

Conservation Halton

Board of Directors



MEETING PACKAGE
APR 2020



Family walk at Hilton Falls

MEETING NO: # 03 20 Conservation Halton Board of Directors

DATE: April 1, 2020

CONFERENCE CALL: Dial In Numbers:
1-866-613-5223 or 1-416-204-9354
Enter Access Code: 8093917 followed by the # sign

AGENDA

PAGE

1. **Roll Call**
2. **Acceptance of Agenda as distributed**
3. **Disclosure of Pecuniary Interest for Board of Directors**
4. **Consent Items**
 - Approval of Conservation Halton Board of Director Meeting minutes dated February 20, 2020 3-7
 - Approval of Conservation Halton Board of Director Inaugural Meeting minutes dated February 20, 2020 8-11
5. **Action Items**
 - 5.1 Amendment to The Halton Region Conservation Authority General Membership By-law No. 2018-01 (Report #: CHBD 03 20 01) 12-22
 - 5.2 Proposed reconstruction of a dwelling within the Erosion Hazard Limit associated with Lake Ontario, 3300 Lakeshore Road West, Town of Oakville, Regional Municipality of Halton, CH File No. A/20/O/06 (Report #: CHBD 03 20 02) 23-27
6. **Adjournment**

MEETING NO: # 01 20 Conservation Halton Board of Directors

MINUTES

A meeting of the Conservation Halton Board of Directors was held on Thursday, February 20, 2020 beginning at 3:00 p.m. at Conservation Halton's Administration Office, Burlington.

Members Present:

Rob Burton
Mike Cluett
Rick Di Lorenzo
Joanne Di Maio
Cathy Duddeck
Allan Elgar
Steve Gilmour
Dave Gittings
Zeeshan Hamid
Zobia Jawed
Moya Johnson
Gordon Krantz
Bryan Lewis
Marianne Meed Ward
Rory Nisan
Gerry Smallegange
Jim Sweetlove
Jean Williams

Absent:

Hamza Ansari

Guests present:

Peter Pickfield, Partner, Garrod Pickfield LLP

Staff present

Robin Ashton, Manager, Marketing & Communications
Kim Barrett, Associate Director, Science and Partnerships
Hassaan Basit, CAO/Secretary-Treasurer
Garner Beckett, Director, CH Foundation
Adriana Birza, Manager, Office of the CAO
Niamh Buckley, Administrative Assistant
Craig Machan, Senior Manager, Kelso/Glen Eden & Park Operations
Kellie McCormack, Senior Manager, Planning & Regulations
Marnie Piggot, Director, Finance
Plezzie Ramirez, Senior Manager, Human Resources
Jill Ramseyer, Director, Corporate Compliance
Pavan Seth, Procurement Specialist, Corporate Compliance
Katie Skillen, Associate Director, Marketing and Communications
Barb Veale, Director, Planning & Watershed Management
Mark Vytvytskyy, Interim Director, Parks and Operations

Lawrence Wagner, Senior Director, Corporate Services

Chair Gerry Smallegange called the meeting to order at 3:07 p.m. and noted 2 new items will be added to the agenda:

6.5 Legal matter (verbal update by the CAO)

8.1. Debrief on provincial multistakeholder CA consultations.

1. Acceptance of AMENDED Agenda.

CHBD 01 01 Joanne Di Maio
Cathy Duddeck

THAT the Conservation Halton Board of Directors **accept the AMENDED agenda as distributed.**

Carried

2. Disclosure of Pecuniary Interest for Board of Directors

There were **NONE.**

3. Presentation

2020 Gala Presentation (1st draft)

Garner Beckett, Director Conservation Halton Foundation

CHF Director introduced the name/theme for the 2020 Gala: “Ephemeros” meaning “lasting but a day”, “short lived” or “temporary”. The tool kit for introducing this year’s gala will be provided to the board members in the coming weeks.

CHF Director expressed his sincere thanks and appreciation to the Board members for their support of last years CHF Gala.

4. Consent Items

Roll Call & Mileage

Approval of Conservation Halton Board of Director meeting minutes dated November 20, 2019.

4.1 Kelso Dam Update
(Report #: CHBD 01 20 01)

4.2 Conservation Halton Planning and Watershed Management Year End Report, 2019
CH File No.: ADM 006
(Report #: CHBD 01 20 02)

4.3 Quarterly Permits & Letters of Permission issued under Ontario Regulation 162/06
September 1, 2019 to December 31, 2019
(Report #: CHBD 01 20 03)

4.4 Sewage Spillage at Chedoke Creek

(Report #: CHBD 01 20 04)

- 4.5 Purchasing Report from November 2019 – January 2020
(Report #: CHBD 01 20 05)

5. Action Items

- 5.1 Purchasing policy update
(Report #: CHBD 01 20 06)

CHBD 01 02 Moved by: Moya Johnson
Seconded by: Jean Williams

THAT the Conservation Halton Board of Directors **approve changes to the Purchasing Policy outlined in the staff report dated February 20, 2020.**

Carried

- 5.2 CH Foundation Directors appointment to the CH Foundation Board
(Report #: CHBD 01 20 07)

CHBD 01 03 Moved by: Gordon Krantz
Seconded by: Jim Sweetlove

THAT the Conservation Halton Board of Directors **approve the appointment of the following individuals, as members to the Conservation Halton Foundation Board of Directors for a two-year term:**

- **Bill Mann**
- **Madhav Murti**
- **Mavis Shang**

Carried

Jim Sweetlove provided a brief description of the newly appointed members.

