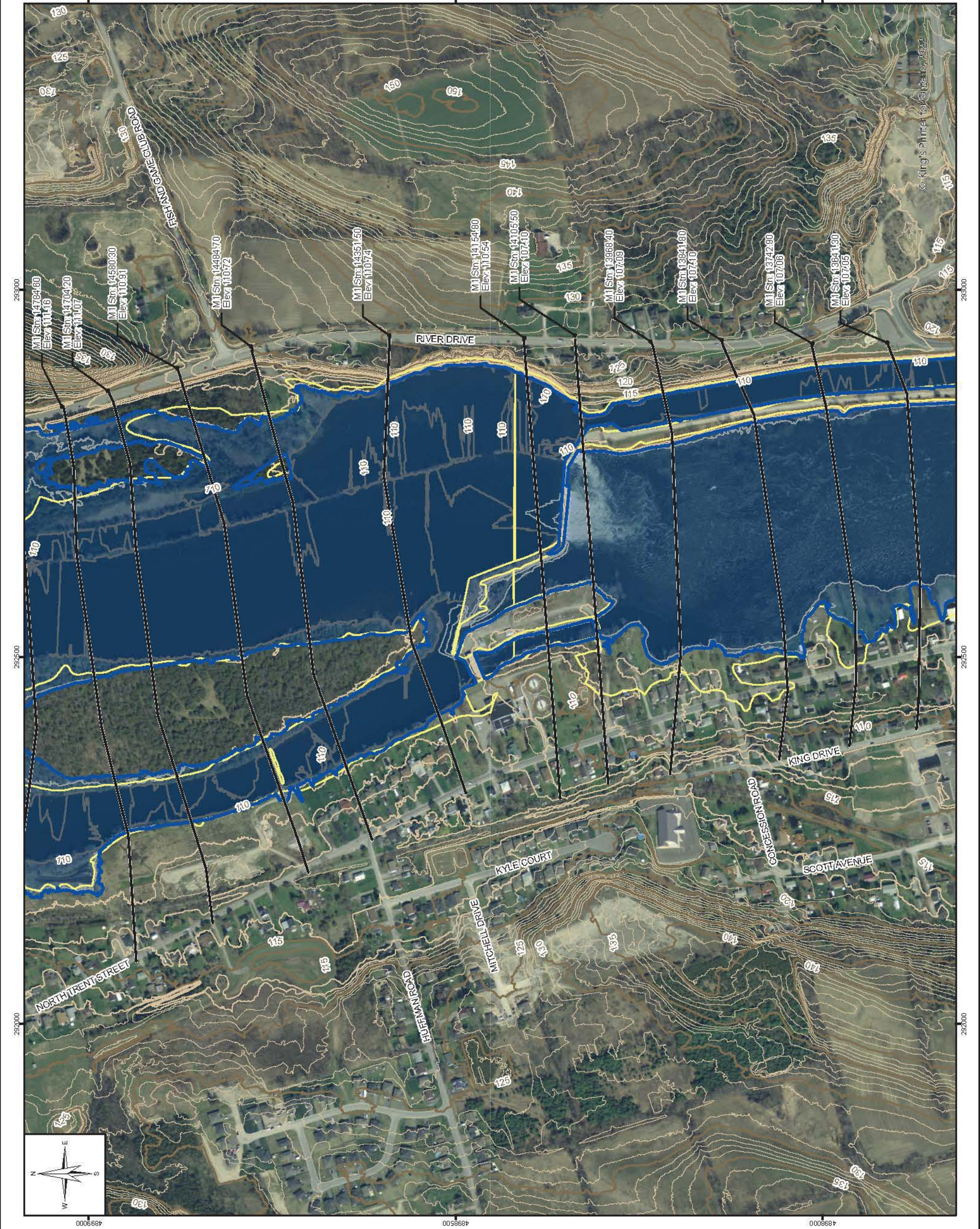
1. LiDAR elevation dataset provided by Land Information Ontario (LIO) and Natural Resources Canada (NRCAN). Datasets included OMAFRA (Peterborough) dated 2016-2017 (LIO) and Belleville dated 2022 (NRCAN).
2. Aerial photography, dated 2013, was provided by Land Information Ontario (LIO) as part of the South Central Orthophotography Project (SCCOP).
3. Maps are prepared in Projection NAD 83, UTM Zone 18, CSRS. Vertical reference datum used is Canadian Geodetic Vertical Datum of 2013 (CGVD2013). Elevations are in metres above sea level (MSL).
4. The Regulatory Floodplain lines shown in this map were prepared using hydraulic models as described in: KGS Group, 2024, "Trent River Floodplain Mapping Update - Floodplain Mapping Report".

SCALE: 1:5,000 METRIC 11"x17"

All units are metric and in metres unless otherwise specified. Transverse Mercator Projection, NAD83 UTM, Zone 18 CSRS. Elevations are in metres above sea level (MSL).

50 0 50 100 150 200 Metres

0		240229		ISSUED WITH FINAL REPORT		FGC AB	
NO.		Y/N/A/S		DESCRIPTION		REVISIONS / ISSUE	
						DESIGNER	
						REVISED BY	
						CHECK BY	



LEGEND:

- Station Number, Regulatory Flood Elevation (metres)
- Water Surface Elevation
- Cross Section
- 5 m Index Contour
- 1 m Contour
- Existing Floodlines
- Regulatory Floodplain (100 Year - 1% AEP)



NOTES:

1. LiDAR elevation dataset provided by Land Information Ontario (LIO) and Natural Resources Canada (NRCAN). Datasets included OMAFRA (Peterborough) dated 2016-2017 (LIO) and Belleville dated 2022 (NRCAN).
2. Aerial photography, dated 2013, was provided by Land Information Ontario (LIO) as part of the South Central Orthophotography Project (SCOPP).
3. Maps are prepared in Projection NAD 83, UTM Zone 18, CSRS. Vertical reference datum used is Canadian Geodetic Vertical Datum of 2013 (CGVD2013). Elevations are in metres above sea level (MSL).
4. The Regulatory Floodplain lines shown in this map were prepared using hydraulic models as described in: KGS Group, 2024, "Trent River Floodplain Mapping Update - Floodplain Mapping Report".



SCALE: 1:5,000 METRIC 11"x17"

All units are metric and in metres unless otherwise specified. Transverse Mercator Projection, NAD83 UTM, Zone 18 CSRS. Elevations are in metres above sea level (MSL).

NO.	Y/M/D	ISSUED WITH FINAL REPORT	FGC	AB
0	240229			

REVISIONS / ISSUE

NO.	Y/M/D	ISSUED WITH FINAL REPORT	FGC	AB
0	240229			


KGS GROUP

LOWER TRENT CONSERVATION

RP-25-022

260 North Trent Street
River Rapids - Unit 38
QW Frankford
Con 6, Lot 3-4

Legend

 O.Reg. 41/24 Screening Area

 Parcels

Water


 Stream

 Virtual Flow Connector


Wetlands (MNRF)


 Unevaluated wetland

 Evaluated wetland (PSW)

 Evaluated wetland (non-PSW)

Field Verified Wetland

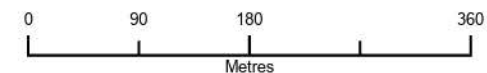
 Yes (Present)

 No (Not Present)

 Potential (Desktop ID)

Flood & Erosion Lines

 Floodlines



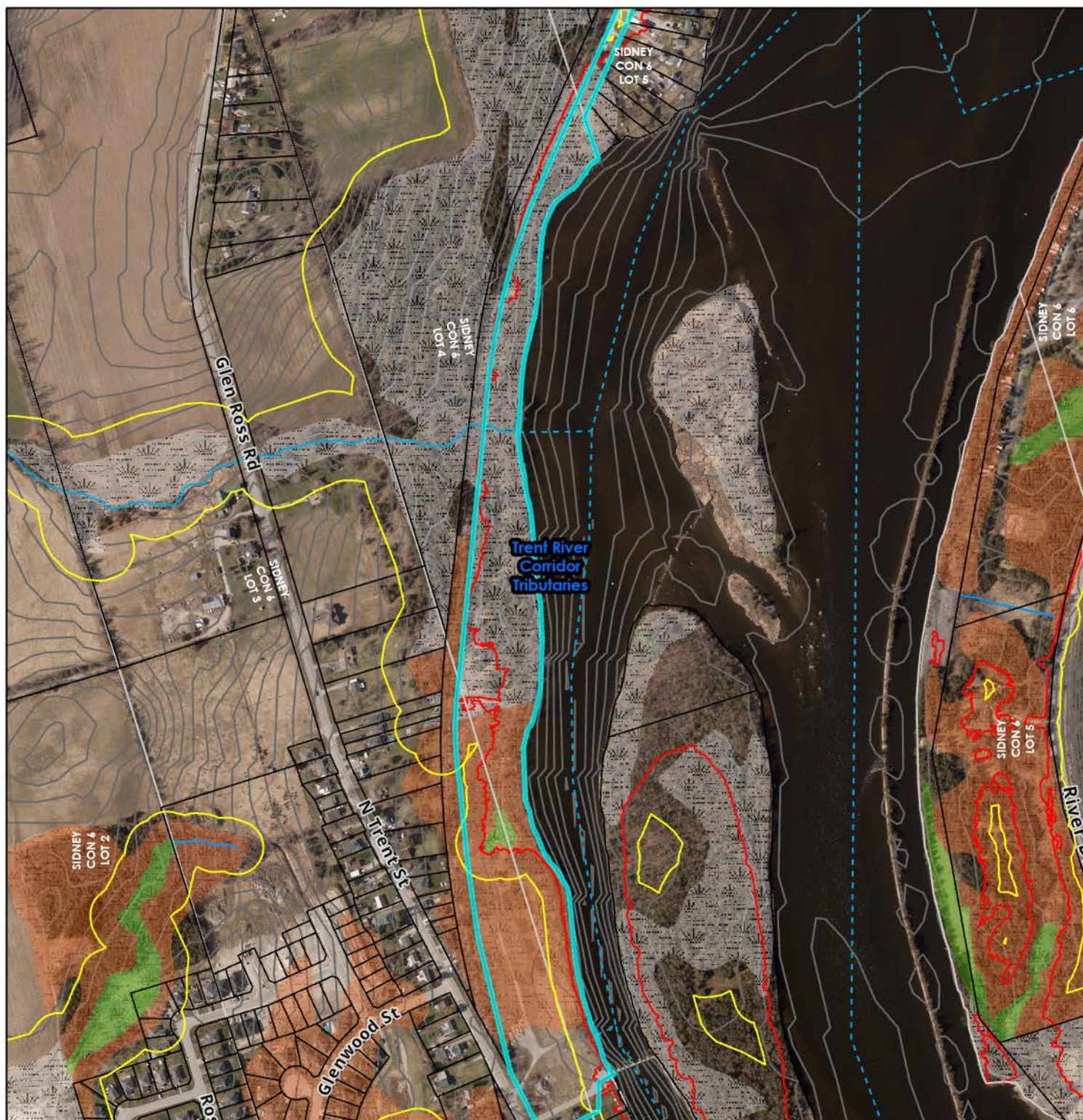
Map produced by Lower Trent Conservation

Includes material Copyright 2025 Queen's Printer for Ontario

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



LOWER TRENT
CONSERVATION





**Lower Trent Region
Conservation Authority**

**Ontario Regulation 41/24
Policy Document**

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

June 13, 2024

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 and unstable soils and bedrock 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 activities, 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) 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 and unstable soils and bedrock 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.

5 HAZARDOUS LANDS

5.1 Conservation Authorities Act

The *Conservation Authorities Act* contains the following sections dealing with hazardous lands:

Activities prohibited (Prohibited activities re watercourses, wetlands, etc.)

“28 (1) No person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority: ...

2. Development activities in areas that are within the authority’s area of jurisdiction and are,
 - i. hazardous lands, ...

Permits

28.1 (1) An Authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by s. 28, if, in the opinion of the authority,

- a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock; and
- b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; ...

The permit shall be given in writing, with or without conditions.

5.2 Ontario Regulation 41/24

The following section indicates the extent of hazardous lands for the purpose of administering the Regulations. The Authority may grant a permit for development activity in or on Hazardous Lands subject to the tests or criteria in the *Conservation Authorities Act*. The Regulation contains the following definition for hazardous lands.

“**hazardous land**” means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock.

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

5.3 Policy Standards

The following sections outline the policy standards for LTC’s implementation of the *Conservation Authorities Act* and O. Reg. 41/24 with respect to hazardous lands including flood hazard lands, erosion hazard lands, unstable soil, and unstable bedrock. LTC, in their role through the planning process, should review planning applications to ensure that, in general, all development occurs outside the unstable soil and bedrock boundaries.

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.

5.3.1 Development within Flood Hazard Lands

5.3.1.1 *Development within One-Zone Regulatory Floodplain of River or Stream Valleys (including inland lakes)*

Background

The following policies are focused on development within the One-Zone Regulatory floodplain. These policies do not apply to development within the allowance adjacent to the One-Zone Regulatory floodplain and the reader should refer to Section 4.2.2 for policies that apply to these areas.

LTC Policies

- 1) Development within the Regulatory floodplain shall not be permitted.
- 2) Placement of fill, flood hazard protection and/or bank stabilization works to allow for future/proposed development or an increase in development envelope within the Regulatory floodplain shall not be permitted.
- 3) Development associated with new and/or the expansion of existing trailer parks / campgrounds in the Regulatory floodplain shall not be permitted.
- 4) *Major development* within the Regulatory floodplain shall not be permitted.
- 5) Redevelopment of derelict and abandoned buildings within the Regulatory floodplain shall not be permitted.
- 6) Stormwater management facilities within the 100-year floodplain shall not be permitted.
- 7) Basements within the Regulatory floodplain shall not be permitted.
- 8) Underground parking within the Regulatory floodplain shall not be permitted.
- 9) Cut and fill operations will not be permitted within the One-Zone Regulatory floodplain.
- 10) Notwithstanding Section 5.3.1.1 1), public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. pipelines) may be permitted within the Regulatory floodplain subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soil or bedrock will not be affected.
- 11) Notwithstanding Section 5.3.1.1 1), development associated with public parks (e.g. passive or low intensity outdoor recreation, education, or trail systems) may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soil or bedrock will not be affected.

- 12) Notwithstanding Section 5.3.1.1 1), stream bank slope and valley stabilization to protect existing development and conservation or restoration projects may be permitted within the Regulatory floodplain subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soil or bedrock will not be affected.
- 13) Notwithstanding Section 5.3.1.1 1), *moderate development and* structural repairs may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soil or bedrock will not be affected. The submitted plans must demonstrate that:
- a) there is no feasible alternative site outside of the Regulatory floodplain for the proposed development or in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk;
 - b) the proposed works do not create new hazards or aggravate flooding on adjacent or other properties and there are no negative upstream and downstream hydraulic impacts;
 - c) the development is protected from the flood hazard in accordance with established floodproofing and protection techniques. Habitable development must be dry floodproofed to 0.3 metres above the Regulatory flood elevation and non-habitable development must be floodproofed to the Regulatory flood elevation;
 - d) the proposed development will not prevent access for emergency works, maintenance, and evacuation;
 - e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
 - f) the control of flooding, erosion and dynamic beach hazards, and unstable soil and bedrock have been adequately addressed; and,
 - g) for any building where the depth of flooding exceeds 0.8 metres (2.5 ft) an engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.
- 14) Notwithstanding Section 5.3.1.1 4), detached non-habitable accessory structures greater than 46 m² (500 ft²) may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soil or bedrock will not be affected. The submitted plans must demonstrate that:
- a) there is no feasible alternative site outside of the Regulatory floodplain for the proposed development or in the event that there is no feasible alternative site, that the proposed development is located in an area of least (and acceptable) risk;

- b) the proposed works do not create new hazards or aggravate flooding on adjacent or other properties and there are no negative upstream and downstream hydraulic impacts;
- c) the development is protected from the flood hazard in accordance with established floodproofing and protection techniques;
- d) the proposed development will not prevent access for emergency works, maintenance, and evacuation;
- e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- f) the control of flooding, erosion and dynamic beach hazards, and unstable soil and bedrock have been adequately addressed; and,
- g) an engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.

