



Saugeen Valley Conservation Authority

Minutes – Board of Directors Meeting

Date: Thursday November 30, 2023, 1:00 p.m.

Location: Administration Office, Formosa, ON

Chair: Barbara Dobreen

Members present: Paul Allen, Larry Allison, Kevin Eccles, Bud Halpin, Tom Hutchinson, Steve McCabe (virtual), Dave Myette, Mike Niesen, Sue Paterson, Moiken Penner (virtual), Jennifer Prenger, Bill Stewart, Peter Whitten

Members absent: Greg McLean

Others present: Rajan Puri, Delegate

Staff present: Matt Armstrong, Erik Downing, Nancy Griffin, Janice Hagan, Donna Lacey, Elise MacLeod, Laura Molson, Ashley Richards

1. Land Acknowledgement

The Land Acknowledgement was read by Sue Paterson

We begin our meeting today by respectfully acknowledging the Anishinaabeg Nation, the Haudensaunee, the Neutral, and the Petun peoples as the traditional keepers of this land. We are committed to moving forward in the spirit of reconciliation with First Nations, Métis, and Inuit peoples.

The agenda for the Authority was amended to include Stewardship Business Case report (Item 7.5) and Category 2 agreements (Item 8.2)

2. Adoption of Agenda

Motion #G23-103

Moved by Steve McCabe

Seconded by Moiken Penner

THAT the agenda for the Saugeen Valley Conservation Authority meeting, November 30, 2023, be adopted as amended.

Carried

3. Declaration of Pecuniary Interest

There were no declarations of pecuniary interest relative to any item on the agenda.

4. Adoption of Minutes

4.1 Authority meeting – October 19, 2023

Motion #G23-104

Moved by Bill Stewart

Seconded by Sue Paterson

THAT the minutes of the Saugeen Valley Conservation Authority meeting, October 19, 2023, be adopted as presented.

Carried

5. Section 28 Hearing

Motion #G23-105

Moved by Paul Allen

Seconded by Tom Hutchinson

THAT this meeting of the Saugeen Valley Conservation Authority is convened as a Hearing under Section 28 (7) of the Conservation Authorities Act, R.S.O. 1990, Chapter C.27 and amendments thereto, to consider an application for a permit under the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses published by the province of Ontario as Ontario Regulation 169/06, as amended.

Carried

Chair Dobreen convened the Hearing with opening remarks, identifying the applicant and the nature of the application. The procedures were noted along with the requirements of the *Canada Evidence Act*. The Board did not require staff or the applicant to testify under oath. Erik Downing, Acting General Manager/Secretary-Treasurer (GM/S-T) introduced Darren Kenny, Regulations Coordinator (Acting), and Rajan Puri, applicant.

Darren Kenny presented the staff report to the Authority and gave evidence as to why the SVCA policies did not allow for the applicant to build the house as requested in the application. The property is located in a one-zone floodplain of the Pine River with depths under Regulatory Storm conditions of 0.2 – 0.4 meters. The applicant proposes the construction of a fill pad to raise the footprint of the house above the regulatory flood elevation by approximately 0.25 metres; however, staff are concerned that this may result in creating an island surrounded by floodplain. In the event of an emergency, vehicles may not be able to proceed through flood waters, essentially causing persons to potentially be trapped on the property inciting a potential liability to the Board in permitting beyond the SVCA and provincial policies. Staff recommend that the application be denied as the square footage and footprint of the proposed residence significantly exceeds that of the existing structure and therefore the proposal does not comply with the policies under Section 4.7.1-2 of the SVCA's Environmental Planning and Regulations Policies Manual (2018).

Darren spoke to the policy requirements for the reconstruction or relocation of a building that has not been damaged or destroyed by flooding. The applicant does not meet the third requirement as the proposed size of the building exceeds the original habitable floor area and the original footprint of the previous structure, enlarging the footprint by 1,080 ft² and the total

square footage of the building by 2,330 ft². The fill pad is acceptable in as it will not negatively impact floodplain elevations on neighbouring properties.