At this time, Jim Sweetlove also provided an update on the CH Foundation. A CHF Board meeting was held at Glen Eden on Wednesday, February 19, 2020. At the April CHF meeting, members will be provided with the strategy and fundraising goals for the next 2 – 5 years.

- 5.3 Project Technical Advisory Committee
Halton Watershed Stewardship Program
(Report #: CHBD 01 20 08)

CHBD 01 04 Moved by: Mike Cluett
Seconded by: Rob Burton

THAT the Conservation Halton Board of Directors **approve the Terms of Reference of the Project Technical Advisory Committee of the Landowner Outreach and Restoration Program Report**

Carried

6. In Camera

CHBD 01 05

Moved by: Jean Williams
Seconded by: Rory Nisan

THAT the Conservation Halton Board of Directors **convene In Camera.**

Carried

6.1 Legal matter
(Report #: CHBD 01 20 09)

6.2 Legal matter
(Report #: CHBD 01 20 10)

6.3 Legal matter
(Presentation by Barb Veale, Director, Planning & Watershed Management)

6.4 Legal matter (Personnel)
(Verbal update by Craig Machan, Senior Manager Park Operations)

6.5 Legal matter (Personnel)
(Verbal update by Hassaan Basit, CAO)

CHBD 01 06

Moved by: Moya Johnson
Seconded by: Jean Williams

THAT the Conservation Halton Board of Directors **reconvene in public forum.**

And

THAT the Conservation Halton Staff **proceed as directed by the CH Board of Directors.**

Carried

7. CAO Verbal Update

The CAO introduced new senior staff members Associate Director of Marketing & Communications Katie Skillen and Interim Director of Parks & Operations, Mark Vytvytskyy. Mark's position has been extended for one more year from April 2020 and he has agreed to take on the additional role as Executive Lead for Digital Transformation.

7.1 Glen Eden 2019/2020 season update

Interim Director of Parks & Operations, Marky Vytvytskyy provided a parks update:

- \$3.1 million in Gross revenue since the opening of Glen Eden despite unfavourable weather conditions.
- School & Group visits to Mountsberg and Crawford increased from 18, 811 in 2018 to 22,488 in 2019.
- 8,370 visitors took part in Christmas Town at Mountsberg and the lottery for the participants was well received.
- Customer service staff at Glen Eden have access to 8 iPads for members sign in which will reduce wait time at the rental shop. Customers will also be able to complete waivers online.

8. Other Business

8.1 Debrief on provincial multistakeholder CA consultations (Verbal update by Hassaan Basit, CAO)

The CAO provided a debrief on the Conservation Authorities consultations that are being held by the Province for multistakeholders. Rob Burton and Allan Elgar had also attended one of the consultations and they shared their experience with the Board.

The Province has also created a Conservation Authorities online survey to enable stakeholder to provide further feedback. A soft copy has been provided to the Board and a link to the online survey will be sent immediately after the meeting.

The CAO announced that Diane Bloomfield, Source Water Protection Manager is retiring at the end of March. CH will be recruiting for this role and hope to have it filled by the end of April 2020.

9. Other Business

There was no other business

10. Adjournment

CHBD 01 07

Moved by: Jean Williams

THAT the Conservation Halton Board meeting be adjourned at 5:35 p.m.

Carried

MEETING NO: # 02 20 Inaugural meeting of the Conservation Halton Board of Directors

MINUTES

The Inaugural meeting of the Conservation Halton Board of Directors was held on Thursday, February 20, 2020 beginning at 5:35 p.m. at Conservation Halton's Administration Office, Burlington.

Members Present:

Rob Burton
Mike Cluett
Rick Di Lorenzo
Joanne Di Maio
Cathy Duddeck
Allan Elgar
Steve Gilmour
Dave Gittings
Zeeshan Hamid
Zobia Jawed
Moya Johnson
Gordon Krantz
Marianne Meed Ward
Rory Nisan
Gerry Smallegange
Jim Sweetlove
Jean Williams

Absent:

Hamza Ansari

Absent with regrets:

Bryan Lewis

Staff present

Kim Barrett, Associate Director, Science and Partnerships
Hassaan Basit, CAO/Secretary-Treasurer
Garner Beckett, Director, CH Foundation
Adriana Birza, Manager, Office of the CAO
Niamh Buckley, Administrative Assistant
Craig Machan, Senior Manager, Kelso/Glen Eden & Park Operations
Plezzie Ramirez, Senior Manager, Human Resources
Jill Ramseyer, Director, Corporate Compliance
Katie Skillen, Associate Director, Marketing and Communications
Barb Veale, Director, Planning & Watershed Management
Mark Vytvytskyy, Interim Director, Parks and Operations
Lawrence Wagner, Senior Director, Corporate Services

Chair Gerry Smallegange called the meeting to order at 5:40 p.m.