15) Notwithstanding Section 5.3.1.1 4), construction of a second storey addition to a habitable building greater than 46 m² (500 ft²) may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soil or bedrock will not be affected. Subsequent moderate development proposals as in Section 5.2.1.1 13) which increase the footprint of the structure would not be supported. The submitted plans must demonstrate that:

- a) The original footprint of the building is not increased;
- b) Habitation is not increased for the entire building;
- c) the entire building is protected from the flood hazard in accordance with established floodproofing and protection techniques with dry floodproofing to 0.3 metres above the Regulatory flood elevation;
- d) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;
- e) for any building where the depth of flooding exceeds 0.8 metres (2.5 ft) an engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.

16) Notwithstanding Section 5.3.1.1 1), development associated with existing uses located within the Regulatory floodplain such as marine facilities, in-ground (at existing grade) pools, *minor development*, landscaping retaining walls, grading, etc., may be permitted if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soil or bedrock will not be affected.

17) Notwithstanding Section 5.3.1.1 1), development may be permitted for the reconstruction or relocation of a building within the Regulatory floodplain, provided that it has not been damaged or destroyed by flooding and if it has been demonstrated to the satisfaction of LTC

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

- a) the building or structure meets the criteria described in Policy 13) above;
 - b) the building or structure must not be located closer to the hazard than the original building; and,
 - c) the building or structure does not exceed the original floor space plus the allowable floor space for a *minor addition*. If the building or structure is enlarged, a future *minor addition* to the building or structure will not be considered.
- 18) Notwithstanding Section 5.3.1.1 1), development associated with the construction of a driveway or access way through the Regulatory floodplain in order to provide access to lands outside of the Regulatory floodplain may be permitted subject to the provision of safe access as identified in Section 1.8.3 and if it has been demonstrated to the satisfaction of LTC that there is no viable alternative outside of the regulated area and that the control of flooding, erosion, dynamic beaches or unstable soil or bedrock will not be affected.
- 19) Notwithstanding Section 5.3.1.1 1), removal or placement of *minor fill* and associated site grading may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soils or bedrock will not be affected.
- 20) Notwithstanding Section 5.3.1.1 1), the replacement of sewage disposal systems may be permitted within the Regulatory floodplain if it does not require greater than 1 metre depth of *fill* and has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soils or bedrock will not be affected. The replacement system should be located outside of the floodplain where possible, and only permitted within the floodplain subject to being located in the area of lowest risk.
- 21) Notwithstanding Section 5.3.1.1 1), parking areas may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soils or bedrock will not be affected, and that safe pedestrian and vehicular access is achieved.
- 22) Notwithstanding Section 5.3.1.1 1), boathouses may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soils or bedrock will not be affected, and an engineered design may be required for wet flood proofing.

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9 GLOSSARY

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

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

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

Area of interference: Those lands where development could interfere with the hydrologic function of a wetland.

Armour: Artificial surfacing of bed, banks, shores, or embankments to resist scour or erosion.

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

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

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

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

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

Crawl Space: A Crawl space must be:

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

Development activity: a) the construction, reconstruction, erection or placing of a building or structure of any kind, b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure, c) site grading, or d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

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

Dwelling unit: One or more habitable rooms, occupied or capable of being occupied as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants.

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

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

Dynamic Beach Hazard: Areas of inherently unstable accumulations of shoreline sediments along the Great Lakes – St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hazardous Land: Property or lands that could be unsafe for development due to naturally occurring processes associated with flooding, erosion dynamic beaches or unstable soil or bedrock.

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

Hydrologic Function: The functions of the hydrological cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

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

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

Interference in any way (CO Interpretation): Any anthropogenic act or instance which hinders, disrupts, degrades, or impedes in any way the natural features or hydrologic and ecologic functions of a wetland or watercourse.

Jetty: A structure that projects from the land out into water.

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

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

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

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

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

Minor Development: A small addition to an existing building or accessory building that does not exceed 15 square metres (160 square feet) and does not increase number of dwelling units in a hazard land. Uncovered decks less than 23 square metres (250 square feet) are also considered minor development.

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

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

Moderate Stabilization Work: stabilization works for banks/bluffs two metres or less in height and placement of appropriately sized stone a volumetric amount equivalent of up to one cubic metre per one linear metre of shoreline or stream bank if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soil or bedrock will not be affected.

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

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

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

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

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

Regulatory floodplain: See definition of flooding hazard

Retaining Wall: A vertical structure designed to resist the lateral pressure of soil and water behind it.

Revetment: A vertical or inclined facing of rip-rap or other material protecting a soil surface from erosion.

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

Routine permit applications: are activities that are documented through another approval process (DART Protocol) or are determined to have limited impacts on the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock (i.e. non-habitable buildings and structures that are less than 10 m² in size).

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

Scour: Local lowering of a streambed by the erosive action of flowing water.

Sedimentation: The deposition of detached soil particles.

Sewage Disposal System: A system which contains the entire sewage envelope, including both primary and secondary beds, mantle, septic tanks, and reserve areas, as per the requirements of the Ontario *Building Code Act* or the Ministry of the Environment and Climate Change.

Significant Wetland: An area identified as provincially significant by the Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time.

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

Storey: The portion of a building;

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

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

Structure: Any material, object or work erected either as a unit or constructed or assembled of connected or dependant parts or elements, whether located under, on, and/or above the surface of the ground.

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

Two Zone Floodway-Flood Fringe Concept: An approach whereby certain areas of the floodplain are considered to be less hazardous than others such that development potentially could occur. The flood fringe defines that portion of the floodplain where development may be permitted, subject to appropriate floodproofing. The floodway defines that portion of the floodplain wherein development is limited. This concept is only implemented after a comprehensive study to evaluate implications has been completed.

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

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

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

Note: Additional definitions may be found in the MNRF Technical Guidelines, Natural Heritage Guidelines and the Provincial Policy Statement under the Planning Act.



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

February 7, 2025

LTC File: **RP-25-022 to RP-25-024**

Property Owner: 2632863 Ontario Inc.

Email to: [REDACTED]

Re: River Rapids Condominium Units 38 to 40 (ARN: 1204414025037110000), Village of Frankford, City of Quinte West
Concession 6, Lot 3-4, Geographic Township of Sidney

Application for permission to undertake development pursuant to Part VI of the *Conservation Authorities Act* and Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits

LTC Staff Cannot Grant Approval

Dear Applicants,

Lower Trent Region Conservation Authority (LTRCA) received the above noted application to undergo the required site preparation and fill placement to support a future dwelling structure on the subject lands within an area that is regulated by LTRCA under Ontario Regulation 41/24 and Part VI of the *Conservation Authorities Act*. 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 (i.e., engineering report completed by Van Meer Limited Consulting Inc., dated January 28, 2025).

In 2024, LTRCA updated the Regulation Policy Document with respect to Ontario Regulation 41/24. The full Ontario Regulation 41/24 Policy Document, with all appendices, can be viewed on the LTRCA website at this link: <https://ltc.on.ca/planning-permits/policies-guidelines/>. Please note that Sections 5.3.1 *Development within Flood Hazards* 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:

5.3.1 Development within Flood Hazard Lands

5.3.1.1 Development within One-Zone Regulatory Floodplain of River or Stream Valleys (including inland lakes)

- 1) Development within the Regulatory floodplain shall not be permitted.
- 2) Placement of fill, flood hazard protection and/or bank stabilization works to allow for future/proposed development or an increase in development envelope within the Regulatory floodplain shall not be permitted.
- 4) Major development within the Regulatory floodplain shall not be permitted.

The policies contained in the document represent thresholds and guidelines that have been approved by the LTRCA Board of Directors to enable designated staff to approve permit applications. It is our opinion that the proposed development does not comply with the above noted policies and therefore, staff approval cannot be granted.

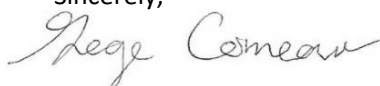
Based on the above noted information, there are two options available for you to proceed with your application:

- You may review the information above and withdraw your application for permission under Ontario Regulation 41/24; 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 second bulleted option above the next available date for a Hearing is **March 13, 2025**. However, an alternate date may be scheduled by the Board of Directors. Please confirm **in writing** by **February 14, 2025** 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 F – 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

February 14, 2025

LTC File: RP-25-022 to RP-25-024

Property Owner: 2632863 Ontario Inc.

Email to: [REDACTED]

Agent: Arnold Vandermeer

Van Meer Limited

Email to: [REDACTED]

NOTICE OF HEARING

IN THE MATTER OF

The Conservation Authorities Act, R.S.O. 1990, Chapter 27

AND IN THE MATTER OF an application by **VAN MEER LIMITED** for **2632863 ONTARIO INC.**
(NICHOLSON)

FOR THE PERMISSION OF THE CONSERVATION AUTHORITY

Pursuant to Regulations made under Section 28.1, Subsection 5 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 28.1, Subsection 5 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 of March, 2025** with respect to the application by **VAN MEER LIMITED** for **2632863 ONTARIO INC. (NICHOLSON)** to permit development activities within an area regulated by the Authority in order to ensure there are no adverse effects on **the control of flooding as a result of development in the Trent River floodplain.** Specifically, this hearing is to request permission to undergo the required site preparation and fill placement to support future dwelling structures in the Village of Frankford, City of Quinte West, Geographic Township of Sidney, Part of Lot 3-4, Concession 6, within the River Rapids Condominium lands located on North Trent Street(ARN: 1204414025037110000).

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Hearing Board for the meeting of **March 13, 2025**. If you intend to appear, please contact Gage Comeau, Manager, Watershed Management, Planning and Regulations with notice and confirmation. Written material will be required by **February 28, 2025**, 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

Working with Local Communities to Protect our Natural Environment



*Member of Conservation Ontario
 Representing Ontario's 36 Conservation Authorities*

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 14th Day of February, 2025.

The Board of Directors of the Lower Trent Region Conservation Authority

Per: Rhonda Bateman

CAO/ Secretary-Treasurer (Signing Authority):





LOWER TRENT
CONSERVATION

APPENDIX F

HEARING GUIDELINES

May 31, 2024

TABLE OF CONTENTS

F-1. PURPOSE OF HEARING GUIDELINES:	1
F-1.1 Hearing Guideline Updates	1
F-1.2 Additional Hearing Considerations – 2021	1
F-2. PRE-HEARING PROCEDURES	2
F-2.1 Role of the Hearing Board	2
F-2.2 Application	2
F-2.3 Notice of Hearing	3
F-2.4 Pre-submission of Reports	3
F-2.5 Hearing Information	4
F-3. HEARING	4
F-3.1 Public Hearing	4
F-3.2 Hearing Participants	4
F-3.3 Attendance of Hearing Board Members	4
F-3.4 Adjournments	4
F-3.5 Orders and Directions	4
F-3.6 Information Presented at Hearings	4
F-3.7 Conduct of Hearing	5
F-3.7.1 Record of Attending Hearing Board Members	5
F-3.7.2 Opening Remarks	5
F-3.7.3 Presentation of Authority Staff Information	5
F-3.7.4 Presentation of Applicant Information	6
F-3.7.5 Questions	6
F-3.7.6 Deliberation	6
F-4. DECISION	6
F-4.1 Notice of Decision	7
F-4.2 Adoption	7
F-5. RECORD	7
F-6. HEARINGS UNDER SECTION 28.1.2 CAA	7

Appendices:

Appendix F-1: Notice of Hearing – Section 28.1 (5)

Appendix F-2: Hearing Procedures

Appendix F-3: Chair’s Remarks When Dealing with Hearing with respect to Part VI of the Conservation Authorities Act and Ontario Regulation 41/24.

Appendix F-4: Notice of Decision – Hearing Pursuant to Section 28.1 (7))

Appendix F-5: Notice of Decision – Hearing Pursuant to Section 28.1 (7)) (with permit)

Appendix F-6: Notice of Hearing - Section 28.1.2 (7)

Appendix F-7: Chair’s Remarks When Dealing with Section 28.1.2 (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)

Revision 5: May 31, 2024 Update to reflect changes to the Act and addition of Ontario Regulation 41/24

F-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, unstable soils or bedrock. 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 28.1.2, the Hearing Board shall determine what conditions, if any, will be attached to the permission. See Section F-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 28.1 (5), (7) 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 28.1.2 (7) in Section F-6 of this document.

F-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 (now changed to 28.1.2 as of April 1, 2024) and update references to the Ontario Land Tribunal (OLT).
- Revised in May 2024 – Amendments made to incorporate changes to the Conservation Authorities Act, removal of O.Reg. 163/06 and implementation of O.Reg. 41/24

F-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 noted above, Section 28.0.1 has been changed to 28.1.2 within the updated Conservation Authorities Act as of April 1, 2024.

As such, hearings under section 28.1.2 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 28.1.2 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.

F-2. PRE-HEARING PROCEDURES

F-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 previously expressed opinion, the test is that of an open mind, i.e. is the member capable of persuasion in participating in the decision making.
- b) 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.

F-2.2 Application

An applicant has the right to a hearing when:

- staff are recommending refusal of a permit application because it doesn't comply with the

- 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*.

F-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:

- a) Reference to the applicable legislation under which the hearing is to be held (i.e., the Conservation Authorities Act)
- b) 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.
- c) 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.
- d) 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.
- e) 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.
- f) 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.
- g) 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 F-1** for an example **Notice of Hearing**.

F-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.

F-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).

F-3. HEARING

F-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.

F-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.

F-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.

F-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.

F-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 F-2**.

F-3.6 Information Presented at Hearings

- a) The *Statutory Powers Procedure Act* requires that a witness be informed of their right to object

APPENDIX F – HEARING GUIDELINES

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.

F-3.7 Conduct of Hearing

F-3.7.1 Record of Attending Hearing Board Members

A record should be made of the members of the Hearing Board.

F-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.

F-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.

F-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, unstable soils or bedrock? 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.

F-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.

F-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.

F-4. DECISION

The applicant must receive written notice of the decision. The applicant should be informed of the right to appeal the decision within 15 days to the Minister and/or 90 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.

F-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 F-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 F-5**.

F-4.2 Adoption

A resolution advising of the Board's decision and particulars of the decision should be adopted.

F-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.

F-6. HEARINGS UNDER SECTION 28.0.1 CAA

Section 28.1.2 of the Conservation Authorities Act came into force with the Royal Assent of *Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*. This section applies to any application submitted to an authority under a regulation made under Section 28 of the Act for permission to carry out all or part of a development project associated with an approved Minister's Zoning Order (MZO). For such applications, an Authority must grant permission to the applicant to carry out the activity, provided an MZO has been made by the Minister of Municipal Affairs and Housing, and provided that the authority's regulated area in which the development activity is proposed to take place

APPENDIX F – HEARING GUIDELINES

is not located in the Greenbelt Area designated under section 2 of the Greenbelt Act. A permission which is granted under s.28.1.2 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.28.1.2 (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 28.1.2 (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. 28.1.2 (7) hearing process. Where processes differ, the table outlines the necessary considerations for the s. 28.1.2(7) processes. Where the processes are the same, the table refers to the appropriate sections of the Section 28(5) hearing guidelines.

