

BOARD OF DIRECTORS MEETING

Thursday, September 19, 2024
Ausable Bayfield Conservation Authority Boardroom
Morrison Dam Conservation Area

HEARING

Pursuant to Ontario Regulation 41/24
(Prohibited Activities, Exemptions and Permits)

DIRECTORS PRESENT

Ray Chartrand, Adrian Cornelissen, Joey Groot, Steve Herold, Jaden Hodgins, Dave Jewitt, Dave Marsh, Wayne Shipley, Marissa Vaughan

STAFF PRESENT

Andrew Bicknell, Geoff Cade, Aaron Clarke, Tina Crown, Abbie Gutteridge, Davin Heinbuck, Brian Horner, Daniel King, Erik Strahl, Ellen Westelaken

OTHERS PRESENT

Mr. Greg Lamport

CALL TO ORDER

Ausable Bayfield Conservation Authority (ABCA) Chair Marissa Vaughan called the Hearing pursuant to Ontario Regulation 41/24 to order at 9:58 a.m. for the consideration of Permit Application #2024-41 to order. The Chair welcomed the applicant representative, Board members and staff.

Chair Vaughan stated the procedures for conducting the Hearing and informed those in attendance that Mr. Lamport asked to record the Hearing. ABCA has not permitted recording during past hearings, and does not currently have a policy regarding recording of hearings. Chair Vaughan recommended that the Directors go into Committee of the Whole to discuss the matter briefly before conducting the Hearing.

MOTION #BD 67/24

Moved by Ray Chartrand
Seconded by Jaden Hodgins

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 10:01 a.m. with Abbie Gutteridge, Davin Heinbuck and Geoff Cade remaining in attendance.”

Carried.

MOTION #BD 68/24**Moved by Wayne Shipley
Seconded by Ray Chartrand****“RESOLVED, THAT the Board of Directors rise and report at 10:11 a.m.”****Carried.**

Chair Vaughan told those in attendance that they would not be permitting the recording of the Hearing, and would pursue making a policy on recordings for the future. She proceeded to the Hearing and asked Geoff Cade, Manager of Water and Planning, to provide details on the application.

Mr. Cade introduced Mr. Greg Lamport to the Board, and noted that this permit was submitted by Greg and Karen Lamport. He advised that the application in question was for the reconstruction of their cottage, which sits below the top of bank and within the 15 m wave uprush at 73645 Laporte St. in the Municipality of Bluewater. He noted that this area has a lower erosion rate, and that there is an existing seawall. The application proposes rebuilding the cottage on the existing foundation due to the current age of the cottage. The foundation of the current cottage was new in 2007. Mr. Cade reported that this application could not be permitted under current ABCA shoreline management policies due to its location, and that it does not meet the tests laid out in sections 28.1.a and 28.1.b of the *Conservation Authorities Act*.

Directors had questions for Mr. Cade, including asking if the foundation was approved in 2007, what would be the difference of approving a new structure on the same foundation? Mr. Cade indicated the policies were in place to protect life and property, and this rebuild would continue to put life and new property at risk. Mr. Lamport noted that there has been increased shoreline protection put into place for the property and neighbouring properties. He also asked Mr. Cade if there was any legal mechanism in place to force a cottage to be moved. Mr. Cade indicated that there was not.

Chair Vaughan asked Mr. Lamport to present to the Board. Mr. Lamport acknowledged that there is flooding and waves, and that water levels do increase at times. He noted that the original shoreline protection was installed in 1987 following the high lake levels of 1986. In 2020, the neighbouring cottages also installed shoreline protection. He reported that they originally wanted to add a loft bedroom onto the cottage, but realized that that might cause more concern, so just want to rebuild the cottage on the existing foundation. He noted that he did have conversations with staff about good ways to renovate the cottage that would be permitted, but that this would be a significant amount of work, more so than rebuilding with new materials. He noted that the square footage of the cottage would be remaining the same and that they are very open to replacing the shoreline protection in the future to continue to mitigate the risk to the property.

Directors had several questions for Mr. Lamport. They confirmed with Mr. Lamport that this would be a like-for-like construction in square footage. They also asked if he intended to use the cottage year-round. Mr. Lamport noted that while they won't be living there full time, it would be available

for use year-round. They also inquired as to whether or not there had been any water infiltration through the current foundation, to which Mr. Lamport indicated there had not.

Directors decided to go into Committee of the Whole to discuss the application and evidence.

COMMITTEE OF THE WHOLE

MOTION #BD 69/24

**Moved by Dave Jewitt
Seconded by Wayne Shipley**

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 11:31 a.m. to discuss the application with Davin Heinbuck and Abbie Gutteridge remaining in attendance.”