1. Acceptance of Agenda as distributed.

CHBD 02 01 Jean Williams
Cathy Duddeck

THAT the Conservation Halton Board of Directors **accept the agenda as distributed.**

Carried

2. Disclosure of Pecuniary Interest for Board of Directors

There were **NONE.**

3. Consent Items

Roll Call & Mileage: 2020 Inductees to the Conservation Halton Board of Directors

Date of Term to expire in **February 2022 as per the Conservation Authorities Act.**

(4.1) A member shall be appointed for a term of up to four years, as may be determined by the council that appoints the member. 2017, c. 23, Sched. 4, s. 12 (2). 0 or until a successor is appointed.

4. Action Items

The Chair and Vice Chair of the Conservation Halton Board of Directors will also be the Chair and Vice Chair of the Halton-Hamilton Region Source Protection Authority.

The CAO/Secretary-Treasurer assumed the role of the Chair.

The CAO/Secretary-Treasurer advised that the Elections would be conducted in accordance with Section 10 of the *Conservation Authorities Act*.

Only current members of the Authority may vote.

4.1.1 The CAO/Secretary-Treasurer called for a motion to appoint Election Scrutineers to count the ballots for the election of Chair and Vice Chair.

CHBD 02 02 Moved by: Rob Burton
Seconded by: Marianne Meed Ward

THAT Plezzie Ramirez, Senior Manager, HR and Barb Veale, Director, Planning & Watershed Management **be appointed as scrutineers in the event of an election and that all ballots be destroyed by the scrutineers afterwards.**

Carried

4.1.2 The CAO/Secretary-Treasurer called for nominations for the position of Chair of Conservation Halton Board of Directors for 2020.

It was **Moved by Gordon Krantz that Gerry Smallegange be nominated for the position of Chair for Conservation Halton Board of Directors for 2020.**

The CAO/Secretary-Treasurer called for nominations for a second time. There were no nominations. The CAO/Secretary-Treasurer called for nominations for a third time. There were no nominations.

The CAO/Secretary-Treasurer called for a motion to close nominations for the position of Chair of Conservation Halton Board of Directors for 2020.

CHBD 02 03

Moved by: Rob Burton
Seconded by: Allan Elgar

THAT nominations **be closed for the position of Chair of Conservation Halton Board of Directors for 2020.**

Carried

Gerry Smallegange confirmed he would allow his name to stand and thanked all present.

The CAO declared Gerry Smallegange, by acclamation, to the position of Chair of Conservation Halton Board of Directors for 2020.

4.1.3 The CAO/Secretary-Treasurer called for nominations for the position of Vice Chair of Conservation Halton Board of Directors for 2020.

It was **Moved by Cathy Duddeck that Moya Johnson be nominated for the position of Vice Chair for Conservation Halton Board of Directors for 2020.**

The CAO/Secretary-Treasurer called for nominations for a second time. There were no nominations. The CAO/Secretary-Treasurer called for nominations for a third time. There were no nominations.

The CAO/Secretary-Treasurer called for a motion to close nominations for the position of Vice Chair of Conservation Halton Board of Directors for 2020.

CHBD 02 04

Moved by: Allan Elgar
Seconded by: Jim Sweetlove

THAT nominations be closed for the position of Vice Chair of Conservation Halton Board of Directors for 2020.

Carried

Moya Johnson confirmed she would allow her name to stand and thanked all present.

The CAO declared Moya Johnson, by acclamation, to the position of Vice Chair of Conservation Halton Board of Directors for 2020.

Chair Gerry Smallegange assumed the Chair for the remainder of the meeting.

5. Other Business

There was no other business.

10. Adjournment

CHDB 02 05

Moved by: Marianne Meed Ward

THAT the Inaugural meeting of the Conservation Halton Board of Directors **be adjourned at 5:55 p.m.**

Carried

REPORT TO: Conservation Halton Board of Directors

REPORT NO: # CHBD 03 20 01

FROM: Hassaan Basit, CAO/Secretary-Treasurer

DATE: April 1, 2020

SUBJECT: **Amendment to The Halton Region Conservation Authority General Membership By-law No. 2018-01**

Recommendation

THAT the Conservation Halton Board of Directors **approve amendments to Section 10 of The Halton Region Conservation Authority (Conservation Halton) General Membership By-law No. 2018-01 to enable Electronic Participation during declared emergencies in the area over which Conservation Halton has jurisdiction as outlined in this report.**

And

THAT the Conservation Halton Board of Directors **direct staff to post the amended General Membership By-law No. 2018-01 on the Authority's website, www.conservationhalton.ca**

And

THAT the Conservation Halton Board of Directors **direct staff to post the MECP Minister's Direction that enables conservation authorities to convene a special meeting of the board electronically in order to make the necessary amendments to their By-law to deal with emergencies on www.conservationhalton.ca.**

Report

Conservation Halton's current General Membership By-law was approved by the Conservation Halton Board of Directors on November 22, 2018.