Rajan Puri requested approval from the Authority to create a pad on the property that would be above the floodplain to allow the construction of a four-season home with reduced risk of flooding. He told the Board that when he first started the project, the guidelines received were based on the proximity to the Pine River. He noted that there is a drainage channel along the south end of the property which should direct any overflow away from the neighbouring properties and into Lake Huron, as well as a parking lot on the north side creating a separation from the neighbouring property. Mr. Puri informed the Hearing Board that a report provided by Tatham Engineering indicated any increase in peripheral water levels is negligible (less than 1cm increase) and should not pose an increased risk to neighbouring properties.

The Directors requested further information about the floodplain mapping. Darren clarified that the original SVCA floodplain mapping did not show Mr. Puri's property in the floodplain, but an updated mapping assessment confirms that the entire property is in the floodplain. The criteria for determining floodplain have not changed, but a more recent updated assessment has been done. The Board asked about insurance coverage should the property be flooded, and Mr. Puri responded that he should be able to prove from engineering reports, and the hydraulic analysis that the issues have been mitigated appropriately.

The Board calculated that the new structure is approximately 810 ft² larger than the original footprint when combining both the house and the bunkie. Staff consider the bunkie to be an accessory structure and calculate the existing building to be 1,480 ft² and the proposal would increase the footprint by 1,080 ft². Staff indicated that both the lower and upper levels determine total habitable space.

The basement is below grade, but Mr. Puri indicated it would be engineered to minimize any potential risk and the windows would be above the regulatory flood elevation. The building water table level may be shallow and will determine the height of the basement once digging commences.

There was no further questions and the Hearing Board moved to Closed Session for deliberation.

Motion #G23-106

Moved by Tom Hutchinson

Seconded by Bud Halpin

THAT the Hearing Board moves to Closed Session, In Camera for deliberation; and further

THAT Erik Downing, Matt Armstrong, Darren Kenny, and Janice Hagan remain in the meeting.

Carried

Matt Armstrong and Darren Kenny left the meeting before the start of deliberations.

Motion #G23-107

Moved by Bill Stewart

Seconded by Moiken Penner

THAT the Hearing Board adjourn the Closed Session and rise and report.

Carried

The Chair reported that the Authority deliberated the evidence provided during the open session and that no new information was disclosed during the closed session.

The Hearing Board resolved to approve Mr. Puri's application with conditions as the newly constructed structure is protected and would be safer than the existing building, and that life and property is adequately protected.

Tom Hutchinson was not in attendance for the full Hearing and therefore was not eligible to vote on the resolution.

Motion #G23-108

Moved by Larry Allison

Seconded by Kevin Eccles

THAT the Application to Alter a Regulated Area, seeking permission to demolish an existing 1,480 square foot one-story cottage and bunkie/shed, construct a new 3,812 square foot detached 2-story house with basement and attached garage on a fill pad, septic system installation with related excavation, filling, and grading at 34 Bell Drive, Part Lot 9, Plan 2A in the Township of Huron-Kinloss, is approved with the following specific conditions:

1. The Applicant shall hire a qualified geotechnical engineer to design the fill pad to withstand the hydrostatic and hydrodynamic forces from the Regulatory Storm to prevent erosion. A copy of the design shall be provided to SVCA staff for review and approval prior to construction; and
2. The Applicant shall hire a certified Ontario Land Surveyor or qualified engineer to complete an elevation survey to verify that the as-built grades and elevations proposed in the Application have been achieved.

Amendment:

Moved by Jennifer Prenger

Seconded by Paul Allen

That a third condition be included in the approval: "The lowest exterior opening elevation be at or above the regional flood level."

Carried

Amended Motion:

Moved by Larry Allison

Seconded by Kevin Eccles

THAT Application to Alter a Regulated Area, seeking permission to demolish an existing 1,480 square foot one-story cottage and bunkie/shed, construct a new 3,812 square foot detached 2-story house with basement and attached garage on a fill pad, septic system installation with related excavation, filling, and grading at 34 Bell Drive, Part Lot 9, Plan 2A in the Township of Huron-Kinloss, is approved with the following specific conditions:

1. The Applicant shall hire a qualified geotechnical engineer to design the fill pad to withstand the hydrostatic and hydrodynamic forces from the Regulatory Storm to prevent erosion. A copy of the design shall be provided to SVCA staff for review and approval prior to construction; and

2. The Applicant shall hire a certified Ontario Land Surveyor or qualified engineer to complete an elevation survey to verify that the as-built grades and elevations proposed in the Application have been achieved.

