

BOARD OF DIRECTORS MEETING

Thursday, May 15, 2014

Ausable Bayfield Conservation Authority Boardroom
Morrison Dam Conservation Area

DIRECTORS PRESENT

Les Falconer, Dave Frayne, Paul Hodgins, Lorie Scott, Don Shipway, Ute Stumpf, Mike Tam, Janisse Zimmerman

DIRECTORS ABSENT

Burkhard Metzger

STAFF PRESENT

Andrew Bicknell, Bev Brown, Brian Horner, Judith Parker, Rachael Scholten, Alec Scott, Brynn Upsdell-Wright

CALL TO ORDER

Chair Mike Tam called the meeting to order at 10:01 a.m. and welcomed everyone attending.

ADOPTION OF AGENDA

MOTION #BD 48/14

**Moved by Dave Frayne
Seconded by Lorie Scott**

“RESOLVED, THAT the agenda for the May 15, 2014 Ausable Bayfield Conservation Authority Board of Directors meeting be approved.”

Carried.

DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest at this meeting or from the previous meeting.

DISCLOSURE OF INTENTION TO RECORD PROCEEDINGS

None

ADOPTION OF MINUTES**MOTION #BD 49/14**

**Moved by Lorie Scott
Seconded by Paul Hodgins**

“RESOLVED, THAT the minutes of the Board of Directors meeting held on April 17, 2014 and the motions therein be approved as circulated.”

Carried.

BUSINESS OUT OF THE MINUTES

None

PROGRAM REPORT1. (a) Development Review

Andrew Bicknell, Regulations Coordinator presented the Development Review report pursuant to Ontario Regulation 147/06 Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. Through the application process, proposed developments within regulated areas are protected from flooding and erosion hazards. Staff granted permission for two *Applications for Permission*, seven *Minor Works Permits* and 116 *Applications for Permission* with NextEra Energy Canada, ULC - Varna Wind, Inc., Goshen Wind Inc., and Jericho Wind, Inc. to construct works within regulated areas specific to industrial wind generation projects.

1. (b) Violation/Appeals Update

Andrew Bicknell reported that there were no violation updates at this time.

MOTION #BD 50/14

**Moved by Lorie Scott
Seconded by Ute Stumpf**

“RESOLVED, THAT the Board of Directors affirm the approval of applications as presented in Program Report # 1 - Development Review.”

Carried.

2. Draft Watershed Management Strategy

Tim Cumming, Communications Specialist provided an update on the ABCA Watershed Management Strategy (WMS) project. In 2011-12, 34 people of the community came together as a committee to develop *The Path Forward: Your Community Conservation Strategy for Ausable Bayfield Watersheds*. The next step in the strategy process is to replace the 1995 Watershed Management Strategy with a document that would implement the 2012 Conservation Strategy over the next 20 years. The purpose of the WMS is to provide direction to the ABCA staff and directors on determining programs, services and partnerships that are needed to protect, improve, conserve and restore the watershed. The staff steering committee is meeting monthly to develop

recommendations on identifying and addressing the watershed challenges of forest cover, wetland cover, water quality, development and socio-economic pressures. The WMS will provide input to the 5 year budgeting process and support the day-to-day work with tools for staff to work on projects as a team and not just in departments. It is anticipated the WMS will be completed by the end of the year for Board approval.

MOTION #BD 51/14**Moved by Lorie Scott****Seconded by Dave Frayne**

“RESOLVED, THAT the Board of Directors move out of the regular meeting and convene as a Hearing pursuant to Ontario Regulation 147/16 at 10:25 a.m.”

Carried.

HEARING**Pursuant to Ontario Regulation 147/06****(Development, Interference with Wetlands and Alteration to Shorelines and Watercourses)****DIRECTORS PRESENT**

Les Falconer, Dave Frayne, Paul Hodgins, Lorie Scott, Don Shipway, Ute Stumpf, Mike Tam, Janisse Zimmerman

DIRECTORS ABSENT

Burkhard Metzger

OTHERS PRESENT

Mr. & Mrs. John Carter, Colin Atkinson, Dan Sageman, Mr. Carter

CALL TO ORDER

Chair Mike Tam called the Hearing pursuant to Ontario Regulation 147/06, to order at 10:25 a.m. for consideration of Application for Permission #2013-35. The Chair welcomed those attending and the applicant Mr. John Carter was introduced along with Dusty Carter, Colin Atkinson, P.Eng, Dan Sageman and Mr. Carter. The procedures for conducting the Hearing were stated and Chair Tam asked Andrew Bicknell, Regulations Coordinator for the Ausable Bayfield Conservation Authority to provide details on the application.