Sections of the <i>Section 28 Conservation Authorities Act</i> Hearing Guidelines	Specific Guidance and/or Processes for S. 28.1.2 (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. 28.1.2 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, unstable soils or bedrock, and additional erosion and dynamic beaches. In the case of applications submitted pursuant to s. 28.1.2 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>

APPENDIX F – HEARING GUIDELINES

	<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 28.1.2, 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 28.1 (5), (7) 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 28.1.2 (7) in Section G-6</p>
2.0 Prehearing Procedures	Not applicable to S.28.1.2(7) hearings
2.1 Role of the Hearing Board	<p>In considering the application, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or reasonable apprehension of bias.</p> <p>The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.</p> <p>(a) No member of the Authority taking part in the hearing should have prior involvement with the application that could lead to a reasonable apprehension of bias on the part of that member. Where a member has a personal interest, the test is whether a reasonably well-informed person would consider that the interest might have an influence on the exercise of the official's public duty. Where a member is a municipal councillor, the <i>Municipal Conflict of Interest Act</i> applies. In the case of a previously expressed opinion, the test is that of an</p>

APPENDIX F – HEARING GUIDELINES

	<p>open mind, i.e. is the member capable of persuasion in participating in the decision making</p> <p>(b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before the hearing, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.</p> <p>(c) The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.</p> <p>(d) Where a hearing is required for applications submitted pursuant to s. 28.1.2 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. 28.1.2 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.28.1.2(7) hearings
3.1 Public Hearing	<i>Refer to Section 3.1</i>
3.2 Hearing participants	<i>Refer to Section 3.2</i>
3.3 Attendance of Hearing Board Members	<i>Refer to Section 3.3</i>
3.4 Adjournments	<i>Refer to Section 3.4</i>
3.5 Orders and Directions	<i>Refer to Section 3.5</i>
3.6 Information Presented at Hearings	<i>Refer to Section 3.6</i>
3.7 Conduct of Hearing	N/A
3.7.1 Record of Attending Hearing Board Members	<i>Refer to Section 3.7.1</i>
3.7.2 Opening Remarks	<i>Refer to Section 3.7.2</i>
3.7.3 Presentation of Authority Staff Information	<i>Refer to Section 3.7.3</i>
3.7.4 Presentation of Applicant Information	<i>Refer to Section 3.7.4</i>
3.7.5 Questions	<i>Refer to Section 3.7.5</i>

APPENDIX F – HEARING GUIDELINES

3.7.6 Deliberation	<i>Refer to Section 3.7.6</i>
4.0 Decision	<i>Refer to Section 4.0</i>
4.1 Notice of Decision	<p>The decision notice should include the following information:</p> <p>(a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.</p> <p>(b) The decision to refuse or approve the application, and in the case of applications under s. 28.1.2 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 F-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 F-6 has been prepared which provides an example “Notice of Hearing” for hearings under Section 28.1.2 (7) of the <i>Conservation Authorities Act</i>
Appendix G-7	A new Appendix F-7 has been prepared which provides an example “Notice of Decision” for hearings under Section 28.1.2 (7) of the <i>Conservation Authorities Act</i>

APPENDIX F – HEARING GUIDELINES

Appendix F-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 28.1, Subsection 5 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 28.1, Subsection 5 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 , **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 unstable soils or bedrock/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 F – HEARING GUIDELINES

The Board of Directors of the Lower Trent Region Conservation Authority

Per:

Staff Member, Title: _____

Chief Administration Officer/ Secretary Treasurer: _____

Appendix F-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 Minister within 15-days of receiving the decision and/or the Ontario Land Tribunal within 90 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 F-3

CHAIR'S REMARKS WHEN DEALING WITH HEARINGS WITH RESPECT TO Part VI of the Conservation Authorities Act and ONTARIO REGULATION 41/24.

Date: Month XX, XXXX
O.Reg. 41/24: Permit Application # RP-XX-XXX
Applicant: Name

We are now going to conduct a hearing under Section 28.1 of the Conservation Authorities Act in respect of an application by _____: , for permission to: _____

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.

APPENDIX F – HEARING GUIDELINES

Appendix F-4

(Date) **BY REGISTERED MAIL/ EMAIL**

(name) , (address)

Dear:

RE: NOTICE OF DECISION

Hearing Pursuant to Section 28.1(5) 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, unstable soils or bedrock.)**

In accordance with Section 28.1 (7) of the Conservation Authorities Act, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 15 days of receiving the reasons under subsection (7), appeal to the Minister who may refuse the permission; or grant permission, with or without conditions. Additionally, if a decision is not made by the Minister within 30-days after receiving the request, an applicant may appeal the decision to the Ontario Land Tribunal 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 90 days of receiving this decision addressed to:

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario M5G 2K4

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 F – HEARING GUIDELINES

Appendix F-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 Part VI of the Conservation Authorities Act and Ontario Regulation 41/24 – *Prohibited Activities, Exemptions and Permits*

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 41/24. 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 F – HEARING GUIDELINES

Appendix F-6**NOTICE OF HEARING**

(Subsection 28.1.2 (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 28.1.2, Subsection 7 of the said Act

TAKE NOTICE THAT a Hearing before the Hearing Board of the Conservation Authority will be held under Section 28.1.2, Subsection 7 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 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 Hearing Board for the meeting of (meeting date). 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 28.1.2 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 Hearing Board of the Conservation Authority may proceed in your absence, and you will not be entitled to any further

APPENDIX F – HEARING GUIDELINES

notice in the proceedings.

DATED the ____ day of , _____202X

The Hearing Board of the Conservation Authority

Per:

Chief Administrative Officer/Secretary-Treasurer

Appendix F-7

HEARING BOARD CHAIR'S REMARKS WHEN DEALING WITH HEARINGS

(Section 28.1.2, Subsection 7 of the Conservation Authorities Act)

WITH RESPECT TO Part VI of the Conservation Authorities Act and ONTARIO REGULATION 41/24

We are now going to conduct a hearing under section 28.1.2 of the Conservation Authorities Act in respect of an application by _____: , for permission to: _____

Under Section 28.1.2 of the Conservation Authorities Act, an Authority is required to grant permission for any application submitted under a regulation made under subsection 28.1.2 (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 28.1.2 (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.

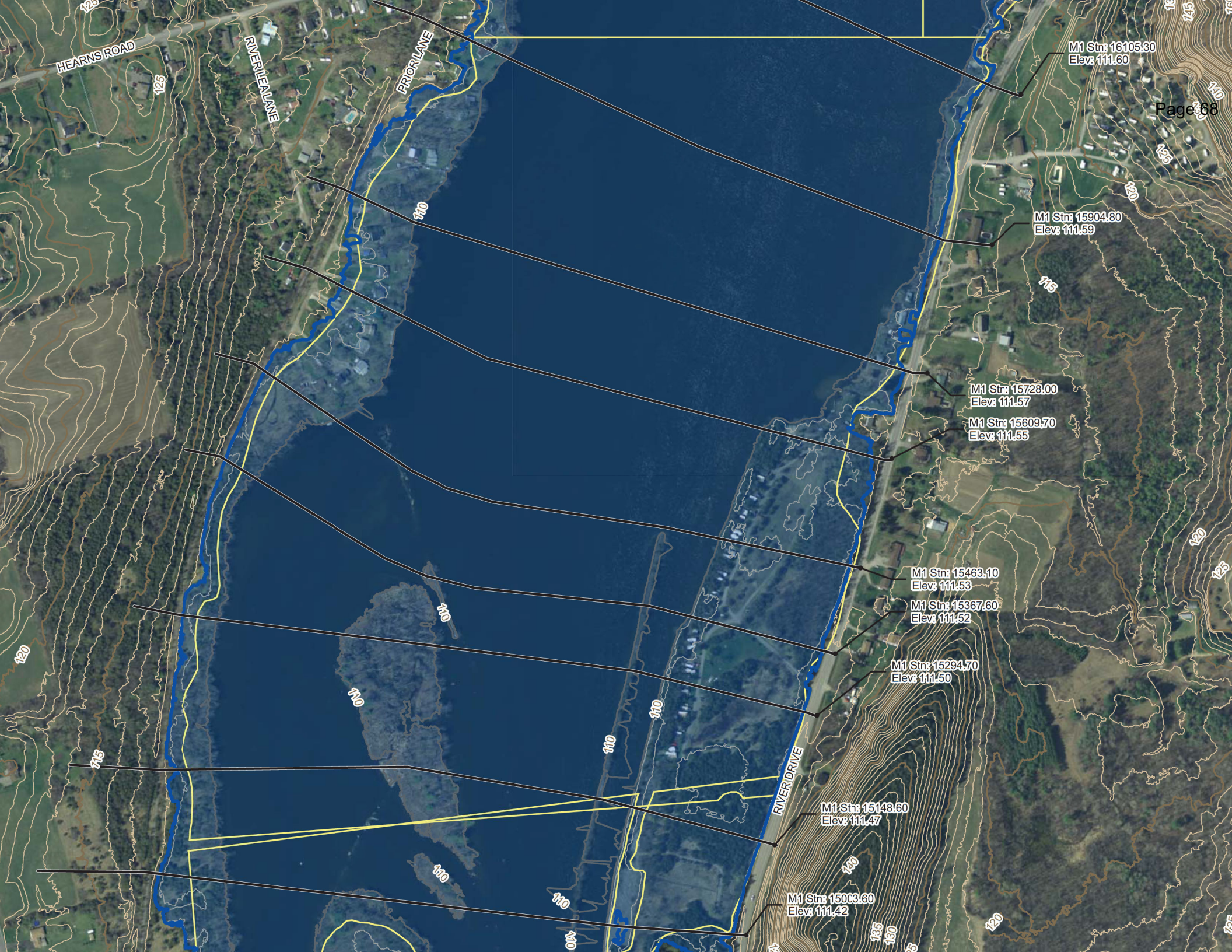
Under Section 28.1.2 (7) of the Conservation Authorities Act, the person requesting permission has the right to a hearing before the Authority/ Hearing Board.

In holding this hearing, the Authority Board/ Hearing Board 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.



HEARNES ROAD

RIVER LANE

PRIOR LANE

RIVER DRIVE

M1 Stn: 16105.30
Elev: 111.60

M1 Stn: 15904.80
Elev: 111.59

M1 Stn: 15728.00
Elev: 111.57

M1 Stn: 15609.70
Elev: 111.55

M1 Stn: 15463.10
Elev: 111.53

M1 Stn: 15367.60
Elev: 111.52

M1 Stn: 15294.70
Elev: 111.50

M1 Stn: 15148.60
Elev: 111.47

M1 Stn: 15003.60
Elev: 111.42





LOWER TRENT CONSERVATION

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

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

Registered Charitable Organization No. 107646596R0001

December 4, 2019

LTC File No. PL-19-225

Mike Whitehead
Area Planner, Planning and Development Services
City of Quinte West
7 Creswell Drive
P.O. Box 490
Trenton, ON K8V 5R6

Sent by e-mail: mikew@quintewest.ca

RE: Revised Concept Plan – “River Rapids Subdivision” formerly draft approved plan of condominium “Rapids Road Estate”
Trent Street North, Frankford
City of Quinte West; Concession 6, Lot 3, Geographic Township of Sidney
Application No.: D07-F11/05 (Condo. File #)

Dear Mr. Whitehead,

Lower Trent Conservation (LTC) was circulated on a revised concept plan for a proposed plan of subdivision on the currently vacant “Rapids Road Estate” condominium lands in Frankford on November 5, 2019. It is our understanding that the revised concept plan has been circulated for formal pre-consultation purposes and preliminary comments regarding the proposed changes to development on the above-noted lands. The submission materials included a cover letter from Van MEER Limited dated June 3, 2019 and a General Servicing Plan for the proposed “River Rapids Subdivision” also by Van MEER Limited dated September 2018. Conservation Authority staff have reviewed the revised proposal with consideration for the environmental components of the Provincial Policy Statement (i.e., natural hazards, natural heritage, and water) as well as Ontario Regulation 163/06 (*Lower Trent Region Conservation Authority: Regulation of Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses*). A site visit was conducted by LTC staff in 2016 prior to an application for excavation and grading activities for the purposes of site remediation. Based on our review and our site visit observations, we offer the following comments for consideration:

1. The subject lands have frontage along the Trent River. It is our understanding that the current draft approval on the subject lands applies to a 48-unit condominium development divided into two phases. The revised concept plan proposes to change the development concept from a plan of condominium to a 44 lot plan of subdivision. While there are 4 less residential units proposed by the revised concept plan, the change is intended to grant individual ownership of the waterfront for each parcel that abuts the Trent River (22 lots in total). The result would be increased development pressure on this natural resource and increased risk to public safety and property damage when considering natural hazards. We would request that the following items be provided for our review and the concept plan be further revised if the subdivision concept continues to move forward.
2. The delineation of the Trent River floodplain along the waterfront does not appear to be accurate on the revised concept plan. The limit of the 100-year floodplain is shown as extending below the high-water mark, into the water, in multiple locations. Based on correspondence in the LTC file from Ainley Graham & Associated Limited in 2005, a survey of the property was completed by an Ontario Land Surveyor

Working with Local Communities to Protect our Natural Environment



Member of Conservation Ontario
Representing Ontario's 36 Conservation Authorities

(OLS) to plot the 111.2 metres above sea level (mASL) floodplain limit based on site specific elevation information. LTC staff have requested additional information regarding this matter at multiple junctures throughout the course of the last 4 years. We ask that the confirmed Trent River floodplain limit be plotted on the development plan with spot elevations to verify its accuracy. This may require additional field work along the waterfront (if not already completed) to delineate the exact location of the Trent River floodplain across the proposed development site. This is necessary to ensure that the flooding hazard and associated 6 metre structural setback are accurately illustrated on the draft plan and respected accordingly.

3. It is our understanding under the current draft approval that no development is proposed within the floodplain. The new development concept proposes lot creation in the floodplain. According to the definition of “development” found within the Provincial Policy Statement (PPS), lot creation is development. The Natural Hazards section (i.e., section 3.1) of the PPS states that development and site alteration shall not be permitted within a floodway. As there is no approved “two-zone” concept or Special Policy Area for the Trent River in this location, the entire floodplain is to be managed as the floodway. The revised concept plan shows lot lines extending within the floodplain and therefore, development within a floodway. As it is our delegated responsibility from Province to represent the provincial interests regarding natural hazards identified in Section 3.1 of the PPS, LTC would not support the proposed plan of subdivision – it would be inconsistent with the PPS. If the intent is to continue to proceed as a plan of subdivision, the proposed lot configuration will need to ensure that lot lines do not extend into the field-verified floodplain limit (refer to item #2 above).
4. The Trent River is known to support fish habitat. The Fisheries and Oceans Canada Aquatic Species at Risk online mapping tool illustrates that this reach of the Trent River is critical habitat for Channel Darter, an endangered fish species. Section 11.3.9 of the City of Quinte West Official Plan (OP) states that a 30 metre setback, which shall remain undisturbed and naturally vegetated, is required for new development along watercourses to protect and maintain fish habitat (OP policy 11.3.9 (iii)). We recognize that the current draft approved plan of condominium does not include a contiguous 30 metre natural vegetative buffer along the waterfront, however this land is to be held in common ownership/use restricting the ability for individual unit residents to construct, install, and/or landscape along the waterfront. The proposed subdivision concept plan does not leave sufficient room to incorporate a 30 metre setback. Given the critical nature of the adjacent fish habitat, we would encourage the City to apply the waterfront setback restriction to the revised development plan. At the very minimum, we are of the opinion that an Environmental Impact Study (EIS) would be warranted to support the revised concept plan. The proponent will need to retain a qualified professional (i.e., an environmental consultant) to complete an EIS with field work being conducted during the appropriate field season(s). The EIS will need to address potential impacts on fish habitat (i.e., the Trent River), significant wildlife habitat, and species at risk and identify appropriate mitigation measures to ensure no negative impacts on the natural features and their ecological functions. A plan for maintaining and/or enhancing vegetation within a waterfront buffer of an appropriate width (as determined by the environmental consultant in consultation with the City and LTC) should be provided. This plan should also include details on how the limit of this buffer will be physically demarcated on-site (i.e., with a visible barrier such as landscape stone) to show builders and future landowners the extent of the vegetative buffer and prevent accidental encroachment.
5. The floodplain limit, 6 metre structural setback, and the waterfront (fish habitat) buffer should be placed in a restrictive zoning (e.g., Environmental Protection Zone) to prohibit development.