Carried.

MOTION #70/24

**Moved by Jaden Hodgins
Seconded by Ray Chartrand**

“RESOLVED, THAT the Committee of the Whole rise and report at 11:51 a.m.

Carried.

Directors welcomed attendees back into the meeting and reported their decision regarding the permit application.

MOTION #71/24

**Moved by Wayne Shipley
Seconded by Dave Marsh**

“RESOLVED, THAT the Ausable Bayfield Conservation Authority approves Permit Application #2024-41 as presented.”

Carried.

ADJOURNMENT

The Hearing was adjourned at 11:52 a.m.

BOARD OF DIRECTORS MEETING

DIRECTORS PRESENT

Ray Chartrand, Adrian Cornelissen, Joey Groot, Steve Herold, Jaden Hodgins, Dave Jewitt, Dave Marsh, Wayne Shipley, Marissa Vaughan

STAFF PRESENT

Elizabeth Balfour, Andrew Bicknell, Geoff Cade, Aaron Clarke, Tina Crown, Cassie Greidanus, Abbie Gutteridge, Davin Heinbuck, Brian Horner, Daniel King, Erik Strahl, Mari Veliz Ellen Westelaken.

CALL TO ORDER

Acting Chair Ray Chartrand called the meeting to order at 11:57 a.m., welcomed everyone in attendance, and read the Land Acknowledgement Statement.

ADOPTION OF AGENDA

MOTION #BD 72/24

**Moved Joey Groot
Seconded by Steve Herold**

“RESOLVED, THAT the agenda for the September 19, 2024, 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

None

ADOPTION OF MINUTES

MOTION #BD 73/24

**Moved by Dave Marsh
Seconded by Jaden Hodgins**

“RESOLVED, THAT the minutes of the Board of Directors meeting held on July 18, 2024, and the motions therein be approved as circulated.”

Carried.

BUSINESS OUT OF THE MINUTES

None

PROGRAM REPORTS**1. (a) Development Review**

Andrew Bicknell, Senior Regulations Coordinator, presented the Development Review report pursuant to Ontario Regulation Ontario Regulation 41/24 *Prohibited Activities, Exemptions and Permits*. Through the application process, proposed developments within regulated areas are protected from flooding and erosion hazards. Staff granted permission for 4 *Application for Permission* and 19 *Minor Works Applications*.

(b) Violation/Appeals Update

Geoff Cade, Water and Planning Manager, updated Directors on several violations that have been resolved. The property owner of a large deck on the lakefront in Bluewater has pleaded guilty and will be removing several portions of the deck by the end of the year. In addition, the violation regarding a sea wall installation in Beach O' Pines in Lambton Shores has also been resolved.

MOTION #BD 74/24

**Moved by Wayne Shipley
Seconded by Jaden Hodgins**

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

Carried.

2. Permit Application

Geoff Cade reminded the Board about a Hearing that was held in September 2023, where the application was denied to rebuild the existing residence at 75129A Lakewood Drive in the Municipality of Bluewater. This decision was then appealed to the Ontario Land Tribunal (OLT). Staff had suggested an alternative to the landowners during the Hearing presentation, which would see the new structure constructed in a location where it would otherwise have not been permitted; however, due to the constrained property staff were willing to make some exceptions.

During the preparation for the OLT Hearing, the applicants and staff reached a formal agreement, which would see a new application proposing like-for-like development, and the retention of a geotechnical engineer to determine the stable slop angle for the bank and recommend an appropriate development setback. As part of the agreement, staff would request permission from the Board to approve the application, providing all concerns had been addressed. The applicants will also withdraw their appeal to the OLT if approved. Staff have now reviewed the new application and are satisfied that concerns have been addressed, and therefore recommends that the Board authorizes staff to permit the proposed development.

MOTION #BD 75/24

**Moved by Adrian Cornelissen
Seconded by Jaden Hodgins**

“RESOLVED, THAT the Ausable Bayfield Conservation Authority Board of Directors authorizes the issuance of Permit #2024-37 as drafted by staff.”

Carried.

3. Planning and Regulations Fees

Davin Heinbuck reminded the Directors that conservation authorities received a Minister’s Direction on December 28, 2022, effective January 1, 2023, from the Minister of Natural Resources and Forestry to freeze Planning and Regulations fees for a one year period. This was followed by a subsequent freeze extending until December 31, 2024. The fee freezes are beginning to cause ripple effects within all conservation authorities, and staff recommend reaching out to member municipalities asking them to join in sending a letter to the Minister of Natural Resources asking for a reversal of the Direction to freeze fees for planning, development and permitting.