Mr. Bicknell advised that the property is located at #33890 North Street, Lot 26, Concession LRW, geographic township of Hay, Municipality of Bluewater. The applicant proposes to build an addition onto an existing structure and has submitted a permit application to the ABCA.

The existing structure is a one storey frame house approximately 1,200 sq. ft in size. The proposed addition includes 865 sq. feet of first floor living space; plus a proposed basement of 655 sq. feet; and proposed garage upper level of 330 sq. feet. This results in an increase in gross floor area of 154% in comparison to the existing footprint area of 1,200 sq.feet.

The applicant commissioned a geotechnical study to support the *Application for Permission*. Mr. Colin Atkinson, P.Eng., concluded in his report that a portion of the existing structure lies within the stable top of bank and staff understand that a portion of the existing building is presently at risk because of potential slope failure due to the steepness of the slope and how close the building is located to the physical top of slope.

ABCA policies generally direct that no new development or redevelopment is permitted within 15 metres of the stable top of bank of valley features. The ABCA does have an 'exception' policy that recognizes the existing use and permits a modest increase to support a smaller building addition. The applicant chose to proceed to a Hearing before the Board with the proposed increase in footprint, understanding that ABCA staff have not accepted the Atkinson study and continue to seek clarification in regard to the toe erosion allowance suggested in the study.

Authority policy reads as follows:

Section 3.22.3 Additions to Existing Structures states: Where an existing building is within the stable top of bank, an addition may be permitted provided: a) a geotechnical assessment with recommendations which when implement will ensure the stability of the existing and proposed development to the satisfaction of the ABCA is submitted and the gross floor area of the addition does not exceed 20% of the existing foundation area - the foundation area associated with non-habitable areas such as an attached garage, is not to be used in the calculation of the size of the addition (note that this calculation is to include any upper storeys proposed).

The objective of the ABCA policies is to minimize property damage, social disruption and risk of life.

Based on the geotechnical study results, the existing structure does encroach into the stable top of bank and the proposed addition exceeds the permitted 20% increase, as the proposed addition represents a 154% increase in size. In conclusion, staff recommend that Application #2013-35 be denied.

Director Lorie Scott asked if the garage could be removed and relocated to reduce the living space. Another question was whether there is a basement in the existing structure. The response was that there is no basement in the existing building as it is built on pylons. Dan Sageman clarified that the building has been there for 64 years with no evidence of moving due to instability. Andrew Bicknell reiterated that the study findings in the geotechnical report have not been accepted as of yet.

Chair Tam asked the applicant John Carter, to make his presentation. Mr. Carter stated he is a real estate appraiser. He and his family are residing year-round in the Shadeview Subdivision. He circulated some handouts to show comparisons to properties along the shoreline with larger homes in his area. He stated Craig Metzger, planner with Huron County indicated there is ample room for upgrading the septic systems.

In 1994, the ABCA approved the addition of a sunroom and there was no problem. Alec Scott, Water & Planning Manager clarified that the province revised the Regulations in 2006, whereby the sunroom may not have been permitted under Ontario Reg 147/06.

The applicant stated he did have a geotechnical study completed to support the application. In response, Andrew Bicknell stated that the report has not been accepted. Staff continue to have questions regarding the study results in terms of risk due to the slope. The directors questioned whether alternative solutions had been discussed as Mr. Carter felt staff were always responding in the same manner. Andrew Bicknell suggested it has been a lengthy process, however staff's message has been consistent to Mr. Carter throughout the process. He has brought forth different proposals from different agent(s), which staff have considered and Mr. Carter is welcome to submit a revised application for ABCA consideration.

COMMITTEE OF THE WHOLE

MOTION #BD 52/14

**Moved by Lorie Scott
Seconded by Dave Frayne**

“RESOLVED, THAT the Hearing Board go into Committee of the Whole to deliberate on Application #2013-35 at 11:20 a.m. with Brian Horner and Judith Parker remaining in attendance.”

