

BOARD OF DIRECTORS MEETING

Thursday, April 15, 2021

Ausable Bayfield Conservation Authority Boardroom
Morrison Dam Conservation Area

VIA VIDEO CONFERENCE

HEARING

Pursuant to Ontario Regulation 147/06

(Development, interference with Wetlands and Alteration to Shorelines and Watercourses)

DIRECTORS PRESENT

Ray Chartrand, Doug Cook, Adrian Cornelissen, Bob Harvey, George Irvin, Dave Jewitt, Marissa Vaughan, Alex Westman

DIRECTORS ABSENT

Mike Tam

STAFF PRESENT

Geoff Cade, Abbie Gutteridge, Davin Heinbuck Brian Horner, Daniel King, Mary Lynn MacDonald, Tracey McPherson, Sharon Pavkeje, Meghan Tydd-Hrynyk, Mari Veliz, Ross Wilson

OTHERS PRESENT

Clint Hamilton, Michelle Hamilton, Brian Naish

CALL TO ORDER

Chair Doug Cook called the virtual Hearing pursuant to Ontario Regulation 147/06, to order at 10:05 a.m. for consideration of Permit Application #2021-24. The chair welcomed the applicants and other attendees.

Chair Cook stated the procedures for conducting the Hearing and asked Meghan Tydd-Hrynyk, Planning and Regulations Officer, to provide details on the application.

Ms. Tydd-Hrynyk advised that the subject property was located at 4553 McGillivray Drive, near Brinsley Road. The Ausable River flows along the east side of the property. The applicants are proposing to add an addition to their house on the east side.

The ABCA has regulatory responsibility of the floodplain area under Ontario Regulation 147/06, but does allow for moderate additions to living space. ABCA staff had been working with the applicant to meet the requirements. When the application was submitted, it did not reflect what had been previously discussed. A 30 percent increase is allowable in the floodplain, based on the footprint of

the foundation. The footprint of the current structure is 1000 square feet, meaning a 300 square foot addition is allowable. Staff were prepared to allow 347 square feet, as per discussions in August 2020. When the application was received in October 2020, the applicant was proposing a second story, which increased addition to approximately 880 square feet. This is an 80 percent increase, and is not permitted by ABCA regulations. Flood depth mapping models this flood plain area as having the potential for 1.4 metres of flooding. ABCA staff recommend that this permit be denied.

The Chair asked Clint Hamilton to present as the applicant. Mr. Hamilton noted that three generations of their family had lived in the house, and that they wanted to have enough living space for their four children, including bedrooms for everyone. He noted that the original drawing discussed with staff in August was smaller than originally planned, but could not see how it would be enough space. He noted that the foundation footprint would still only increase by just above 30 percent.

COMMITTEE OF THE WHOLE

MOTION #BD 38/21

**Moved by George Irvin
Seconded by Marissa Vaughan**

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 10:27 a.m. to discuss the information presented at the Hearing, with Brian Horner, Abbie Gutteridge, and Tracey McPherson remaining in attendance.”

Carried.

MOTION #BD 39/21

**Moved by Dave Jewitt
Seconded by George Irvin**

“RESOLVED, THAT the Committee of the Whole rise and report at 10:42 a.m.

Carried.

Those in attendance at the Hearing were invited back into the Zoom meeting and the Chair asked the Board for a decision.

MOTION #BD 40/21

**Moved by Adrian Cornelissen
Seconded by Alex Westman**

“RESOLVED, THAT the Ausable Bayfield Conservation Authority Board of Directors not support the staff recommendation and approve Application for Permission #2021-24 pursuant to Ontario Regulation 147/06 *Development, Interference with Wetlands and Alteration to Shorelines or Watercourses.*”

Carried.

BOARD OF DIRECTORS MEETING

DIRECTORS PRESENT

Ray Chartrand, Doug Cook, Adrian Cornelissen, Bob Harvey, George Irvin, Dave Jewitt, Marissa Vaughan, Alex Westman

DIRECTORS ABSENT

Mike Tam

STAFF PRESENT

Geoff Cade, Abbie Gutteridge, Davin Heinbuck, Brian Horner, Daniel King, Mary Lynn MacDonald, Tracey McPherson, Sharon Pavkeje, Meghan Tydd-Hrynyk, Mari Veliz, Ross Wilson

CALL TO ORDER

Chair Doug Cook called the virtual meeting to order at 10:53 a.m. and welcomed everyone in attendance.

ADOPTION OF AGENDA

MOTION #BD 41/21

**Moved George Irvin
Seconded by Ray Chartrand**

“RESOLVED, THAT the agenda for the April 15, 2021 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

Chair Cook noted that this meeting was being recorded on Zoom for temporary posting online.

ADOPTION OF MINUTES

MOTION #BD 42/21

**Moved by Alex Westman
Seconded by Bob Harvey**

“RESOLVED, THAT the minutes of the Board of Directors meeting held on March 18, 2021 and the motions therein be approved as circulated.”

Carried.