6. Development and/or site alteration within 15 metres of the Trent River floodplain would require a permit from LTC prior to the commencement of any on-site work (including site preparation such as grubbing, excavating, grading, etc.). This permitting requirement is in accordance with Ontario Regulation 163/06 – *Lower Trent Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* made under the authority of Section 28 of the Conservation Authorities Act. Note: a permit from LTC was issued in 2016 for remediation works on the property. The 2016 permit is no longer valid as the expiry date has passed. For any proposed development or site alteration within the LTC regulated area on the property, a new permit application package will need to be submitted to our office for review.
7. With respect to stormwater management (SWM), we would like to take this opportunity to confirm that quantity control will not be required if the discharge location is into the Trent River. Consideration of conveyance of external flows through the site to the River will be very important however and require some additional investigation. Furthermore, stormwater quality control must be designed to provide MOE “Enhanced” level of stormwater treatment (formerly referred to as “Level 1”) as defined in the MOE SWM Manual (March 2003) to comply with the Bay of Quinte Remedial Action Plan Implementation Area Stormwater Management Design Guidelines (March 2006). Future SWM submission(s) will need to include a detailed erosion and sediment control plan. It should also be noted that, outletting of any SWM facility will result in a threat to the drinking water system since this property is located in the Intake Protection Zone – One (IPZ-1) for the Frankford Drinking Water system. The proponent will need to contact Matt Tracey at the City of Quinte West directly to discuss implications of a new threat in IPZ-1.

I trust the above meets your information requirements at this time. If you have any questions regarding these comments, please do not hesitate to contact me.

Respectfully submitted,



Leah Stephens
Environmental Planner/ Regulations Officer
613-394-3915 ext. 220

cc. Kelly Weste, City of Quinte West, Manager of Planning Services
Arnold Vandermeer, Van MEER Limited, Agent



LOWER TRENT CONSERVATION

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

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

Registered Charitable Organization No. 107646598RR0001

Date: September 11, 2020

LTC File No. PL-20-092

Mike Whitehead
Area Planner
Planning & Development Services, City of Quinte West
7 Cresswell Drive
P.O. Box 490
Trenton, ON K8V 5R6

**RE: Application for Plan of Condominium, Revised Concept Plan – RAPID ROADS ESTATE DEVELOPMENT
North Trent Street, Frankford, City of Quinte West
Concession 6, Part of Lots 3 & 4, Geographic Township of Sidney
Application No.: D07/F11/05**

Dear Mr. Whitehead,

Lower Trent Conservation (LTC) is in receipt of the above noted application, which was circulated to our office on August 19, 2020 for review and comment in accordance with the requirements of Schedule 1 of our Planning Services Agreement with the municipality. We understand that the purpose of this application is to Red-Line revise the Draft Plan of Condominium prepared by Ainley Graham and Associates Ltd., dated November 11, 2005 to reflect various changes required to address Site Plan Approval and clarify the 46 single detached residential lots will now only be 43 Vacant Land Condominium lots. The subject lands are currently vacant. LTC was involved in a formal pre-consultation review process in 2019 regarding the development. It is our understanding that some of the changes proposed are reflective of LTC's comments provided during the pre-consultation review (i.e., those contained within our December 4, 2019 letter).

Documents Received and Review by Staff

Staff have received and reviewed the following document(s) submitted:

- Cover letter from Van Meer Limited (August 6, 2020); and,
- Set of drawings prepared by Van Meer Limited (September 2018) including Servicing Plan, Lot Grading, Road Plans, and Drainage Area Plans.

Staff have reviewed the application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the *Provincial Policy Statement* (PPS, 2020) and as a regulatory authority under Ontario Regulation 163/06. LTC has also provided comments as per our Planning Services Agreement with the City of Quinte West representing LTC's role in the provision of environmental advisory comments related to natural heritage feature and water resource protection. The application has also been reviewed through our role as a public body under the *Planning Act* as per our LTC Board approved policies. Finally, LTC has provided advisory comments related to policy applicability and to assist with implementation of the *Trent Source Protection Plan* under the *Clean Water Act*.

RECOMMENDATION

Please be advised that Lower Trent Conservation (LTC) is of the opinion that the application circulated is incomplete. It is recommended that the following be submitted to support the proposed Red Line revision and the application re-circulated for our review/comment:

Working with Local Communities to Protect our Natural Environment



Member of Conservation Ontario
Representing Ontario's 36 Conservation Authorities

- A copy of the completed Environmental Impact Study (EIS) by Niblett Environmental Associates Inc., once available (referenced in the August 6, 2020 cover letter by Van Meer Limited);
- An updated proposal/plan for stormwater management; and,
- A revised draft plan removing all proposed lot lines from within the Trent River floodplain and the 30 metre setback buffer along the riverfront.

Note: for re-circulation, we will require payment of LTC's review fee applicable to applications for red line revisions where technical reports are required. The amount owing is \$1,530. The proponent will need to provide payment before LTC can release any future review comments.

Refer to the following sections for context.

SITE CHARACTERISTICS

The subject lands are situated along the Trent River. There are numerous drainage channels that traverse the lands, conveying flows from developments west of the property, through the property, outletting to the river. A portion of the subject lands is impacted by the Trent River flood hazard, which has been delineated on-site through detailed topographic mapping and is shown on the drawing set provided with the application. There are also unevaluated wetlands mapped by the Ministry of Natural Resources and Forestry (MNRF) in various locations on the property. These unevaluated wetlands have been confirmed by LTC technical staff not to exist based on observations obtained during a site visit conducted by our office in 2016.

Portions of the retained lands are situated within areas that are regulated by LTC pursuant to Ontario Regulation 163/06 – *Lower Trent Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. Mapping of known and potential areas subject to Ontario Regulation 163/06 is available to the public at the following link: <http://www.ltc.on.ca/maps/regulations/>

The subject lands are currently designated Planning District 3 on Schedule "B2" in the Frankford Urban Services Area in the Official Plan for the City of Quinte West and zoned Special Residential Type 2 (R2-1) Zone.

DELEGATED RESPONSIBILITY AND STATUTORY COMMENTS

- 1. LTC has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS).**
 - Policies 3.1.1 and 3.1.2 of the PPS apply to this application. Here it is stated:
 - 3.1.1 Development shall generally be directed to areas outside of:
 - b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards;
 - 3.1.2 Development and site alteration shall not be permitted within:
 - d) a floodway...
 - According to the Trent River floodplain mapping, the flood elevation for the Trent River in this location is 111.2 metres (CGVD1928). An updated topographic survey has been conducted for the property and the Trent River floodline delineated accordingly since the time of the 2006 draft plan approval. The correct floodline is shown on the drawing set included with this circulation. All lands to the east of the delineated floodline are within the Trent River floodplain.

As the Trent River floodplain is subject to the "one-zone floodplain management concept", the entire extent of the floodplain is considered the "floodway", where development (including lot creation) and site alteration would be prohibited in accordance with the PPS. On the circulated drawing set there are still lot lines shown that extend into the floodplain; specifically, lots 38, 39, and 40. A revised draft plan will need to be provided that removes these lot lines from the flooding hazard in order to be consistent with the PPS. This was identified in LTC's earlier comments related to the 2019 pre-consultation.

"Working with Local Communities to Protect our Natural Environment"



Member of Conservation Ontario
Representing Ontario's 36 Conservation Authorities

2. LTC has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 163/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LTC also regulates the alteration to or interference in any way with a watercourse or wetland.
- Portions of the subject lands are situated within areas that are subject to Ontario Regulation 163/06. In accordance with Ontario Regulation 163/06, no person shall:
 - S. 2) Undertake development (including site alterations), or permit another person to undertake development in or on areas within the jurisdiction of the Conservation Authority that are: river or stream valleys; or, land that could be unsafe for development due to natural occurring process associated with flooding or erosion, without the prior written approval of the Authority (i.e., LTC).

Any development* within the Trent River floodplain or within 15 metres of it would require a permit from our office prior to the commencement of any on-site work. *Development is defined in the *Conservation Authorities Act* as:

- i. The construction, re-construction, erection or placing of a building or structure of any kind,
 - ii. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
 - iii. Site grading; or,
 - iv. The temporary or permanent placing, dumping, or removal of any material, originating on the site or elsewhere.
- Through the permitting process, development may be permitted within the 15 metre regulated allowance associated with the floodplain; however, a 6 metre setback from the delineated floodline would apply to any proposed structures. This 6 metre structural setback is shown on the circulated drawing set.
 - In the event that there is a future proposal for a water access point and/or communal docking facility and/or sitting area, there may be dual permitting requirements (i.e., requirement to obtain written approval from LTC as well as a requirement to obtain written approval from Park Canada – Trent-Severn-Waterway) that apply. The design for such water access area should be included and addressed through the pending EIS as it would be proposed within a fish habitat/species at risk (SAR) buffer zone. As stated in our December 4, 2019 letter, the Trent River in this location is identified by the Federal Government as critical habitat for Channel Darter, an endangered fish species.
 - Landowner(s) are encouraged to contact LTC to discuss this matter directly if they have any questions or concerns. LTC's permitting policy document is available to the public at the following link: <http://www.ltc.on.ca/planning/pag/>

ADVISORY COMMENTS

3. LTC has reviewed the application through our responsibilities as a service provider to the City of Quinte West in that we provide a comprehensive environmental review of applications subject to the provisions of the *Planning Act*, and other statutes as may apply, through a Planning Services Agreement (*Agreement for Planning Act Application Review between City of Quinte West and Lower*

"Working with Local Communities to Protect our Natural Environment"



Member of Conservation Ontario
Representing Ontario's 36 Conservation Authorities

Trent Region Conservation Authority, 2018). Specifically, in accordance with the agreement, LTC has also reviewed the applications with consideration for natural heritage feature and water quality and quantity protection policies.

- The Trent River is considered fish habitat in accordance with provincial guidelines. Further, the Fisheries and Oceans Canada Aquatic Species at Risk online mapping tool illustrates that this reach of the Trent River is critical habitat for Channel Darter, an endangered fish species. Policy 2.1.8 of the Natural Heritage section of the PPS applies to this application. Here it is stated that:

2.1.8 development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 (including fish habitat) unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

The August 6, 2020 cover letter prepared by Van Meer Limited indicates that an Environmental Impact Study (EIS) is currently being completed by Niblett Environmental Associates. This document is necessary as part of a complete application. We do acknowledge that the circulated drawing set illustrates a 30 metre buffer setback between the proposed lot lines and the Trent River. According to the Natural Heritage Reference Manual for Natural Heritage Policies of the PPS (MNRF, 2010), establishing or retaining a 30-metre-wide swath of natural vegetation adjacent to the watercourses, along either side, will assist in mitigating negative impacts to fish habitat. A 30 metre water setback is also consistent with the policies of the Official Plan for the City of Quinte West. That being said, in the absence of the EIS, LTC cannot offer any further comment regarding the natural heritage feature protection policies of the PPS. It is our opinion that the application is incomplete at this time and we will refrain from providing any further comment in this regard until such time as the report has been circulated to our office and reviewed by LTC technical staff.

- As for stormwater management (SWM), Van Meer Limited's cover letter indicates that stormwater quality treatment units will be provided at the storm sewer outfalls. In our December 4, 2019 we stated the following:

"quantity control will not be required if the discharge location is into the Trent River. Consideration of conveyance of external flows through the site to the River will be very important however and require some additional investigation. Furthermore, stormwater quality control must be designed to provide MOE "Enhanced" level of stormwater treatment (formerly referred to as "Level 1") as defined in the MOE SWM Manual (March 2003) to comply with the Bay of Quinte Remedial Action Plan Implementation Area Stormwater Management Design Guidelines (March 2006). Future SWM submission(s) will need to include a detailed erosion and sediment control plan. It should also be noted that, outletting of any SWM facility will result in a threat to the drinking water system since this property is located in the Intake Protection Zone – One (IPZ-1) for the Frankford Drinking Water system. The proponent will need to contact Matt Tracey at the City of Quinte West directly to discuss implications of a new threat in IPZ-1."

There is no indication in the cover letter that an updated SWM report will be provided and no acknowledgment of the above comments/concerns. As such, it is our opinion that the application is incomplete at this time. An updated SWM plan should be provided for review. It will be important to properly reassess external flows through the site as there have been changes to drainage west of the subject lands that may impact the original design for conveying external flows through the site.

In the updated SWM Report, the water quality control facilities need to be better defined. Compliance with the Bay of Quinte Remedial Action Plan (BQRAP) Stormwater Management Guidelines (2006) need to be confirmed in the updated SWM. Any oil-grit separator units (OGS Units) would need to be sized

appropriately and confirmed to have been through the Environmental Technology Verification (ETV) process. Pretreatment may be required to get full treatment and any Low Impact Development (LID) facilities that are included in the treatment train approach will need to follow the guidelines for Low Impact Development (2010 TRCA & CVC).

4. LTC has reviewed the applications as a public commenting body, pursuant to the *Planning Act*.

- We have no further comment to add in this role.

5. LTC has reviewed the applications in terms of the *Trent Source Protection Plan*, prepared under *Clean Water Act*, 2006. The Source Protection Plan came into effect on January 1, 2015 and contains policies to protect sources of municipal drinking water from existing and future land use activities.

- The subject lands are situated within the Intake Protection Zone - One (IPZ-1) for the Frankford Drinking Water System. If the proponent has not already done so, they will need to contact Matt Tracey at the City of Quinte West (Risk Management Official, RMO, responsible for this area).

SUMMARY

Given the above comments, it is the opinion of the LTC that:

1. Consistency with Section 3.1 of the PPS has not been demonstrated. Lot lines need to be removed from the Trent River floodplain;
2. Ontario Regulation 163/06 does apply to the subject lands;
3. The Trent River is considered fish habitat in accordance with provincial guidelines and Federal mapping. An Environmental Impact Study (EIS) is necessary to support the application for a red line revision and any future communal water access area/facility. Maintaining a natural vegetative buffer along the river bank to mitigate impacts of adjacent development and/or site alteration activities on fish habitat and water quality is important. As an EIS was not included with the circulation, this application is incomplete;
4. An updated plan for stormwater quality control is necessary to demonstrate compliance with the Bay of Quinte Remedial Action Plan Implementation Area Stormwater Management Design Guidelines (March 2006), reassess external drainage conveyance considerations as there have been changes since the time of draft plan approval, and address any applicable drinking water source protection policies (see point below); and,
5. The subject lands are located within an area that is subject to the policies contained in the Trent Source Protection Plan.

Therefore, LTC would not support approval of an application for a red line revision at this time. The information referenced above will need to be provided in a future re-circulation with LTC's review fee.

I trust this letter meets your information requirements. However, should you require any further information or have any questions please do not hesitate to contact me.