Carried.

MOTION #BD 53/14

**Moved by Janisse Zimmerman
Seconded by Les Falconer**

“RESOLVED, THAT the Hearing Board rise and report at 11:43 a.m.”

Carried.

Those attending the Hearing returned to the boardroom and Chair Tam asked for a motion regarding the decision of the Board.

MOTION #BD 54/14

**Moved by Paul Hodgins
Seconded by Don Shipway**

“RESOLVED, THAT the Board of Directors concur with the staff recommendation and deny Application #2013-35 pursuant to Ontario Regulation 147/06.”

Carried.

MOTION #55/14

**Moved by Lorie Scott
Seconded by Janisse Zimmerman**

“RESOLVED, THAT staff prepare a report for the Board of Directors that determines how and why the 20% increase in existing foundation area was arrived at when developing the *ABCA Policy & Procedures Manual for the Administration of Ontario Regulation 147/06 Development, Interference & Alteration Regulations.*”

Carried.

MOTION #56/14

**Moved by Lorie Scott
Seconded by Les Falconer**

“RESOLVED, THAT the application fee be waived for Mr. John Carter if a revised *Application for Permission* is submitted for a proposed addition to the existing building at Lot 26, Concession LRW, Municipality of Bluewater.”

Carried.

ADJOURNMENT OF HEARING

MOTION #BD 57/14

**Moved by Dave Frayne
Seconded by Lorie Scott**

“RESOLVED, THAT the Hearing be adjourned at 11:45 a.m. and the Board of Directors reconvene in the regular meeting.”

Carried.

The applicant and others attending the Hearing left the Boardroom.

PRESENTATION

Brynn Upsdell-Wright, Water Quality Technician gave a presentation on *Escherichia coli* in the Main Bayfield watershed: water quality monitoring for the Bayfield Ratepayers Association. The Bayfield community would like to maintain the Blue Flag status and need to look at *E.coli* in the main Bayfield watershed. There are 10 sampling locations (2 on Bayfield River and 8 on the tributaries). During June - November samples are taken every 2 weeks when people are swimming and in the fall when there is more rainfall.

The Rural Stormwater Management Model project targets water sampling following rain events from January to December. The water quality data is collected and interpreted into geometric mean, 90th percentile and box plots to compare against the Ontario recreation guidelines of 100 cfu/ml for *E.coli* concentrations. Results showed only 2 of 10 sites had 90th percentile. Concentrations tended to be higher in the tributaries. The Bayfield main beach is more protected by the pier than the south beach which experiences more turbulence and higher concentrations. The next steps are: 1) to continue to monitor *E.coli*; 2) engage the community in citizen science opportunities and stormwater management activities such as the successful rainbarrel campaign and rain garden education workshop; 3) pursue funding for further water quality sampling.

GENERAL MANAGER'S REPORT

Brian Horner provided a written report with a brief update on the progress of various projects, staff training and development, upcoming meetings and activities held over the previous month.

COMMITTEE REPORTS**MOTION #BD 58/14**

**Moved by Lorie Scott
Seconded by Ute Stumpf**

“RESOLVED, THAT the minutes of the Arkona Lions Museum Management Committee meeting held on May 1, 2014 and the motions therein be approved as presented.”

Carried.

CORRESPONDENCE

- a) Reference: Appeal to Mining and Lands Commissioner
File: W.5.2.5.1
Brief: Confirmation was received from Daniel Pascoe, Registrar/Mediator with the Office of the Mining & Lands Commissioner that an appeal has been filed by Goodison Fisheries against the ABCA. The appellant has requested to delay the issuance of the Order To File documentation until there is an opportunity to mediate a resolution.

NEW BUSINESS

1. Ute Stumpf requested that staff organize a property tour throughout the watershed now that there are so many industrial wind energy projects being constructed. Brian Horner advised that the directors could accompany the Huron Tract Land Trust Conservancy property tour that is being organized this summer.
2. Dave Frayne asked that a date be chosen for the Human Resource Committee to meet with the General Manager for the six-month review.

ADJOURNMENT

The meeting was adjourned at 12:13 p.m.

Mike Tam
Chair

Judith Parker
Corporate Services Coordinator

*Copies of Program Reports are available upon request.
Contact Judith Parker, Corporate Services Coordinator.*