MOTION #BD 76/24

Moved by Ray Chartrand

Seconded by Jaden Hodgins

“RESOLVED, THAT the Ausable Bayfield Conservation Authority Board of Directors approve the distribution of the letter (attached), to ABCA’s member municipalities to support the signing of the letter to the Minister of Natural Resources, asking for the reversal of the continued fee freezes for planning, development, and permitting, and

“FURTHER, THAT the draft letter to the minister (attached) be amended to include support from the respective members heads of council.”

Carried.

4. Solicitor Update

Davin Heinbuck noted that at the February 15, 2024 Board of Directors meeting, the Board approved three solicitors: Little, Masson & Reid, Exeter; Raymond & McLean, Exeter; and Grant Inglis of Scott Petrie LPP of London. ABCA’s previous Prosecutor, Trudy Mauth, was called to the bench as Justice of the Peace, and therefore ABCA staff initiated the process to find a replacement. Staff are happy to recommend Fraser M. Kelly, Barrister and Solicitor of London, ON, who comes highly recommended by Trudy Mauth and Grant Inglis, and is used by other local conservation authorities.

MOTION #BD 77/24

Moved by Dave Marsh

Seconded by Dave Jewitt

“RESOLVED, THAT the Ausable Bayfield Conservation Authority Board of Directors approve the appointment of Solicitor, Fraser M. Kelly, Barrister and Solicitor.”

Carried.

5. Parkhill Dam Roof Repair

During regular routine infrastructure inspections, several leaks and corrosion were identified in the roof of the Parkhill Dam control building. Maintenance of this kind is eligible for 50 per cent funding through the Water and Erosion Control Infrastructure (WECI) program. ABCA made an application to the WECI program this past spring to address this issue and was informed by the Ministry of Natural Resource that the application was successful. ABCA expects to receive a grant of \$3,500, based on a total cost of \$7,000. Thus, staff are requesting that the remaining \$3,500 be apportioned 25% to the ABCA (from reserves), and 75% be applied to the Special Benefitting municipalities.

MOTION #BD 78/24

Moved by Dave Jewitt

Seconded by Joey Groot

“RESOLVED, THAT the Ausable Bayfield Conservation Authority Board of Directors authorize staff to hire a safety contractor for the design and installation of an engineered safety anchor, and

“FURTHER, THAT the \$3,500 remaining for the roof repair cost be apportioned 25% to ABCA, with those costs coming from reserves, and

“FURTHER, THAT 75% of the remaining costs (\$3,500) be applied to the Special Benefitting municipalities as per the existing agreement.”

Carried.

6. Conservation Education Update

Cassie Greidanus provided the Board of Directors with an update on the activities of the Education department throughout the past year. She noted several staff have been particularly helpful this year, including Rosalind Chang, Elizabeth Cade (summer student) and Kayley Thompson (Day Camp Assistant). Non-profit programs, funded through the Ausable Bayfield Conservation Foundation, were delivered to local libraries as well as many non-profit groups such as Scouts, Guides and youth organizations. From January to September, educators spoke to 3002 students, 524 adults through 125 programs including 75 field trips and 50 in-school programs. A number of other education events also occurred throughout the year such as Envirothon, local fairs and the annual turtle hatchling release. In addition, conservation educators offered four weeks of Nature Day Camp, as well as single day camps at several different conservation area properties. The last quarter of the year promises to be busy with school programs, and staff are looking forward to a rewarding 2025.

MOTION #BD 79/24

Moved by Dave Marsh

Seconded by Steve Herold

“RESOLVED, THAT the Ausable Bayfield Conservation Authority Board of Directors receives the Conservation Education Update for information as presented.”

Carried.

GENERAL MANAGER'S REPORT

Davin Heinbuck provided a written report with a brief update on the progress of various projects, staff training, upcoming meetings and events, and general activities.

MOTION #BD 80/24

**Moved by Wayne Shipley
Seconded by Ray Chartrand**

“RESOLVED, THAT the Ausable Bayfield Conservation Authority Board of Directors receives the General Manager’s Report for information as presented.”

Carried.

COMMITTEE REPORTS

None.

CORRESPONDANCE

None.

NEW BUSINESS

1. Adrian Cornelissen asked if an agricultural representative for the Board of Directors has every been appointed by the Province for ABCA. Davin responded that there has not been an appointee named, and that only several other conservation authorities have had agricultural representatives appointed to their Boards.

COMMITTEE OF THE WHOLE

None.

ADJOURNMENT

The meeting was adjourned at 12:55 p.m.

Marissa Vaughan
Acting Chair

Abigail Gutteridge
Secretary

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