BUSINESS OUT OF THE MINUTES

Proposed Shoreline Policy Update, Dynamic Beach Areas

Geoff Cade, Manager of Water & Planning, noted that the results of the public comment period were posted on the ABCA website shortly following the March 18, 2021 Board of Directors Meeting. Staff have reached out to their solicitor, who in turn has reached out to the primary agent representing many landowners in the affected shoreline area. Discussions between the solicitor and agent are ongoing.

PROGRAM REPORTS

1. (a) Development Review

Meghan Tydd-Hrynyk, Planning & Regulations Officer, 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 10 *Applications for Permission* and 8 *Minor Works Applications*.

MOTION #BD 43/21

**Moved by Alex Westman
Seconded by Adrian Cornelissen**

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

Carried.

(b) Violations/Appeals Update

Daniel King, Regulations Coordinator, advised that staff are still working on a number of violations, including some that are before the courts. At present some settlements are being discussed, and staff hope to have more information at a later date.

MOTION #BD 44/21

**Moved by Bob Harvey
Seconded by George Irvin**

“RESOLVED, THAT the Board of Directors receive the information as presented in Program Report #1 - b) Violations/Appeal Update.”

Carried.

2. Flood Emergency Planning Meeting

Davin Heinbuck, Water Resources Coordinator, provided a report on the 2021 Annual Flood Emergency Planning Meeting that was held virtually on March 2, 2021. ABCA Member Municipalities and other stakeholders were invited to attend. In 2021, 25 people attended the meeting including representatives from six watershed municipalities and all four counties. Some of the presentations included the roles and responsibilities in flood emergencies, issues surrounding the lake

levels and Lake Huron Shoreline, developing shoreline thresholds and messaging, as well as flood events and responses in 2020. In general, attendees agreed that it is worthwhile for the ABCA to hold these annual meetings.

MOTION #BD 45/21

**Moved by Ray Chartrand
Seconded by Marissa Vaughan**

“RESOLVED, THAT the report on the Annual Flood Emergency Planning Meeting be received as presented.”

Carried.

3. Stewardship Clusters Project

Mari Veliz, Healthy Watersheds Manager, provided a update on some of the Healthy Lake Huron work completed through funding from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). From 2018 to 2020, OMAFRA supported a “stewardship cluster” to review past communication approaches, interview key agricultural leaders to better understand environmental concerns and develop new partnerships. This funding also supported conducting social norming research and encouraged staff to employ novel communication approaches to support provincially developed tools to help landowners manage erosion and nutrients. Learning from other experts helped to develop common goals and expand messaging about soil health, agricultural best management practices and water quality. While staff will certainly continue to use education and outreach, field visits and in-person interactions when the pandemic comes to an end, they will also continue to use new skills developed through this project, such as effective use of social media, to reach broader audiences.

MOTION #BD 46/21

**Moved by George Irvin
Seconded by Alex Westman**

“RESOLVED, THAT the report on the Stewardship Clusters Project be received as presented.”

Carried.

4. WECI Application – Armstrong West Erosion Control Repair

Ross Wilson, Water and Soils Resource Coordinator, advised the Board that the ABCA made an application to the Province of Ontario for WECI funding to help with needed repairs and remediation to the site. It is currently unknown if the project will proceed, or what solution will be accepted by interested parties, but the application was made due to timing restrictions from the province and in anticipation of consensus on a solution. The total project cost is estimated at \$50,000. To complete the application for WECI, Board support is required. As such, staff recommend that the Board approves the restorations works required to repair the Armstrong West Erosion Control Structure subject to funding support and consensus between all parties, and that if this work takes place in 2021 with funds being drawn from reserves and returned in budget year 2022.

MOTION #BD 47/21

**Moved by Ray Chartrand
Seconded by Dave Jewitt**

“RESOLVED, THAT the Board of Directors for the Ausable Bayfield Conservation Authority approves the restoration works required to repair the Armstrong West Erosion Control Structure subject to funding support from the Province of Ontario and subject to achieving a majority consensus with the impacted partners, and

“FURTHER, THAT should the work take place in 2021 that the ABCA and landowner share be drawn from reserves and returned in budget year 2022.”

Carried.

5. WECI Application – Parkhill Dam Electrical Upgrades

Ross Wilson advised the Board that during a recent electrical repair to some of the equipment at the Dam, it was noticed that the interior of the main control box had become severely rusted. This rust is likely due to exposure of the system to the elements during the first 20 years of use prior to the construction of the control building. An estimated cost of \$10,000 was provided by the electrician. Staff have already made application to the Province for funding, due to time restrictions. To complete the application, staff are required to show support from the ABCA Board of Directors. As such, staff recommend that the Board approved the repair works required on the Parkhill Dame subject to funding support from the Province, and that if the work goes ahead in 2021 the ABCA and municipal share be drawn from reserves and returned in the 2022 budget year.

MOTION #BD 48/21

Moved by Bob Harvey

Seconded by Adrian Cornelissen

“RESOLVED, THAT the Board of Directors for the Ausable Bayfield Conservation Authority approves the repair works required on the Parkhill Dam electrical control subject to funding support from the Province of Ontario, and

“FURTHER, THAT should the work take place in 2021 that the ABCA and municipal share be drawn from reserves and returned in budget year 2022.”