Sincerely,



Leah Stephens
Environmental Planner/ Regulations Officer
613-394-3915 ext. 220



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. 107646598R0001

April 26, 2023

LTC File No. PL-20-092

Dale Egan, B.A., BURPI.
Area Planner
City of Quinte West
7 Creswell Drive
P.O. Box 490
Trenton, ON K8V 5R6

**RE: Major Redline Amendment of Draft Plan of Vacant Land Condominium – Second Submission – RAPID
ROADS ESTATES - NICHOLSON
260 North Trent Street, Frankford, City of Quinte West
Concession 6, Part of Lots 3 & 4, Geographic Township of Sidney
Application No.: D07/F11/05**

Dear Dale Egan,

Lower Trent Conservation (LTC) is in receipt of the above-noted submission, which was circulated to our office on April 5, 2023 for review and comment in accordance with the requirements of Schedule 1 of our Planning Services Agreement with the municipality. We understand that the purpose of this application is to redline the approved Draft Plan of Vacant Land Condominium to create forty-three (43) vacant land condominium units with a private internal road which will be maintained by the Condominium Corporation.

Staff have received and reviewed the following document(s) submitted:

- Agency circulation letter, dated April 5, 2023;
- Draft Plan of Vacant Land Condominium prepared by VanMeer Limited, dated March 29, 2023;
- Draft Plan of Vacant Land Condominium – Redline prepared by VanMeer Limited, dated March 29, 2023;
- Building Envelope Plan prepared by VanMeer Limited, dated January 19, 2023; and,
- Environmental Impact Study prepared by GHD Limited, dated January 29, 2021.

Staff have reviewed the application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the *Provincial Policy Statement* (PPS, 2020) and as a regulatory authority under Ontario Regulation 163/06. The application has also been reviewed through our role as a public body under the *Planning Act* as per our LTC Board approved policies. Finally, LTC has provided advisory comments related to policy applicability and to assist with implementation of the *Trent Source Protection Plan* under the *Clean Water Act*.

RECOMMENDATION

Please be advised that Lower Trent Conservation (LTC) would not recommend approval of the subject application at this time. As per our comments dated September 11, 2020, the lot lines should be removed from the identified *flooded hazard* to bring this application into consistency with Section 3.1 of the PPS. We also request that the Draft Plan accurately illustrate the wetland feature in the north-central portion of the subject lands. The GHD shapefile of the wetland feature should be provided to our office, as required under the Ontario Wetland Evaluation System (OWES).

Refer to the following sections for context.

Working with Local Communities to Protect our Natural Environment



Member of Conservation Ontario
Representing Ontario's 36 Conservation Authorities

SITE CHARACTERISTICS

The subject lands are situated along the Trent River. There are numerous drainage channels that traverse the subject lands, conveying flows from development west of the property into the Trent River. The subject lands are impacted by the Trent River *flooding hazard*, which has been delineated on-site through detailed topographic mapping and is shown on the drawing set provided with the subject application. The subject property was previously mapped as unevaluated wetland, which LTC technical staff confirmed not to exist in 2016. However, field investigations undertaken by GHD Limited in 2020 determined that a small Cattail Mineral Shallow March (MAS2-1) is present in the north-central portion of the subject property. The subject lands are vacant.

The subject lands are zoned Residential Type 2 Exception 1 (R2-1) Zone and Environmental Protection (EP) Zone. The subject lands are designated Urban – Planning District in the City's Official Plan.

Portions of the subject lands are situated within areas that are regulated by LTC pursuant to Ontario Regulation 163/06 – *Lower Trent Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. Mapping of known and potential areas subject to Ontario Regulation 163/06 is available to the public [here](#).

DELEGATED RESPONSIBILITY AND STATUTORY COMMENTS

1. **LTC has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS).**
 - Policies 3.1.1 and 3.1.2 of the PPS apply to this application. Here it is stated:
 - 3.1.1 *Development* shall generally be directed to areas outside of:
 - b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*;
 - 3.1.2 *Development* and *site alteration* shall not be permitted within:
 - d) a *floodway*...
 - According to the *Floodplain Mapping Study of the Trent River* prepared by Cumming-Cockburn & Associates in 1983, the flood elevation for the Trent River in this location is 111.2 metres (CGVD1928). An updated topographic survey has been conducted for the property and the Trent River floodline has been updated since the 2006 Draft Plan approval. The correct floodline is shown on the Draft Plans included with this circulation. All lands east of the delineated floodline are within the Trent River floodplain.
 - As the Trent River floodplain is subject to the *one-zone floodplain management concept*, the entire extent of the floodplain is considered the *floodway*, where *development* (including lot creation and change in land use) and *site alteration* are prohibited in accordance with Section 3.1 of the PPS. The amended redlined Draft Plan included in this circulation has lot lines extending into the *floodway* of the Trent River. A revised Draft Plan will need to be provided to our office that removes the lot lines from the *floodway*. This issue was identified in our previous letter, dated September 11, 2020.
 - **It is our opinion that this application is inconsistent with Section 3.1 of the PPS.**
2. **LTC has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 163/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LTC also regulates the alteration to or interference in any way with a watercourse or wetland.**

- Portions of the subject lands are situated within areas that are subject to Ontario Regulation 163/06. Specifically, the subject property is impacted by the Regulatory floodplain of the Trent River. There is also an identified wetland feature in the north-central portion of the subject lands. In accordance with Ontario Regulation 163/06, no person shall:
 - S. 2) Undertake development (including site alterations), or permit another person to undertake development in or on areas within the jurisdiction of the Conservation Authority that are: river or stream valleys; land that could be unsafe for development due to natural occurring processes associated with flooding and/or erosion; wetlands; or, other areas where development could interfere with the hydrologic function of a wetland including areas within 30 metres of unevaluated wetlands; or,
 - S. 5) Straighten, change, divert or interfere in any way with the existing channel or a river, creek, stream or watercourse or change or interfere in any way with a wetland without the prior written approval of LTC.

Any development within 15 metres of the Regulatory floodplain, 30 metres of a wetland, any shoreline alterations (e.g., dredging, culvert installation, bridge construction, etc.), and/or any activities that would interfere in any way with the shoreline or wetland on site would require a permit from our office prior to the commencement of any on-site work.

Development is defined in the *Conservation Authorities Act* as:

- i. The construction, re-construction, erection or placing of a building or structure of any kind,
 - ii. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
 - iii. Site grading; or,
 - iv. The temporary or permanent placing, dumping, or removal of any material, originating on the site or elsewhere.
- LTC Board-approved policy Section 5.2.1 states that development shall not be permitted in the Regulatory floodplain.
- LTC Board-approved policies Sections 6.2 and 6.2.2 for the administration of Ontario Regulation 163/06 state that development and interference shall not be permitted within a wetland nor within 30 metres of the boundary of the wetland. This area is intended to remain as a natural vegetated buffer area to mitigate the impacts of adjacent development activities on the hydrologic function of the wetland.
- **Our Ecologist has reviewed the Environmental Impact Study prepared by GHD Limited, dated January 29, 2021 and provides the following comments:**
 - The submitted EIS is incomplete. Appendices were not included.
 - The EIS recommends a 12-metre lot line setback from the shoreline for the southern lots, and a 30-metre setback from the shoreline for the northern lots. This is not reflected within the revised (March 29, 2023) Draft Plan Condominium Redline received by LTC. Lot lines should be removed from the *flooding hazard* pursuant to PPS policy 3.1.2.
 - Section 1.3.3 does not include mention of wetland policies, which are relevant to the subject application.
 - Section 2.2.2.4 includes a reference to QRCA definitions. Please clarify.
 - Methodologies included assessing vegetation, soils, and soil moisture. Documentation regarding the soil moisture regime is lacking.
 - Section 3: Survey Results

- The photo for ELC Community 1 depicts a vegetated area, and the description indicates vegetation on over half of the 3.0-hectare polygon. Areas of disturbed earth and vegetation coverage should be independently delineated, and vegetated areas classified per ELC. Specifically, differentiation between vegetated areas and disturbed earth is required for all areas that are within 30 metres of the meadow marsh identified on the subject lands.
- Community 3 (CUT1) - further discussion on the soil moisture regime and relative abundance of wetland-tolerant species is required (i.e., discussion of whether the polygon meets the definition of a wetland pursuant to the *Conservation Authorities Act*).
- Community 4 - soil moisture regime information is lacking
- Community 7
 - Habitat Zone 1 describes 20% cover of emergent vegetation, and Photo 9 depicts considerable presence of emergent vegetation. Based on this information, a more thorough discussion of the feature as it pertains to OWES and ELC classification, and the *Conservation Authorities Act* definition of a wetland is required.
 - Please clarify the label for Photo 7
- Habitat Zones
 - There appears to be some inconsistency between the zone characteristics in Table 3.5 and their depictions in Photos 8 & 9. Please clarify.
 - To which depth were the substrate samples taken in Habitat Zones 1 and 2?
- Section 5
 - Section 5.2:
 - The 30-metre shoreline buffer does not appear to encompass the entire wetland. Please clarify which buffer is being referenced as buffering the wetland from the subdivision.
 - Neither Ontario Regulation 163/06, nor the Board-Approved policy document for the administration of O. Reg. 163/06 define a minimum wetland size which is regulated. LTC regulates all areas within 30 metres of a feature which has been determined to meet the *Conservation Authorities Act* definition of a wetland. A proposed reduction in the setback would have to be accompanied by substantiation that the reduction would not have a hydrologic impact to the wetland, and a discussion of the reasoning for that setback amount.
 - Please clarify what is meant by "approximately 400 square metres of this isolated wetland will be impacted". Is this portion of the wetland being removed? Any proposal for wetland removal for features less than 0.5 hectares must demonstrate that "loss of the wetland will not impact the hydrologic and ecological integrity of the landscape" (Section 6.2.1 9).
 - Section 5.5:
 - This section references the lots being set back 30 metres in the northern portion of the property, where the floodplain extends further into the property. LTC supports a lot setback from the shoreline so each lot is outside of the floodway, as is required pursuant to Section 3.1 of the PPS.
- Table 5.1:
 - Unevaluated wetlands section refers to a loss of 500 square metres of wetland area. Please include more information about which area is proposed to be lost. Please provide further discussion on compensation proposed.
 - LTC supports recommendations to install silt fencing to reduce sedimentation. LTC would require that the fencing is installed prior to any earthworks, be maintained, kept in place until re-vegetation of the buffer takes place, and removed at that point.
- Section 6.3 states that the proposed plan would not interfere with the wetland if the recommendations in sections 5.0 and 7.0 are implemented. However, Section 5.2 and Table 5.1 refer to a loss of wetland area. Please clarify.

- Section 7:
 - 7.1 3) refers to discussions with LTC regarding wetland compensation. No permit or written proposal has been received regarding this.
 - If a shoreline wetland is present, it would be expected that recommendations be updated accordingly.
 - 7.4 3) LTC notes that a landscape/restoration plan should be circulated to LTC as it pertains to Ontario Regulation 163/06; a review for fisheries habitat can no longer be offered.
 - LTC notes that a number of recommendations included in this EIS would require permits under Ontario Regulation 163/06. The proponent is encouraged to contact LTC prior to completing work for a comprehensive review of the proposal from a permitting perspective.
 - General note: the appropriate acronyms for referring to Lower Trent Conservation should be LTC (operational name) or LTRCA (legal business name)
 - LTC requires the GIS shapefile of all features meeting the *Conservation Authorities Act* definition of a wetland for incorporation into regulatory mapping.
- **Regarding the current submission of the subject application, a revised EIS should be submitted to our office addressing the above-noted concerns. The wetland delineation undertaken by GHD Limited should be illustrated in the Draft Plan with a 30-metre setback applied. GHD will need to provide our office with the wetland shapefile in accordance with OWES so that we can update our GIS database accordingly. A 6-metre setback and 15-metre regulatory allowance from the Regulatory floodplain should also be illustrated on the revised Draft Plan. Please provide our office with the revised EIS and updated Draft Plans when they are completed so that we can provide a timely review of the revised submission materials.**
 - **The entirety of the Regulatory floodplain and field-verified wetland should be placed in the Environmental Protection (EP) Zone to promote consistency between municipal zoning provisions and our regulatory policies.**
 - Landowner(s) are encouraged to contact LTC to discuss this matter directly if they have any questions or concerns. LTC's permitting policy document is available to the public [here](#).

ADVISORY COMMENTS

3. **Pursuant to Ontario Regulation 596/22: Prescribed Acts, LTC will not be providing comments regarding Sections 2.1 (Natural Heritage) and 2.2 (Water) of the PPS.**
4. **LTC has reviewed the applications as a public commenting body, pursuant to the *Planning Act*.**
 - We have no further comment to add in this role.
5. **LTC has reviewed the applications in terms of the *Trent Source Protection Plan*, prepared under *Clean Water Act*, 2006. The Source Protection Plan came into effect on January 1, 2015 and contains policies to protect sources of municipal drinking water from existing and future land use activities.**
 - The subject lands are situated within the Intake Protection Zone - One (IPZ-1) for the Frankford Drinking Water System. A Section 59 Clearance Notice is a requirement for a complete planning application under the *Clean Water Act* and should be provided in forthcoming submissions.

SUMMARY

Given the above comments, it is the opinion of the LTC that:

1. Consistency with Section 3.1 of the PPS has not been demonstrated. Lot lines need to be removed from the Trent River *floodway*;
2. Ontario Regulation 163/06 applies to the subject lands. Specifically, the Regulatory floodplain of the Trent River and field-verified wetland are present on the subject lands. Our Ecologist has reviewed the Environmental Impact Study prepared by GHD Limited. Several outstanding matter related to our regulation

"Working with Local Communities to Protect our Natural Environment"



Member of Conservation Ontario
Representing Ontario's 36 Conservation Authorities

must be addressed in a revised EIS and provided to our office for final review. We request the shapefile for the delineated wetland feature and ask that this feature and a 30-metre regulatory setback be illustrated on a revised Draft Plan. Further, the 6-metre setback and 15-metre regulatory allowance from the Trent River Regulatory floodplain should be illustrated on the revised Draft Plan; and,

3. The subject lands are located within an area that is subject to the policies contained in the Trent Source Protection Plan. A Section 59 Clearance Notice should be obtained to form a part of a complete planning application.

Therefore, LTC would not recommend approval of the subject application at this time.

The above comments reflect our understanding at the time of writing of applicable policies, legislation, and the development proposal. I trust this letter meets your information requirements. However, should you require any further information or have any questions please do not hesitate to contact me.

Please inform this office of any decision made by Council with regard to this application. We respectfully request to receive a copy of the updated decision and conditions of approval.

Sincerely,



Ashley Anastasio, B.A., BURPI.
Environmental Planner
613-394-3915 ext. 220



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 15, 2023

LTC File No. PL-20-092

Dale Egan, B.A., BURPI.
Area Planner
City of Quinte West
7 Creswell Drive
P.O. Box 490
Trenton, ON K8V 5R6

**RE: Major Redline Amendment of Draft Plan of Vacant Land Condominium – Second Submission – RAPID
ROADS ESTATES - NICHOLSON
260 North Trent Street, Frankford, City of Quinte West
Concession 6, Part of Lots 3 & 4, Geographic Township of Sidney
Application No.: D07/F11/05**

Dear Dale Egan,

Lower Trent Conservation (LTC) is in receipt of the above-noted submission, which was circulated to our office on April 5, 2023 for review and comment in accordance with the requirements of Schedule 1 of our Planning Services Agreement with the municipality. We understand that the purpose of this application is to redline the approved Draft Plan of Vacant Land Condominium to create forty-three (43) vacant land condominium units with a private internal road which will be maintained by the Condominium Corporation.

LTC staff issued our formal comments on the above-noted submission on April 26, 2023. LTC staff received Version 5 of the Redlined Draft Plan on May 8, 2023. This letter addresses the revised Draft Plan and recent discussions with City planning staff regarding lot creation on the subject property.