3. The lowest exterior opening elevation be at or above the regional flood level.

Carried

Motion #G23-109

Moved by Kevin Eccles

Seconded by Dave Myette

THAT the Hearing Board adjourn the Section 28 Hearing; and further

THAT the Board of Directors resume the regular Authority meeting.

Carried

6. Presentation: Staff Recognition

Nancy Griffin, Education Coordinator has retired after 34 years in the role. The Chair expressed her appreciation for Nancy’s dedication to conservation education in the SVCA watershed. Erik Downing thanked Nancy for her legacy and noted that she has touched the lives of over 365,000 children in her career.

7. Reports for information

7.1 General Manager’s report

There was no discussion.

7.2 Finance report

There was no discussion.

7.3 Violation Statistics report

There was no discussion.

7.4 Program report

There was no discussion.

7.5 Stewardship Business case

There was no discussion.

7.6 Approved Committee minutes

7.6.1 Agricultural Advisory Committee – June 6, 2023

7.6.2 Executive Committee – October 5, 2023

There was no discussion.

7.7 Correspondence

Correspondence from Corporation of the County of Prince Edward regarding support for the province to stop the Ministry of the Environment, Conservation and Parks (MECP) proposal to expand the use of the permit-by-rule to waste management systems, storm water management systems, and certain water taking activities, was noted and filed.

7.8 News report

There was no discussion.

8. Matters arising from the minutes

8.1 2024 Draft Budget Update

Motion #G23-110

Moved by Steve McCabe

Seconded by Tom Hutchinson

THAT the apportionment amount of \$2,287,471 for Category 1 operating expenses and capital costs be approved in accordance with Ontario Regulation 401/22, Section 27(4) of the *Conservation Authorities Act*.

A recorded, weighted vote was taken for the 2024 budget with the following results:

Municipality	Director	Vote
Arran-Elderslie	Moiken Penner	Yea
Brockton	Greg McLean	Absent
Chatsworth	Peter Whitten	Yea
Grey-Highlands	Paul Allen	Yea
Hanover	Sue Paterson	Yea
Howick	Mike Niesen	Nay
Huron-Kinloss	Larry Allison	Nay
Kincardine	Jennifer Prenger	Yea
Kincardine	Bill Stewart	Yea
Minto	Steve McCabe	Yea
Morris-Turnberry	Mike Niesen	Nay
Saugeen Shores	Bud Halpin	Yea
Saugeen Shores	Dave Myette	Yea
South Bruce	Mike Niesen	Nay
Southgate	Barbara Dobreen	Yea
Wellington North	Steve McCabe	Yea
West Grey	Kevin Eccles	Nay
West Grey	Tom Hutchinson	Yea

The result of the vote was 81.5% of the weighted average of those present in favour. Therefore, **Motion #G23-110 was carried.**

Motion #G23-111

Moved by Bill Stewart

Seconded by Jennifer Prenger

THAT the Saugeen Valley Conservation Authority adopt the 2024 Budget in the amount of \$5,993,275 as approved in principle at the October 2023 meeting; and further

THAT the General Manager/Secretary-Treasurer is hereby authorized to notify the member municipalities of the cost apportioning amounts owing; and further

THAT cost apportioning payments shall be due from member municipalities in two equal

instalments on March 31 and June 30, 2024, and that late payments shall be subject to the Authority's standard late payment charge of 1.50% per month thereafter.

Carried

8.2 Category 2 agreements

Ashley Richards reported that Category 2 agreements have been prepared for those affected municipalities that have indicated they want to proceed with structure maintenance agreements. Those municipalities who do not wish to proceed will be asked to sign a release form. After discussion the following motion carried:

Motion #G23-112

Moved by Paul Allen

Seconded by Jennifer Prenger

THAT the Board of Directors authorizes staff to proceed with the execution of Category 2 Agreements on behalf of the Authority.