Carried.

6. WECI Application – Port Franks Marina Erosion Control Project

Ross Wilson presented a WECI application for the Port Franks Marina Erosion Control Project. The shoreline along the northeast corner of the marina has sustained substantial erosion, which is threatening the stability of the ABCA’s water level gauged in Port Franks. Emergency repairs were undertaken in 2020, but a permanent solution is needed. The total cost of the project is estimated at \$50,000. ABCA staff have made an application to the Ministry of Natural Resources and Forestry’s WECI funding, but requires support from the ABCA board to complete the application. As such, staff recommend that the Board approve the restoration works required to repair the Port Franks hydrometric gauge subject to funding support from the province, and that the ABCA and municipal portions be drawn from reserved and returned in the 2022 budget year.

MOTION #BD 49/21

Moved by George Irvin

Seconded by Bob Harvey

“RESOLVED, THAT the Board of Directors for the Ausable Bayfield Conservation Authority approves the restoration works required to repair the Port Franks hydrometric gauge subject to funding support from the Province of Ontario, and

“FURTHER, THAT should the work take place in 2021 that the ABCA and municipal share be drawn from reserves and returned in budget year 2022.”

Carried.

7. Conservation Authority Act Changes

Brian Horner, General Manager, provided an update on the changes to the *Conservation Authorities Act*. He provided the Board with the Summary of Changes Interpretation, Required or Recommended Actions, as well as the Date in Force for each section. ABCA has responded or followed up where action is or has been required. For example, Board Meeting minutes are now required to be posted within 30 days following a meeting. While this was already being done through correspondence with member municipalities, Draft Minutes are now being posted on the ABCA website. ABCA staff will continue to make sure actions will continued to be accomplished by the Date in Force.

MOTION #BD 50/21

**Moved by Alex Westman
Seconded by Dave Jewitt**

“RESOLVED, THAT the update on the changes to the *Conservation Authorities Act* be received as presented.”

Carried.

8. 1st Quarter Profit and Loss Statement

Brian Horner presented the financial statement for January through March 2021 with comparables to the 2021 budget.

MOTION #BD 51/21

**Moved by Adrian Cornelissen
Seconded by Dave Jewitt**

“RESOLVED, THAT the 1st Quarter Profit and Loss Statement be received as presented.”

Carried.

9. Staff and Board Member Years of Service Awards Update

Brian Horner advised the Board that there are a number of staff receiving Years of Service Awards, as well as two Board members. Staff and Board members will be recognized over the next several Board Meetings. Brian made special note that Bev Brown, who is retiring at the end of April, received her award for 15 years of service, and thanked her for her dedicated work over the past 15 years.

CORRESPONDENCE

- a) Reference: Acknowledgement from Ministry of the Environment, Conservation and Parks
File: A.5.8

Brief: Correspondence from Kelley Katona, Director of the Conservation and Source Protection Branch thanking the ABCA for our submission of information to Minister Yurek regarding the Authority Members.

- b) Reference: Letter from Mr. Damstra (Lerners LLP) Regarding the Shoreline Management Plan File: W.4.11.1

Brief: A letter to Brian Horner and Geoff Cade, dated March 30, 2021, regarding the Shoreline Management Plan proposed changes to the shore protection policy.

NEW BUSINESS

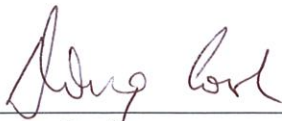
Dave Jewitt asked if staff members can or would be willing to provide comments or recommendations to the Board, should the Board decide to reject staff recommendations during future Hearings and approve applications for permits. Geoff Cade spoke to this questions and would not recommend it as it would go against what was in the approved policies and advised that it could create liability issues for the Board or the ABCA.

Marissa Vaughan asked if it would be possible for Board members to receive information regarding upcoming hearings in order to be prepared. Geoff Cade responded that as we are governed by evidentiary procedures, and in order to prevent bias all parties involved in the Hearing, including staff, Board members, and the applicants, are presented with evidence at the same time.

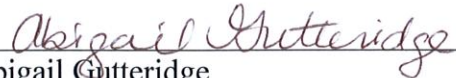
Adrian Cornelissen expressed his concern with the number of people who have been visiting Mystery Falls in the Arkona/Parkhill area over the last number of weeks. He advised that there have been a number of complaints by those living in the area about the visitors. Many visitors are from out of town and the area could see up to 150 cars per day. He is looking to receive some advice or assistance from the ABCA with respect to enforcement of rules for conservation lands. Brian Horner responded to this concern, noting that the ABCA has been working with North Middlesex Municipality, as well as an enforcement unit, to address these concerns and that this process will continue.

ADJOURNMENT

The meeting was adjourned at 11:47 a.m.



Doug Cook
Chair



Abigail Gutteridge
Corporate Services Coordinator

*Copies of program reports are available upon request.
Contact Abigail Gutteridge, Corporate Services Coordinator*