As the COVID-19 outbreak continues to evolve locally and globally, the Minister of Environment, Conservation and Parks (MECP) has provided direction on how conservation authorities can continue operations while maintaining a safe physical distance. To ensure conservation authorities can continue to conduct meetings and hearings as necessary, the Minister has given conservation authorities the ability to amend their administrative by-laws to allow for virtual meetings, including by teleconference.

The Minister's Direction ("**Direction**") was issued on March 26, 2020 pursuant to subsection 19.1 (7) of the Conservation Authorities Act. This Direction applies to all conservation authorities in Ontario. This Direction also applies to conservation authorities when meeting as a source protection authority under the Clean Water Act, 2006.

The primary purpose of the Direction (see Appendix A) is to enable conservation authorities to convene a meeting electronically in order to make the necessary amendments to their By-law to deal with emergencies. This Direction identifies the minimum areas where the By-law should be amended, in the manner deemed appropriate by the Conservation Authority, to make provision for emergency situations.

Conservation Halton will continue to implement best practices to make Board meetings open to the public in accordance with subsection 15 (3) of the Conservation Authorities Act. Where possible, Conservation Halton will provide for alternative means to allow the public to participate in any meetings electronically.

Furthermore, the MECP Direction outlines the following implementation procedure for amending the By-law during an emergency:

1. A conservation authority may hold a special meeting to amend a by-law for the purposes of implementing this Direction.
2. Despite any provision in a by-law made under subsection 19.1 (1) of the *Conservation Authorities Act*, members of the authority can participate electronically in any special meeting that is required to implement this Direction.
3. A member of the authority that is participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

Following the Minister's Direction and to enable the Conservation Halton Board to conduct meetings electronically, Section 10 of The Halton Region Conservation Authority General Membership By-law No. 2018-01 has been amended with a reference to the new section **10.1. Electronic participation during emergencies, as follows:**

10. Electronic Participation

Members may participate in a Meeting that is open to the public by telephone or other electronic means that permits all participants to communicate adequately with each other during the Meeting. A Member participating in a Meeting by electronic means shall not be counted in determining quorum and can vote provided that they have all relevant information available to them. A Member shall not participate by electronic means in a Meeting that is closed to the public.

Notwithstanding the foregoing, during any period where an emergency has been declared to exist, in all or part of an area over which Conservation Halton has jurisdiction, under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, that may prevent members of the General Membership from meeting in person, the By-law provides for electronic meeting procedures as per section 10.1.

10.1 Electronic Participation During Emergencies

- a. That members of the General Membership be permitted to participate in meetings electronically, which shall include the ability of those members participating electronically to register votes.
- b. That any member of the General Membership who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time during the meeting in accordance with the requirement in subsection 16 (2) of the Conservation Authorities Act
- c. That any member of the General Membership can participate electronically in a meeting that is closed to the public.
- d. That any hearing or appeal that is dealt with in the By-law can be conducted electronically with provisions for applicants and their agents to participate, if the Authority holds any such hearing or appeal during any period where an emergency has been declared to exist.

Resolution

The CAO recommends that the Board of Directors:

1. Approve the amended **Halton Region Conservation Authority General Membership By-law No. 2018-01** as outlined in this report CHBD 03 20 01.

Signed & respectfully submitted:


Hassaan Basit
CAO/Secretary-Treasurer

Approved for circulation:


Hassaan Basit
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT:

Hassaan Basit, CAO/Secretary-Treasurer
905-336-2270 x 2270, hbasit@hrca.on.ca



March 26, 2020

TO: Conservation Authorities as listed in the attached **Schedule “A”**

SUBJECT: Minister’s Direction for Conservation Authorities during the COVID-19 Outbreak

As the COVID-19 outbreak continues to evolve locally and globally, I am writing to provide direction on how conservation authorities can continue operations while maintaining a safe physical distance. To ensure conservation authorities can continue to conduct meetings and hearings as necessary, we are giving conservation authorities the ability to amend their administrative by-laws to allow for virtual meetings, including by teleconference.

As such, I am issuing this Minister’s Direction (“**Direction**”) pursuant to subsection 19.1 (7) of the *Conservation Authorities Act*. This Direction applies to all conservation authorities in Ontario, listed in **Schedule “A”** as attached. For greater certainty, this Direction also applies to conservation authorities when meeting as a source protection authority under the *Clean Water Act, 2006*.