Staff have received and reviewed the following document(s) submitted:

- Agency circulation letter, dated April 5, 2023;
- **Draft Plan of Vacant Land Condominium prepared by VanMeer Limited, dated May 5, 2023;**
- Draft Plan of Vacant Land Condominium prepared by VanMeer Limited, dated March 29, 2023;
- Draft Plan of Vacant Land Condominium – Redline prepared by VanMeer Limited, dated March 29, 2023;
- Building Envelope Plan prepared by VanMeer Limited, dated January 19, 2023; and,
- Environmental Impact Study prepared by GHD Limited, dated January 29, 2021.

Staff have reviewed the application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the *Provincial Policy Statement* (PPS, 2020) and as a regulatory authority under Ontario Regulation 163/06. The application has also been reviewed through our role as a public body under the *Planning Act* as per our LTC Board approved policies. Finally, LTC has provided advisory comments related to policy applicability and to assist with implementation of the *Trent Source Protection Plan* under the *Clean Water Act*.

RECOMMENDATION

Please be advised that Lower Trent Conservation (LTC) would have no objection to the approval of this application, if the entirety of the *floodway* associated with the Trent River in this location is placed in the Environmental Protection (EP) Zone. The GHD shapefile of the wetland feature should also be provided to our office, as required under the Ontario Wetland Evaluation System (OWES).

Refer to the following sections for context.

Working with Local Communities to Protect our Natural Environment



*Member of Conservation Ontario
Representing Ontario's 36 Conservation Authorities*

SITE CHARACTERISTICS

The subject lands are situated along the Trent River. There are numerous drainage channels that traverse the subject lands, conveying flows from development west of the property into the Trent River. The subject lands are impacted by the Trent River *flooding hazard*, which has been delineated on-site through detailed topographic mapping and is shown on the drawing set provided with the subject application. The subject property was previously mapped as unevaluated wetland, which LTC technical staff confirmed not to exist in 2016. However, field investigations undertaken by GHD Limited in 2020 determined that a small Cattail Mineral Shallow March (MAS2-1) is present in the north-central portion of the subject property. The subject lands are vacant.

The subject lands are zoned Residential Type 2 Exception 1 (R2-1) Zone and Environmental Protection (EP) Zone. The subject lands are designated Urban – Planning District in the City's Official Plan.

Portions of the subject lands are situated within areas that are regulated by LTC pursuant to Ontario Regulation 163/06 – *Lower Trent Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. Mapping of known and potential areas subject to Ontario Regulation 163/06 is available to the public [here](#).

DELEGATED RESPONSIBILITY AND STATUTORY COMMENTS

1. **LTC has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS).**
 - Policies 3.1.1 and 3.1.2 of the PPS apply to this application. Here it is stated:
 - 3.1.1 *Development shall generally be directed to areas outside of:*
 - b) *hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards;*
 - 3.1.2 *Development and site alteration shall not be permitted within:*
 - d) *a floodway...*
 - According to the *Floodplain Mapping Study of the Trent River* prepared by Cumming-Cockburn & Associates in 1983, the flood elevation for the Trent River in this location is 111.2 metres (CGVD1928). An updated topographic survey has been conducted for the property and the Trent River floodline has been updated since the 2006 Draft Plan approval. The correct floodline is shown on the Draft Plans provided. All lands east of the delineated floodline are within the Trent River floodplain.
 - As the Trent River floodplain is subject to the *one-zone floodplain management concept*, the entire extent of the floodplain is considered the *floodway*, where *development* (including lot creation and **change in land use**) and *site alteration* are prohibited in accordance with Section 3.1 of the PPS. The amended redlined Draft Plan included in this circulation has lot lines extending into the *floodway* of the Trent River. However, discussions with the City's planning staff have clarified that there will be no legal lot creation by way of this application. Rather, the illustrated lot lines represent condominium units. As such, if the entirety of the *floodway* is placed in the Environmental Protection (EP) Zone, LTC would have no objection to the approval of this application.
 - **If the entirety of the *floodway* is placed in the Environmental Protection (EP) Zone, it would be our opinion that this application is consistent with Section 3.1 of the PPS.**
2. **LTC has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 163/06. This regulation, made under Section 28 of the *Conservation Authorities Act*, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. LTC also regulates the alteration to or interference in any way with a watercourse or wetland.**

- Portions of the subject lands are situated within areas that are subject to Ontario Regulation 163/06. Specifically, the subject property is impacted by the Regulatory floodplain of the Trent River. There is also an identified wetland feature in the north-central portion of the subject lands. In accordance with Ontario Regulation 163/06, no person shall:
 - S. 2) Undertake development (including site alterations), or permit another person to undertake development in or on areas within the jurisdiction of the Conservation Authority that are: river or stream valleys; land that could be unsafe for development due to natural occurring processes associated with flooding and/or erosion; wetlands; or, other areas where development could interfere with the hydrologic function of a wetland including areas within 30 metres of unevaluated wetlands; or,
 - S. 5) Straighten, change, divert or interfere in any way with the existing channel or a river, creek, stream or watercourse or change or interfere in any way with a wetland without the prior written approval of LTC.

Any development within 15 metres of the Regulatory floodplain, 30 metres of a wetland, any shoreline alterations (e.g., dredging, culvert installation, bridge construction, etc.), and/or any activities that would interfere in any way with the shoreline or wetland on site would require a permit from our office prior to the commencement of any on-site work.

Development is defined in the *Conservation Authorities Act* as:

- i. The construction, re-construction, erection or placing of a building or structure of any kind,
 - ii. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
 - iii. Site grading; or,
 - iv. The temporary or permanent placing, dumping, or removal of any material, originating on the site or elsewhere.
- LTC Board-approved policy Section 5.2.1 states that development shall not be permitted in the Regulatory floodplain.
- LTC Board-approved policies Sections 6.2 and 6.2.2 for the administration of Ontario Regulation 163/06 state that development and interference shall not be permitted within a wetland nor within 30 metres of the boundary of the wetland. This area is intended to remain as a natural vegetated buffer area to mitigate the impacts of adjacent development activities on the hydrologic function of the wetland.
- **Our Ecologist has reviewed the Environmental Impact Study prepared by GHD Limited, dated January 29, 2021 and provides the following comments:**
 - The submitted EIS is incomplete. Appendices were not included.
 - The EIS recommends a 12-metre lot line setback from the shoreline for the southern lots, and a 30-metre setback from the shoreline for the northern lots. This is not reflected within the revised (March 29, 2023) Draft Plan Condominium Redline received by LTC. Lot lines should be removed from the *flooding hazard* pursuant to PPS policy 3.1.2.
 - Section 1.3.3 does not include mention of wetland policies, which are relevant to the subject application.
 - Section 2.2.2.4 includes a reference to QRCA definitions. Please clarify.
 - Methodologies included assessing vegetation, soils, and soil moisture. Documentation regarding the soil moisture regime is lacking.
 - Section 3: Survey Results

- The photo for ELC Community 1 depicts a vegetated area, and the description indicates vegetation on over half of the 3.0-hectare polygon. Areas of disturbed earth and vegetation coverage should be independently delineated, and vegetated areas classified per ELC. Specifically, differentiation between vegetated areas and disturbed earth is required for all areas that are within 30 metres of the meadow marsh identified on the subject lands.
- Community 3 (CUT1) - further discussion on the soil moisture regime and relative abundance of wetland-tolerant species is required (i.e., discussion of whether the polygon meets the definition of a wetland pursuant to the *Conservation Authorities Act*).
- Community 4 - soil moisture regime information is lacking
- Community 7
 - Habitat Zone 1 describes 20% cover of emergent vegetation, and Photo 9 depicts considerable presence of emergent vegetation. Based on this information, a more thorough discussion of the feature as it pertains to OWES and ELC classification, and the *Conservation Authorities Act* definition of a wetland is required.
 - Please clarify the label for Photo 7
- Habitat Zones
 - There appears to be some inconsistency between the zone characteristics in Table 3.5 and their depictions in Photos 8 & 9. Please clarify.
 - To which depth were the substrate samples taken in Habitat Zones 1 and 2?
- Section 5
 - Section 5.2:
 - The 30-metre shoreline buffer does not appear to encompass the entire wetland. Please clarify which buffer is being referenced as buffering the wetland from the subdivision.
 - Neither Ontario Regulation 163/06, nor the Board-Approved policy document for the administration of O. Reg. 163/06 define a minimum wetland size which is regulated. LTC regulates all areas within 30 metres of a feature which has been determined to meet the *Conservation Authorities Act* definition of a wetland. A proposed reduction in the setback would have to be accompanied by substantiation that the reduction would not have a hydrologic impact to the wetland, and a discussion of the reasoning for that setback amount.
 - Please clarify what is meant by "approximately 400 square metres of this isolated wetland will be impacted". Is this portion of the wetland being removed? Any proposal for wetland removal for features less than 0.5 hectares must demonstrate that "loss of the wetland will not impact the hydrologic and ecological integrity of the landscape" (Section 6.2.1 9).
 - Section 5.5:
 - This section references the lots being set back 30 metres in the northern portion of the property, where the floodplain extends further into the property. LTC supports a lot setback from the shoreline so each lot is outside of the floodway, as is required pursuant to Section 3.1 of the PPS.
- Table 5.1:
 - Unevaluated wetlands section refers to a loss of 500 square metres of wetland area. Please include more information about which area is proposed to be lost. Please provide further discussion on compensation proposed.
 - LTC supports recommendations to install silt fencing to reduce sedimentation. LTC would require that the fencing is installed prior to any earthworks, be maintained, kept in place until re-vegetation of the buffer takes place, and removed at that point.
- Section 6.3 states that the proposed plan would not interfere with the wetland if the recommendations in sections 5.0 and 7.0 are implemented. However, Section 5.2 and Table 5.1 refer to a loss of wetland area. Please clarify.

- Section 7:
 - 7.1 3) refers to discussions with LTC regarding wetland compensation. No permit or written proposal has been received regarding this.
 - If a shoreline wetland is present, it would be expected that recommendations be updated accordingly.
 - 7.4 3) LTC notes that a landscape/restoration plan should be circulated to LTC as it pertains to Ontario Regulation 163/06; a review for fisheries habitat can no longer be offered.
 - LTC notes that a number of recommendations included in this EIS would require permits under Ontario Regulation 163/06. The proponent is encouraged to contact LTC prior to completing work for a comprehensive review of the proposal from a permitting perspective.
 - General note: the appropriate acronyms for referring to Lower Trent Conservation should be LTC (operational name) or LTRCA (legal business name)
 - LTC requires the GIS shapefile of all features meeting the *Conservation Authorities Act* definition of a wetland for incorporation into regulatory mapping.
- **We ask that a revised EIS be submitted to our office addressing the above-noted concerns. GHD will need to provide our office with the wetland shapefile in accordance with OWES so that we can update our GIS database accordingly.**
 - **The following permits will be required to proceed with the development of the subject property, based on the most recent version (Version 5) of the redlined Draft Plan:**
 - A single permit for the site grading, drainage, internal roadway and servicing works;
 - LTC will accept a 1:1 compensation ratio for the small amount of wetland to be removed within the roadway. This should be compensated in the floodplain. We can discuss the compensation plan during the permitting stage;
 - Units 33 – 41;
 - Please note that while we have accepted a 0-metre development setback from the field-verified wetland per the recommendations of the EIS, we still regulate the 30-metre setback. Therefore, all units within the 6 to 15-metre regulatory allowance of the Regulatory floodplain and 30-metre wetland setback will require permits from our office.
 - **The entirety of the Regulatory floodplain, 6-metre safe access setback and field-verified wetland should be placed in the Environmental Protection (EP) Zone to promote consistency between municipal zoning provisions and our regulatory policies.**
 - **We recommend demarcating the 18-metre shoreline buffer zone with armourstone or similar landscaping material in the rear yards of impacted units.**
 - Landowner(s) are encouraged to contact LTC to discuss this matter directly if they have any questions or concerns. LTC's permitting policy document is available to the public [here](#).

ADVISORY COMMENTS

3. Pursuant to Ontario Regulation 596/22: Prescribed Acts, LTC will not be providing comments regarding Sections 2.1 (Natural Heritage) and 2.2 (Water) of the PPS.
4. LTC has reviewed the applications as a public commenting body, pursuant to the *Planning Act*.
- We have no further comment to add in this role.
5. LTC has reviewed the applications in terms of the *Trent Source Protection Plan*, prepared under *Clean Water Act*, 2006. The Source Protection Plan came into effect on January 1, 2015 and contains policies to protect sources of municipal drinking water from existing and future land use activities.

"Working with Local Communities to Protect our Natural Environment"



Member of Conservation Ontario
Representing Ontario's 36 Conservation Authorities

- The subject lands are situated within the Intake Protection Zone - One (IPZ-1) for the Frankford Drinking Water System. A Section 59 Clearance Notice is a requirement for a complete planning application under the *Clean Water Act* and should be provided in forthcoming submissions.

SUMMARY

Given the above comments, it is the opinion of the LTC that:

1. Consistency with Section 3.1 of the PPS can be demonstrated if the entirety of the Trent River *floodway* in this location is placed in the Environmental Protection (EP) Zone;
2. Ontario Regulation 163/06 applies to the subject lands. Specifically, the Regulatory floodplain of the Trent River and field-verified wetland are present on the subject lands. Our Ecologist has reviewed the Environmental Impact Study prepared by GHD Limited. Several outstanding matters related to our regulatory policies must be addressed in a revised EIS and provided to our office for final review, including the wetland shapefile. Detailed permitting requirements have been provided in Section 2 of this letter. The Regulatory floodplain, 6-metre setback and field-verified wetland should be placed in the Environmental Protection (EP) Zone to promote consistency between municipal zoning provisions and our regulatory policies; and,
3. The subject lands are located within an area that is subject to the policies contained in the Trent Source Protection Plan. A Section 59 Clearance Notice should be obtained to form a part of a complete planning application.

Therefore, if the *floodway* of the Trent River in this location is placed in the Environmental Protection (EP) Zone, LTC would have no objection to the approval of this application. Our office is assured, as per our discussions with City planning staff, that there will be no legal lot creation by way of this application. We understand that the parcels illustrated on the Draft Plan will be condominium units.

The above comments reflect our understanding at the time of writing of applicable policies, legislation, and the development proposal. I trust this letter meets your information requirements. However, should you require any further information or have any questions please do not hesitate to contact me.

Please inform this office of any decision made by Council with regard to this application. We respectfully request to receive a copy of the updated decision and conditions of approval.