Carried

8.3 Category 3 agreements

Ashley Richards reported that all fifteen member municipalities have resolved to sign the Category 3 agreements enabling SVCA to further the conservation, restoration, development, and management of natural resources. After discussion the following motion carried:

Motion #G23-113

Moved by Jennifer Prenger

Seconded by Sue Paterson

THAT the SVCA Board of Directors authorizes staff to proceed with execution of all fifteen Category 3 Agreements pertaining to the Water Quality Program and associated communications, on behalf of the Authority.

Carried

8.4 Violation Approach Change Update

At the October 19, 2023, SVCA Board Meeting, Amended Motion #G23-101 directed staff to outline the process by which a violation could be disputed by the accused where legal action is not being pursued by SVCA. Matt Armstrong presented the strategy for dealing with offenders in this situation.

Motion #G23-114

Moved by Tom Hutchinson

Seconded by Mike Niesen

THAT staff be directed to indicate to those accused of committing a violation where legal action will not be pursued, about the opportunity to dispute a violation to the SVCA General Manager/Secretary-Treasurer, and if not satisfied, to request a delegation to the Board of Directors.

Carried

9. New business

9.1 2024 Fee Schedule

Motion #G23-115

Moved by Steve McCabe

Seconded by Bill Stewart

THAT the Board approve the following fee schedules to take effect on January 1, 2024: -
Schedule A – Environmental Planning and Permitting Services - Schedule C – Forestry Services -
Schedule D – Corporate Services.

Carried

9.2 2024 Meeting Schedule

Staff introduced a Section 28 Hearing Schedule for 2024 to reserve times on the same day as the Authority meetings. A notification of cancellation will be sent out at least 2 weeks in advance if the date is not required for a Hearing.

Motion #G23-116

Moved by Sue Paterson

Seconded by Tom Hutchinson

THAT the 2024 SVCA Authority meeting and Section 28 Hearing schedules be adopted as presented.

Carried

9.3 Permits Issued for Endorsement.

Motion #G23-117

Moved by Larry Allison

Seconded by Moiken Penner

THAT the Development, Interference with Wetlands and Alterations to Shorelines and Watercourse applications (#23-263 to 23-287), pursuant to Ontario Regulation 169/06, as approved by staff, be endorsed.

Carried

10. Closed Session

Motion #G23-118

Moved by Steve McCabe

Seconded by Mike Niesen

THAT the Authority moves to Closed Session, In Camera to discuss matters relating to identifiable individual, and discuss contract negotiations by the Authority; and further

THAT Erik Downing, Laura Molson, Nicole Gibson, and Janice Hagan remain in the meeting as required.

Carried

Motion #G23-122

Moved by Dave Myette

Seconded by Bud Halpin

THAT the Authority adjourn from Closed Session, In-Camera, and rise and report.

Carried

Chair Dobreen reported that only the items pertaining to the reasons for the Closed Session were discussed. The following motion pertained to a Closed session discussion and carried in Open session:

Motion #G23-123

Moved by Bud Halpin

Seconded by Jennifer Prenger

WHEREAS Saugeen Valley Conservation Authority entered into a Service Level Agreement to complete years one and two of the NWMO's Environmental Media Baseline Monitoring (EMBP) Program (water quality and hydrology components) and were directed to negotiate a year 3 Scope of Work with NWMO;

BE IT RESOLVED THAT SVCA staff are directed to enter into a Service Level Agreement to complete Year 3 of the NWMO's Environmental Media Baseline Program (EMBP) (water quality and hydrology components) from 1st January 2024 to 31st December 2024; and further

THAT staff are directed to enter into a renewed scope of work for the NWMO EMBP Year 3, and further

THAT staff are authorized to staff would then be authorized to hire the necessary staff to carry out the work, as specified in the renewed scope of work, provided that no costs are borne by the Authority.

Carried

11. Adjournment

There being no further business, the meeting adjourned at 4:08 p.m. on the motion of Bill Stewart and Tom Hutchinson.

Barbara Dobreen
Chair

Janice Hagan
Recording Secretary