The *Conservation Authorities Act* requires that, “[e]very meeting held by the authority shall be open to the public, subject to such exceptions as may be specified in the by-laws of the authority.” Further, at any meeting that is held, “a quorum consists of one-half of the members appointed by the participating municipalities, except where there are fewer than six such members, in which case three such members constitute a quorum”. It has been brought to my attention that the administrative by-laws that conservation authorities have adopted pursuant to subsection 19.1 (1) of the Act may create barriers in meeting these provisions of the Act during this time of emergency, where in-person attendance may not be feasible.

The primary purpose of this Direction is to enable conservation authorities to convene a meeting electronically in order to make the necessary amendments to their by-laws to deal with emergencies. This Direction identifies the minimum areas where the by-laws should be amended, in the manner deemed appropriate by the authority, to make provision for emergency situations. However, each conservation authority, depending on their individual by-laws, may identify the need to make other necessary amendments to respond to emergencies.

Accordingly, I am directing that the conservation authority review and amend their by-laws, as applicable, to ensure they comply with the following Direction and take the other necessary steps as set out in this Direction.

Electronic participation, emergencies

1. During any period where an emergency has been declared to exist, in all or part of an area over which a conservation authority has jurisdiction, under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, that may prevent members of the authority from meeting in person, the by-laws provide:
 - a. That members of the authority be permitted to participate in meetings electronically, which shall include the ability of those members participating electronically to register votes.
 - b. That any member of the authority who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time during the meeting in accordance with the requirement in subsection 16 (2) of the *Conservation Authorities Act*.
 - c. That any member of the authority can participate electronically in a meeting that is closed to the public.
 - d. That any hearing or appeal that is dealt with in the by-laws can be conducted electronically with provisions for applicants and their agents to participate, if the conservation authority holds any such hearing or appeal during any period where an emergency has been declared to exist.

Meetings open to the public

2. Conservation authorities must continue to implement best practices to make board meetings open to the public in accordance with subsection 15 (3) of the *Conservation Authorities Act*. Where possible, conservation authorities must provide for alternative means to allow the public to participate in any meetings electronically.

General, emergency measures

3. If there is anything that is required to be done under the by-laws during the emergency, including the holding of an annual general meeting, that the by-laws permit postponement to a later date.

Publication of information

4. The conservation authorities listed in Schedule “A” shall make this Direction publicly available on a website or other electronic means.

5. In accordance with subsection 19.1 (4) of the *Conservation Authorities Act*, an authority shall make any by-laws that are amended in accordance with this Direction available to the public in the manner it considers appropriate.

Implementation procedure

6. A conservation authority may hold a special meeting to amend a by-law for the purposes of implementing this Direction.
7. Despite any provision in a by-law made under subsection 19.1 (1) of the *Conservation Authorities Act*, members of the authority can participate electronically in any special meeting that is required to implement this Direction.
8. A member of the authority that is participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

Effective date

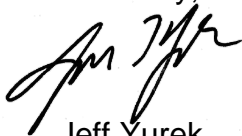
9. This Direction is effective immediately. If it is in the public interest to do so, I will provide further direction or clarification, at a later date, related to the matters set out in this Direction.

If you have any questions related to this Direction, please contact:

Chloe Stuart
Assistant Deputy Minister, Land and Water Division, MECP
Robinson PI South Tower, 6th Floor
300 Water Street
Peterborough ON K9J 3C7
(705) 755-5341
chloe.stuart@ontario.ca

To learn more about how the province continues to protect Ontarians from COVID-19, please visit www.ontario.ca/coronavirus.

Sincerely,



Jeff Yurek
Minister of the Environment, Conservation and Parks

- c: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable John Yakabuski, Minister of Natural Resources and Forestry
Ms. Kim Gavine, General Manager, Conservation Ontario

SCHEDULE “A” CONSERVATION AUTHORITIES

Ausable Bayfield CA

R.R. #3
71108 Morrison Line
Exeter ON N0M 1S5
Brian Horner
bhorner@abca.on.ca

Cataraqui Region CA

Box 160
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Glenburnie ON K0H 1S0
Katrina Furlanetto
kfurlanetto@crca.ca

Catfish Creek CA

R.R. #5
8079 Springwater Road
Aylmer ON N5H 2R4
Chris Wilkinson
generalmanager@catfishcreek.ca

Central Lake Ontario CA

100 Whiting Avenue
Oshawa ON L1H 3T3
Chris Darling
cdarling@cloca.com

Credit Valley CA

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Mississauga ON L5N 6R4
Deborah Martin-Downs
deb.martindowns@cvc.ca

Crowe Valley CA

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Marmora ON K0K 2M0
Tim Pidduck
tim.pidduck@crowevalley.com

Essex Region CA

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Richard Wyma
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Ganaraska Region CA

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Linda Laliberte
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Grand River CA

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Samantha Lawson
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Grey Sauble CA

R.R. #4
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Tim Lanthier
t.lanthier@greysauble.on.ca

Halton Region CA

2596 Britannia Road West
Burlington ON L7P 0G3
Hassaan Basit
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Hamilton Region CA

P.O. Box 81067
838 Mineral Springs Road
Ancaster ON L9G 4X1
Lisa Burnside
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Kawartha Region CA