Sincerely,



Ashley Anastasio, B.A., BURPI.
Environmental Planner
613-394-3915 ext. 220



LOWER TRENT
CONSERVATION

HEARING

Ontario Regulation 41/24 Permit Application: RP-25-022 to RP-25-024

*Property Owner: Ken NICHOLSON - 2632863 ONTARIO INC
River Rapids Condominium – Units 38-40
(ARN:1204414025037110000)
QW, Frankford (Sidney) Con 6, Lot 3-4*

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

Date: March 13, 2025

Contents

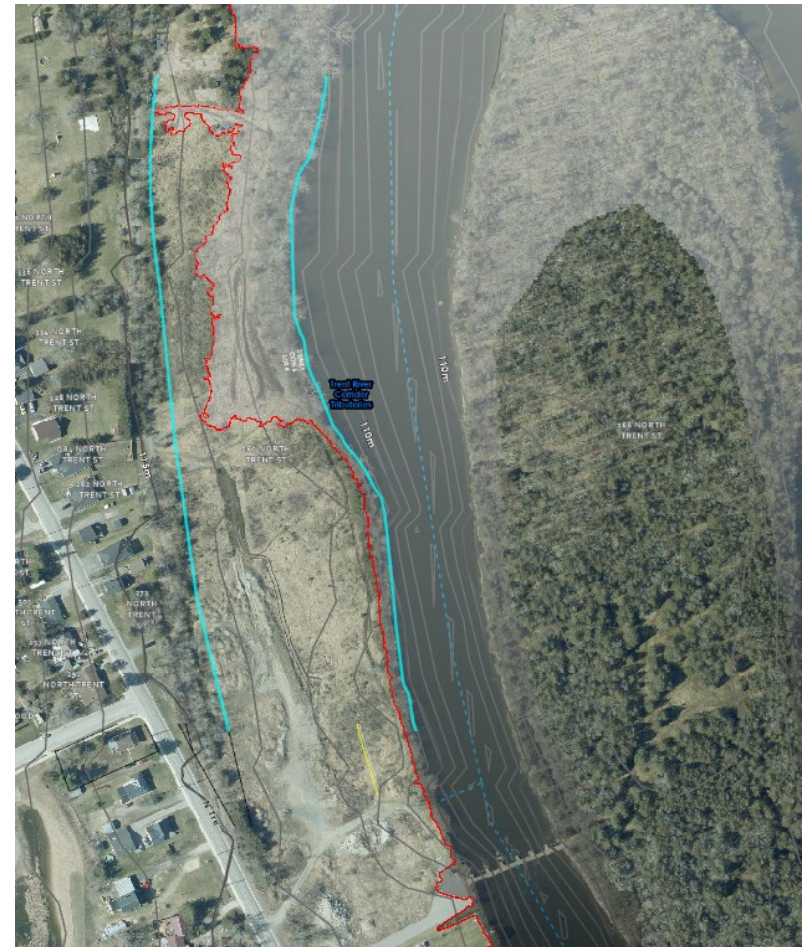
- File Timelines
- Subject Property
- Draft Plan of Condominium
- LTC Regulatory Mapping
 - Old Mapping
 - New Mapping
- Development Proposal
- O. Reg. 41/24 LTC Policies
- Staff Conclusion

Permit Application: RP-24-242

- Pre-consultation meeting: May 30, 2024
- Permit Application received: January 29, 2025
- Complete Application: February 6, 2025
- Permit Status Letter: February 7, 2025
- Request for Hearing: February 12, 2025
- Notice of Hearing: February 14, 2025
- Hearing Date: March 13, 2025

Subject lands

- Mostly vacant lot east of North Trent Street – construction of the dwelling structures has commenced on the site
- Sections of the property are located within the Trent River floodplain
 - Floodplain delineated by KGS Engineering and approved by the Board in March 2024



Subject Property



Subject Property

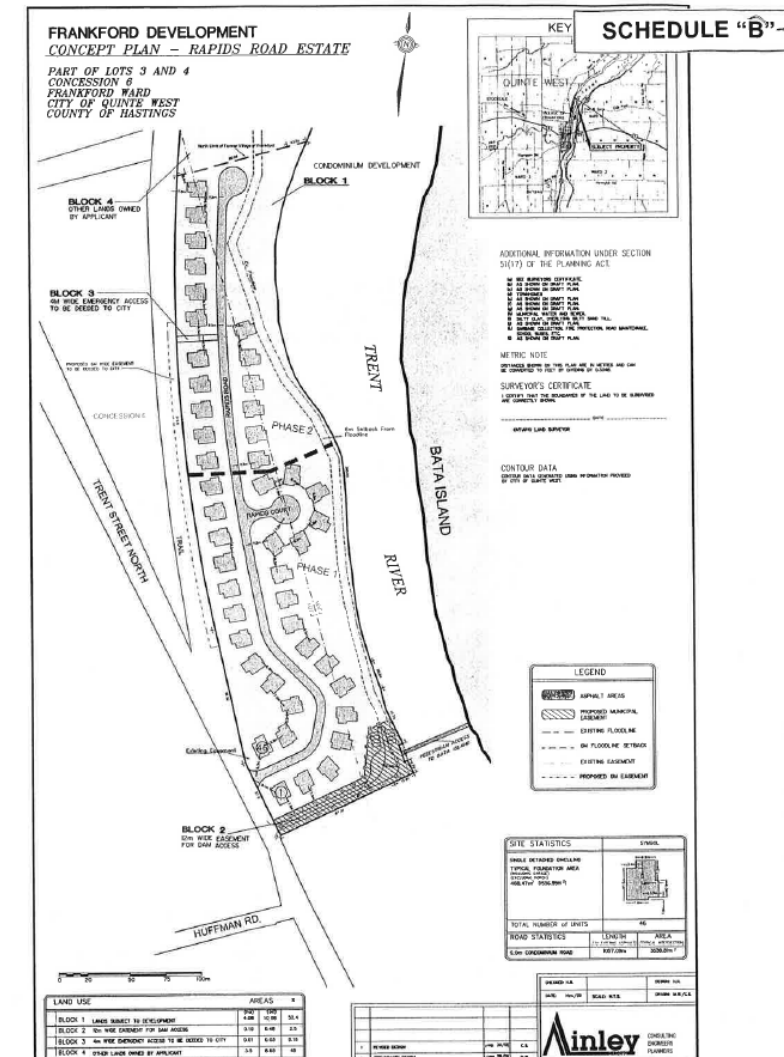


Subject Property

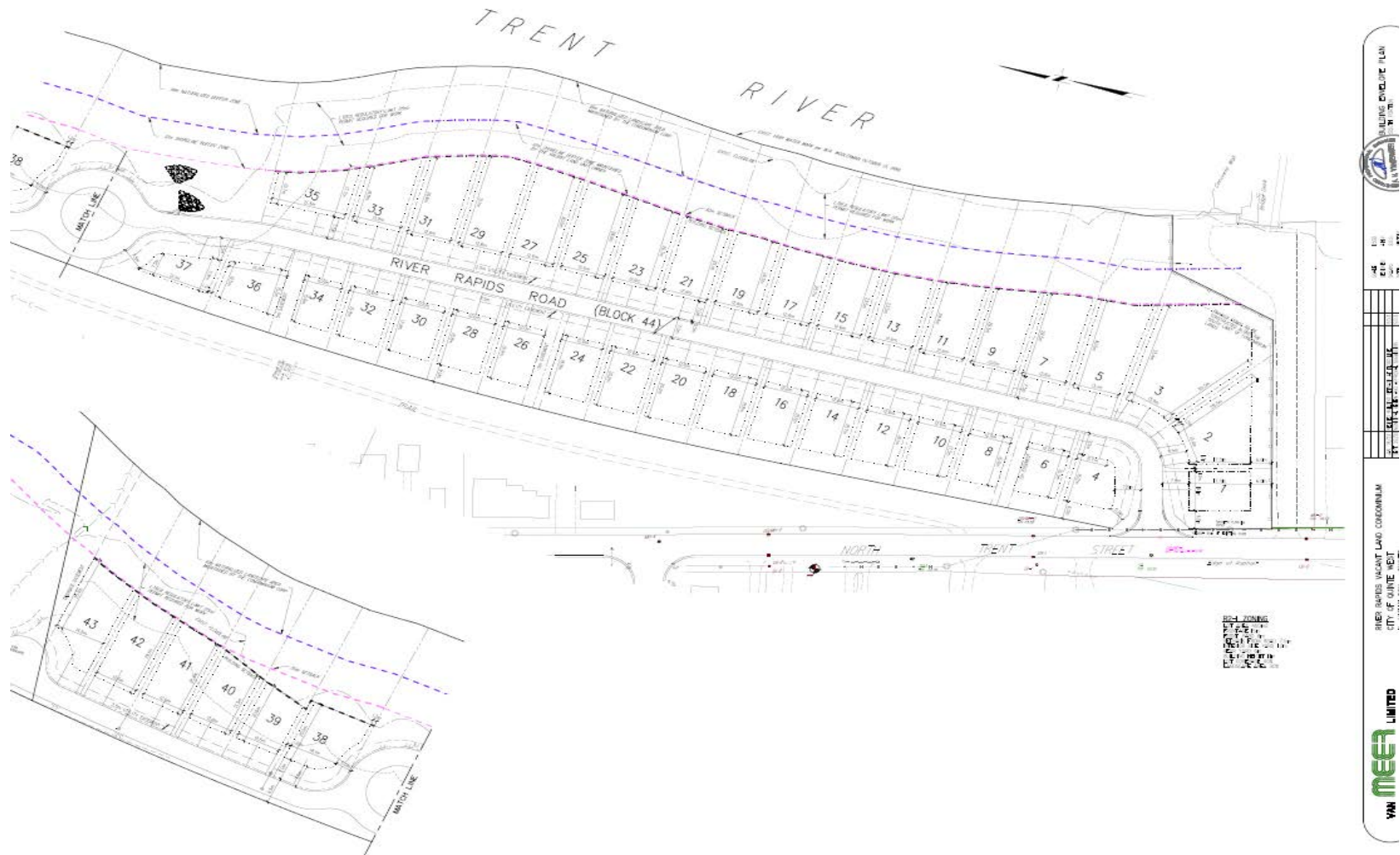


Draft Plan of Condominium

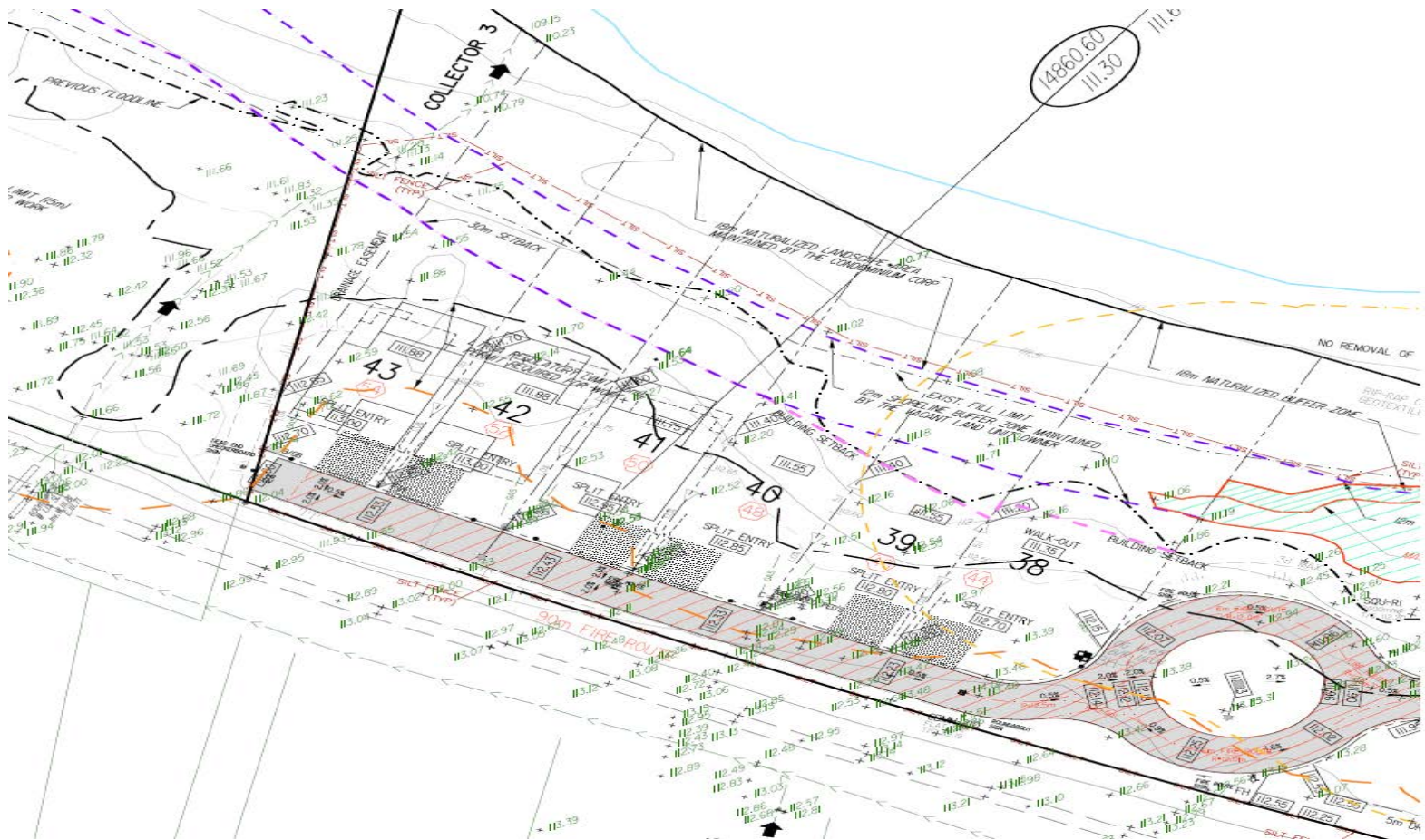
- Draft Plan Approval – January 16, 2006
- Red-line Amendment submitted on April 23, 2020
- 1st Engineering submission – October 2, 2023