277 Kenrei (Park) Road
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Mark Majchrowski
mmajchrowski@kawarthaconservation.com

Kettle Creek CA

R.R. #8
44015 Ferguson Line
St. Thomas ON N5P 3T3
Elizabeth VanHooren
elizabeth@kettlecreekconservation.on.ca

Lake Simcoe Region CA

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Newmarket ON L3Y 3W3
Mike Walters
m.walters@lsrca.on.ca

Lakehead Region CA

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130 Conservation Road
Thunder Bay ON P7B 6T8
Tammy Cook
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Long Point Region CA

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Judy Maxwell
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Lower Thames Valley CA

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Mark Peacock
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Lower Trent Region CA

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Trenton ON K8V 5P4
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Maitland Valley CA

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Phil Beard
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Mattagami Region CA

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David Vallier
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Mississippi Valley CA

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Niagara Peninsula CA

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Chandra Sharma
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Nickel District CA

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North Bay-Mattawa CA

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Nottawasaga Valley CA

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Utopia ON L0M 1T0
Doug Hevenor
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Otonabee Region CA

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Dan Marinigh
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Quinte CA

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Brad McNevin
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Raisin Region CA

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Richard Pilon
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Rideau Valley CA

Box 599
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Manotick ON K4M 1A5
Sommer Casgrain-Robertson
sommer.casgrain-robertson@rvca.ca

Saugeen Valley CA

R.R. #1
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Formosa ON N0G 1W0
Dick Hibma
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Sault Ste. Marie Region CA

1100 Fifth Line East
Sault Ste. Marie ON P6A 6J8
Corrina Barrett
cbarrett@ssmrca.ca

South Nation River CA

38 Victoria Street
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Finch ON K0C 1K0
Angela Coleman
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St. Clair Region CA

205 Mill Pond Crescent
Strathroy ON N7G 3P9
Brian McDougall
bmcdougall@scrca.on.ca

Toronto and Region CA

101 Exchange Avenue
Vaughan ON L4K 5R6
John MacKenzie
john.mackenzie@trca.ca

Upper Thames River CA

1424 Clarke Road
London ON N5V 5B9
Ian Wilcox
wilcoxi@thamesriver.on.ca

REPORT TO: Conservation Halton Board of Directors

REPORT NO: # CHBD 03 20 02

FROM: Barbara Veale, Director, Planning and Watershed Management

DATE: April 1, 2020

SUBJECT: Proposed reconstruction of a dwelling within the Erosion Hazard Limit associated with Lake Ontario, 3300 Lakeshore Road West, Town of Oakville, Regional Municipality of Halton, CH File No. A/20/O/06

Recommendation

THAT the Conservation Halton Board of Directors **receives for information the Staff Report No: CHBD 03 20 02 related to proposed development at 3300 Lakeshore Road West, Oakville, Regional Municipality of Halton, CH File No. A/20/O/06.**

And

THAT the Conservation Halton Board of Directors **approve the issuance of a permit for the reconstruction of a dwelling within the erosion hazard limit associated with Lake Ontario, 3300 Lakeshore Road West, Town of Oakville, Regional Municipality of Halton, CH File No. A/20/O/06.**

Executive Summary

On January 24, 2020, staff received an application to reconstruct a dwelling and construct a porch, stone patio, pool and concrete pool storage pad, partially within CH's regulated area at 3300 Lakeshore Road West in the Town of Oakville. The proposed porch, stone patio, pool and concrete pool storage pad encroach within the erosion hazard but meet Conservation Halton's Board-approved policies. The proposed replacement dwelling is located further from the shoreline than the existing dwelling; however, a small corner would be located within the erosion hazard limit by 2.42 metres, which does not meet CH's regulatory policies. Staff can only issue permits that meet Board approved policies.

Staff recommends approval of the proposed works as the risk to life and property on the site has been reduced through the redesign and relocation of the dwelling further from the shoreline. Further, the applicant recently replaced the shoreline protection works, as part of a previous permit approval from CH (CH File No. S/19/O/20).

Report

Background / Proposal

On January 24, 2020, Conservation Halton (CH) received a permit application to reconstruct a dwelling, as well as construct a porch, stone patio, pool, and concrete pool storage pad at 3300 Lakeshore Road West, Oakville (Figure 1 and Figure 2). The subject property abuts the shoreline of Lake Ontario and the surrounding neighbourhood is mostly comprised of residential dwellings.

The subject property is regulated by CH, pursuant to Ontario Regulation 162/06, as the site contains the flooding and erosion hazards associated with the shoreline. However, the erosion hazard is the more restrictive regulated hazard at this specific site. The erosion hazard limit for the site is 42.4 metres from the shoreline.

Approximately half of the existing residential dwelling is located within the erosion hazard. The proposed replacement dwelling is to be located further from the shoreline than existing and is mostly outside the erosion hazard limit, except a small corner of the rear of the house that would be within the hazard limit by 2.42 metres. The proposed porch, stone patio, pool, and concrete pool storage pad would be located within the erosion hazard.