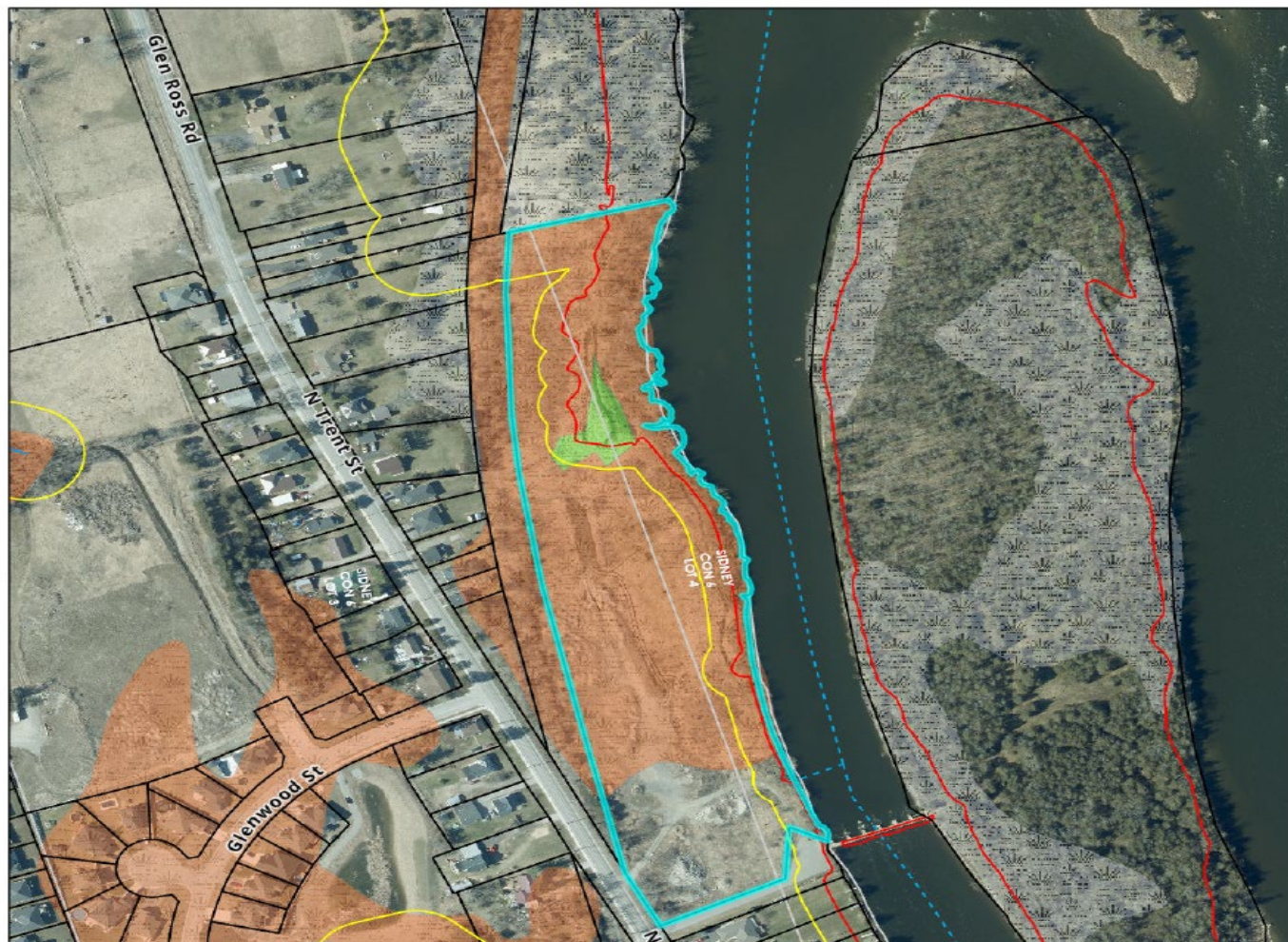
Draft Plan of Condominium







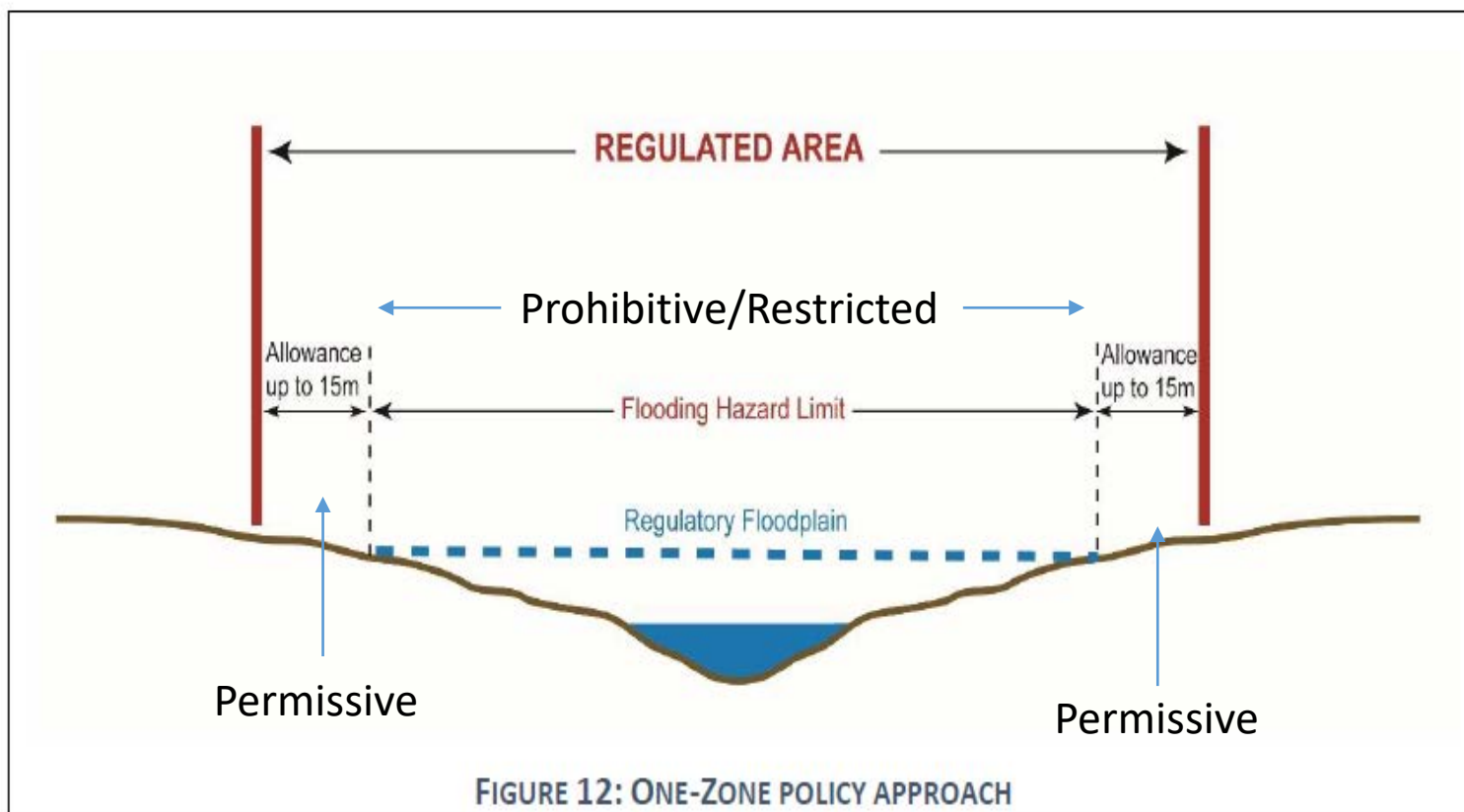
LTC Regs. Mapping -Old



LTC Regs. Mapping- New

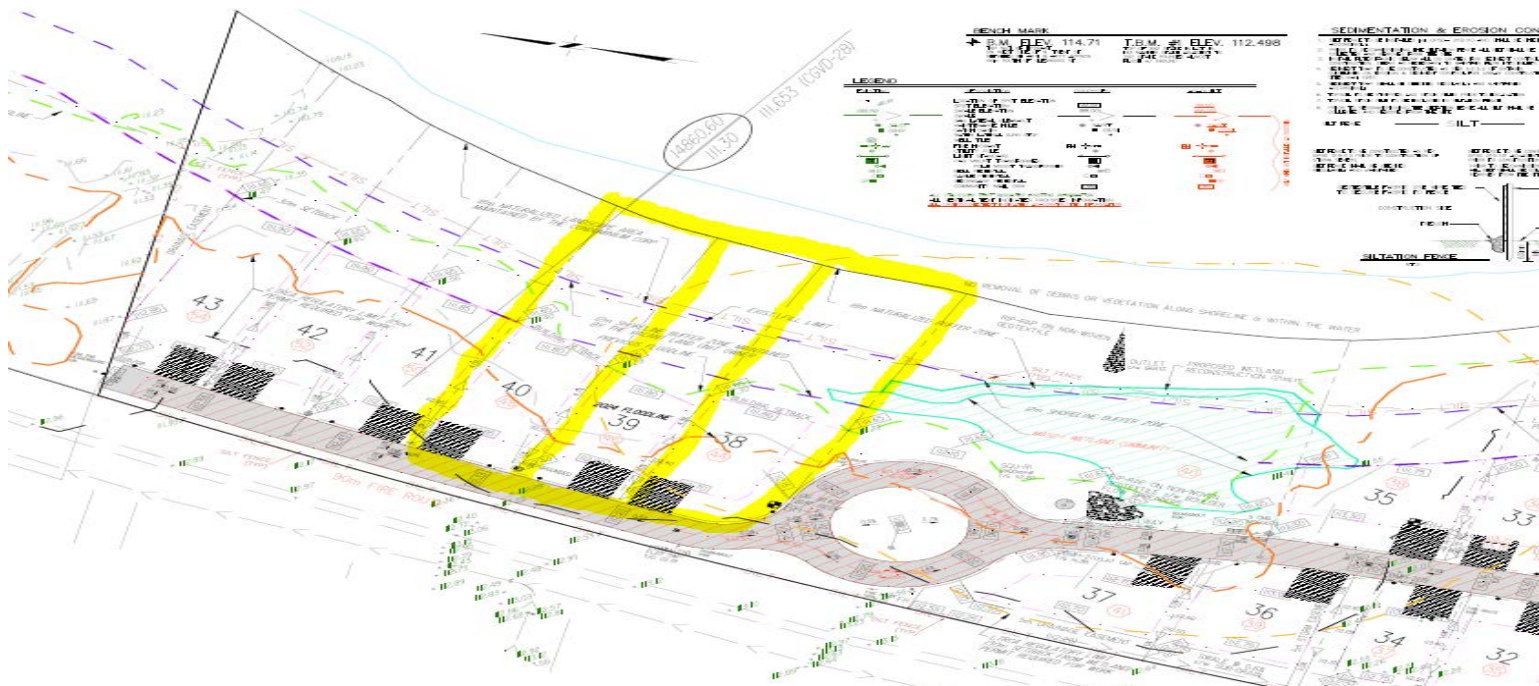


One-Zone Concept



Development Proposal

- Permit Application received: January 29, 2025
 - To undergo the placement of fill material on the property to construct future dwellings
 - Max Fill volume for sites: Unit 38 – 35m³, Unit 39 - 60m³ and Unit 40 – 45m³



Development Proposal

- Floodplain area – 111.513 to 111.653 metres CGVD1928
- Depth of fill material for each unit is less than 0.3 metres.
- Recommended floodproofing to 111.85 metres CGVD1928
- No impact on the control of flooding as development is located within the ineffective flow area



January 28, 2025

FLOOD ANALYSIS

2632863 ONTARIO INC. (Ken Nicholson) - OWNER
RIVER RAPIDS VACANT LAND CONDOMINIUM
260 NORTH TRENT STREET, Village of Frankford

River Rapids Vacant Land Condominium development is located adjacent to the Trent River at the northerly limits of the Village of Frankford.

The development approvals were based on the original floodplain mapping existing prior to the updating Floodplain Mapping in 2024 by KGS Group for Lower Trent Conservation Authority.

The previous flood elevation through this area was 111.2 0 m. The updated flood elevation now ranges from 111.513 at Sta 14784.60 to 111.653 (GVD-28) at Sta 14860.60 through the affected units.

A drawing has been provided herewith showing the impact units and comparing the previous floodline in green and the new flood line in red.

The 2024 floodline are based on the Regulatory Floodplain Map Sheets 106 and 107, copies have been attached for reference.

At Station 14784.60, just downstream of the affected units, the west channel of the Trent River is significantly reduced therefore creating an ineffective flow area not actively conveying flows that contribute to the river's ability to move the water in its naturally desired flow path.

Proposed Units 35, 41, 42 & 43 can be built beyond the regulated flood line, we anticipate some minor grading around the dwelling placed minimal fill within the floodplain.

Constructing units 38, 39 & 40 to the original building setback would require approval to construct within the floodplain. The depth of fill would be less than 0.3m.

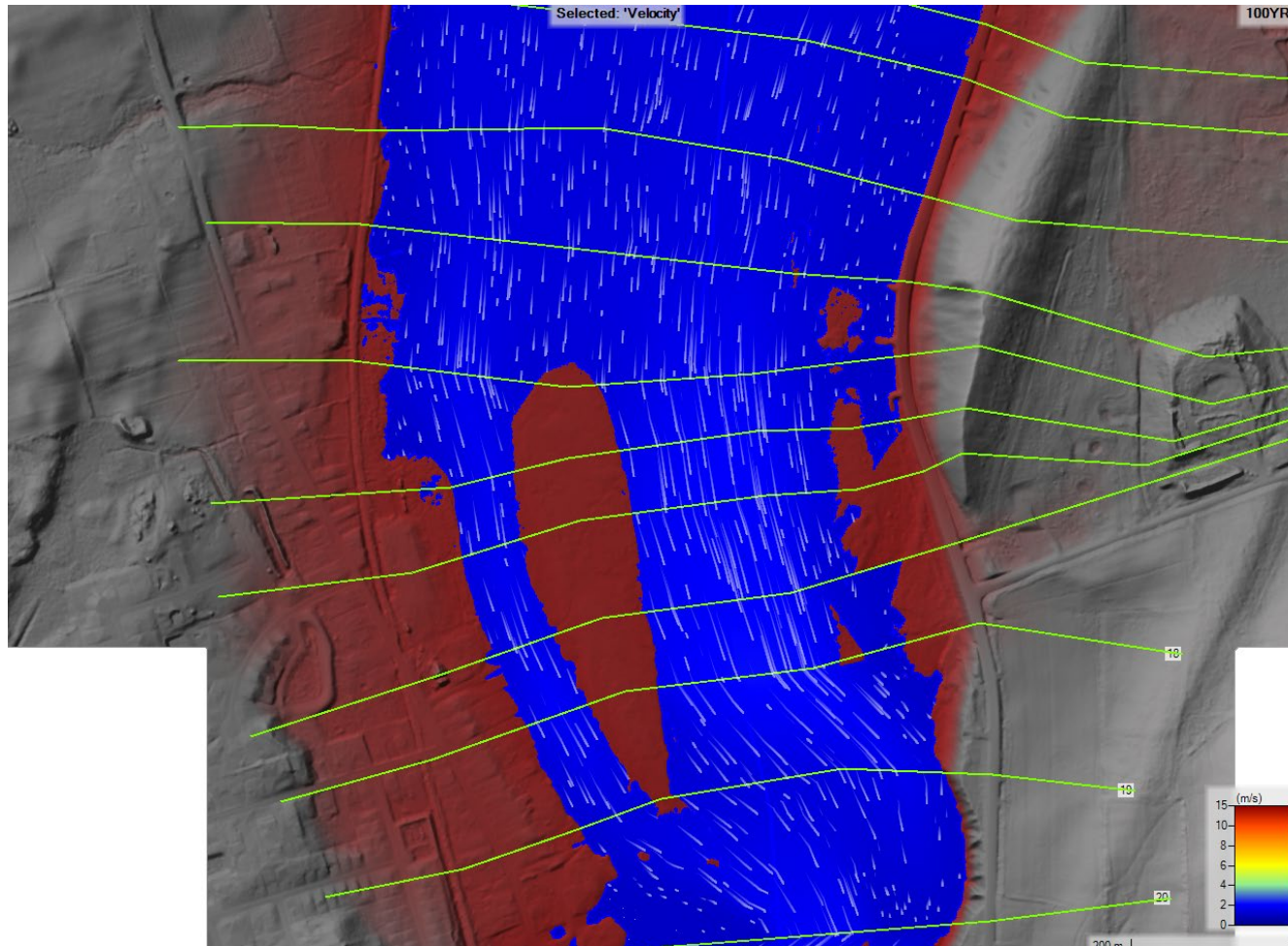
We calculated the volume of fill / building to be placed within the Regulatory Floodplain would total only 132 m³ and placed on each of the respective units as follows:

Unit 35	0 m ³
Unit 38	35 m ³
Unit 39	42 m ³
Unit 40	32 m ³
Unit 41	10 m ³
Unit 42	4 m ³
Unit 43	9 m ³

It is recommended that no habitable space be below the Regulatory Flood elevation. All openings into the building should be above elevation 111.95 (Regulatory Flood of 111.65 plus 0.3m). Additional floodproofing measures can also be undertaken.

83 NORTH PARK STREET
BELLEVILLE, ONTARIO K8P 2Y6
TEL: (613) 969-0171

Development Proposal



Ontario Regulation 41/24 Policy Document

- **General Policies**

- a) risk to public safety is not increased.
- 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).
- f) safe ingress/egress is available for proposed development.
- k) the control of flooding, erosion, dynamic beaches, pollution and/or the conservation of land is not adversely affected during and post development.

- **5.3.1.1 Development within One-Zone Regulatory Floodplain of River or Stream Valleys**

1. Development within the Regulatory floodplain shall not be permitted.
2. Placement of fill, flood hazard protection and/or bank stabilization works to allow for future/proposed development or an increase in development envelope within the Regulatory floodplain shall not be permitted.
4. Major development within the Regulatory floodplain shall not be permitted.

Staff Conclusion

Based on a review of the relevant policies that are applicable to this proposal, staff are not in a position to support the application as it does not conform with the policies.