On November 6, 2019, the landowner received permission from CH to replace failing shoreline protection works on the subject site (CH Permit # S/19/O/20). The upgraded shoreline protection works meet CH's technical requirements.

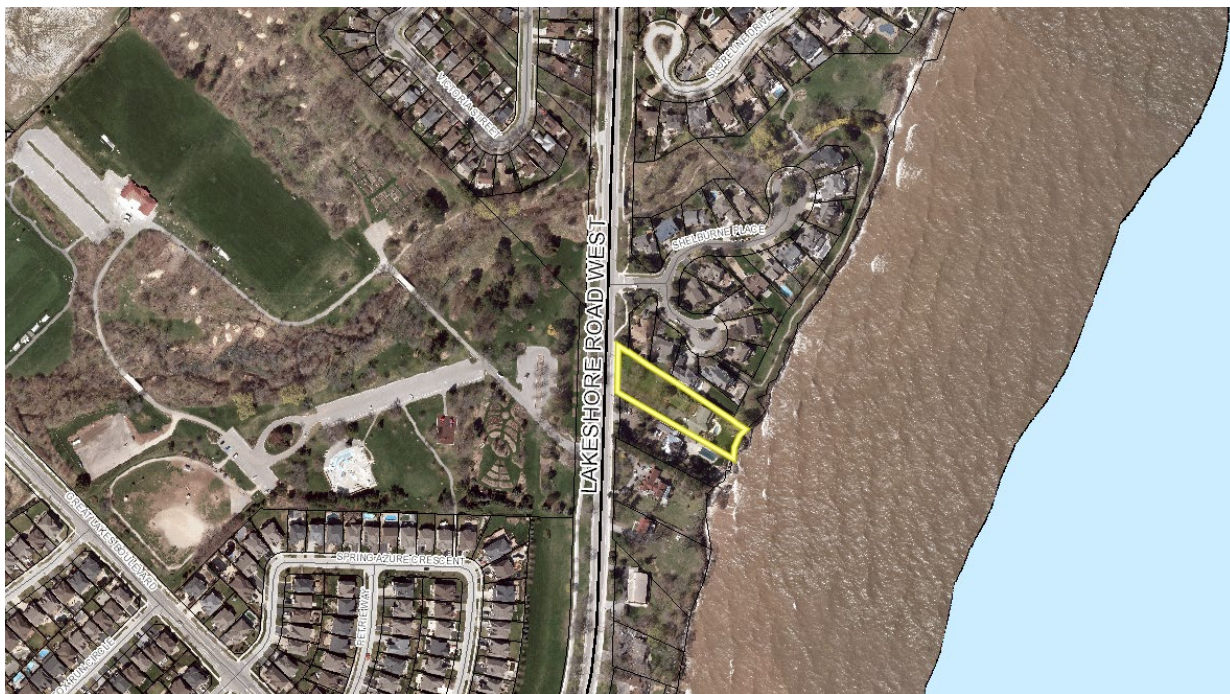


Figure 1: Key Map of 3300 Lakeshore Road West, Oakville

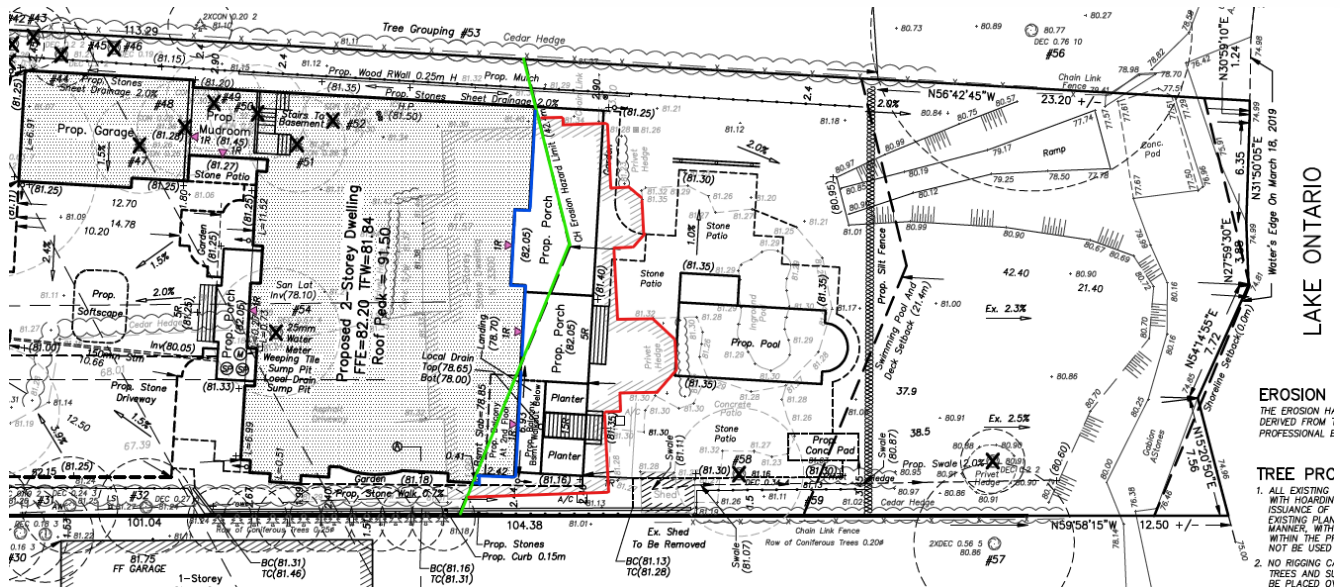


Figure 2: Proposed dwelling at 3300 Lakeshore Road West, Oakville [note: Erosion Hazard Limit (42.4m) shown in green; portion of existing dwelling within erosion hazard shown in red; and rear limit of proposed dwelling shown in blue]* The regulated area (not shown) includes an allowance 5m from the erosion hazard.

Policy Review

The proposed porch, stone patio, pool, and concrete pool storage pad are located within the erosion hazard associated with the shoreline of Lake Ontario but meet CH's Board approved policies. Policy 3.36.6 of CH's *Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document* permits swimming pools and decks to be located within the erosion hazard, provided the development setback is based on an erosion allowance and long-term stable slope allowance. Staff is satisfied that the proposed pool and porch are adequately set back from the shoreline. Policy 3.46.4 permits minor, non-habitable, detached accessory structures less than 14 square metres within the erosion hazard, provided safety concerns due to erosion hazards and shoreline slope stability are addressed. Staff is satisfied that any safety concerns associated with the proposed stone patio and concrete pool storage pad have been addressed.

Approximately half of the existing residential dwelling is located within the erosion hazard associated with the shoreline of Lake Ontario. The proposed replacement dwelling is to be located further from the shoreline than existing and is mostly outside the erosion hazard limit. A small corner of the rear of the house will be within the erosion hazard limit by 2.42 metres, which is contrary to CH's Board-approved policies (*Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document, revised February 2016*). Staff can only issue permits that meet Board approved policies.

CH staff worked with the applicant to locate the proposed dwelling outside the erosion hazard as much as possible. However, the proposed dwelling does not fully meet the CH's policies as one corner of the rear of the dwelling encroaches into the erosion hazard limit by 2.42 metres. CH's Board-approved policies allow for dwellings to be reconstructed outside the erosion hazard or engineered development setback. Policy 3.46.1 of CH's Board-approved policies states:

3.46.1 New habitable *development* may be permitted where it has been demonstrated that the *development* is not at erosion risk over a 100-year period and in accordance with the following:

- a) there is no reasonable alternative location on the subject property to locate the *development* such that it is outside of the *erosion hazard*. “Reasonable” is assessed based on whether the proposal maximizes the lot depth and width available outside of the *erosion hazard*, based on municipal zoning by-law requirements, to maximize the landward siting of the *development*; and
- b) the proposed *development* location is outside of the *erosion hazard* or Engineered Development Setback, which is determined by the *protection works standard* plus the erosion allowance plus the *long-term stable slope* allowance, as outlined in Policies 3.41 and 3.48.

The intent of Policy 3.46.1 is to limit development within the erosion hazard, if reasonable alternative locations for redevelopment are possible onsite. The applicant has relocated and redesigned the proposed dwelling in an effort to meet CH and Town requirements. Staff recommends approval of the permit for the following reasons:

- the existing dwelling, currently located in the erosion hazard, will be removed and the proposed dwelling will be located further from the shoreline and almost entirely outside the erosion hazard; the proposed encroachment is minor;
- the applicant recently replaced failing shoreline protection works on the subject site (CH Permit # S/19/O/20) which meet CH’s technical requirements; and
- the risk to life and property is significantly reduced through the relocation of the proposed dwelling and the new shoreline protection works.

In addition, the applicant has maximised the landward citing of the proposed dwelling in order to minimise the loss of trees onsite and to meet the Town’s Official Plan policies through the Town’s Site Plan process (SP1733.010-01). The applicant also received approval from the Town of Oakville’s Committee of Adjustment for a variance from the Town’s Zoning By-law to allow for a decrease to the minimum front yard setback.

Conclusion

Staff recommends that the Conservation Halton Board of Directors approve the issuance of a permit for a proposed dwelling associated with CH File A/20/O/06 for the reasons stated above.

Impact on Strategic Goals

This report supports the Metamorphosis strategic theme of Taking care of our growing communities.

The theme is supported by the objective to remain dedicated to ecosystem-based watershed planning that contributes to the development of sustainable rural, urban and suburban communities.

Financial Impact

There is no financial impact as a result of this proposal.

Signed & respectfully submitted:



Barbara Veale
Director, Planning and Watershed Management

Approved for circulation:



Hassaan Basit
CAO/Secretary-Treasurer

FOR QUESTIONS ON CONTENT:

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