



Minutes of Meeting #10/10

Meeting #10/10 was held on Thursday, August 5, 2010 at the Kawartha Conservation Office. Chair Villemaire called the meeting to order at 1:10 p.m.

Present: Donna Villemaire, Chair
Peter Franzen, Vice-chair
David Marsh
Lynn Philip Hodgson
Larry O'Connor
Lloyd Robertson
Alex Ruth
Jim McMillen

Regrets: Ron Hooper

Staff: Rob Messervey, CAO
Wanda Stephen, Director, Corporate Services
Mark Majchrowski, Director, Watershed Management
Peter Waring, Manager, Planning & Regulations
Brent Kulba, Communications Specialist
Dawna Rycroft, Executive Assistant

Adoption of Agenda

Resolution #150/10

Moved by: David Marsh

Seconded by: Alex Ruth

Resolved, That, the agenda be adopted.

CARRIED

Declaration of Pecuniary Interest

None declared.

Regulations

Resolution #151/10

Moved by: Lloyd Robertson

Seconded by: Dave Marsh

Resolved, That, Permit application no. 2010-072 submitted under the Development, Interference with Wetlands and Alterations to Shoreline and Watercourses (Ontario Regulation 182/06) be approved.

CARRIED

Resolution #152/10

Moved by: Dave Marsh

Seconded by: Alex Ruth

Resolved, That, the Board of Directors Meeting #10/10 be adjourned and that the Board of Directors now sit as a Hearing Board.

CARRIED

Hearing Minutes

IN THE MATTER OF
THE CONSERVATION AUTHORITIES ACT, R.S.O. 1990, CHAPTER 27

AND IN THE MATTER OF
AN APPLICATION BY:
Humane Society of Kawartha Lakes

FOR THE PERMISSION OF THE KAWARTHA REGION CONSERVATION AUTHORITY

PURSUANT TO REGULATIONS MADE UNDER SECTION 28 OF THE SAID ACT,
to permit development within an area regulated by the authority in order to ensure no adverse affect on the control of flooding, with respect to the application of **Humane Society of Kawartha Lakes, City of Kawartha Lakes, Geographic Town of Lindsay, Lot 4, Plan 635**, 107 McLaughlin Road.

PRESENT

For the Applicant: Ed Call
 Claude Morris

Roll Call.

The Hearing Board was called to order at 1:15 p.m.

Chair Villemaire commenced the hearing and advised Hearing Board members and others in attendance of the following:

The Board will conduct a hearing under Section 28 of the Conservation Authorities Act in respect of an application by the Humane Society of Kawartha Lakes, for permission to construct a new 6,084 sq. ft. (1,854 sq. metre) animal shelter building in addition to the existing building on the property, located at 107 McLaughlin Road, Geographic Town of Lindsay, in the City of Kawartha Lakes.

The Authority has adopted regulations under Section 28 of the Conservation Authorities Act which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse affect on the control of flooding.

Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The Conservation Authorities Act (Section 28(12) provides that:

"Permission required under a regulation made under clause (1)(b) or (c) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."

In holding this hearing, the Authority Board is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submission to be made on behalf of the applicant.

Proceedings will be conducted in accordance with the KRCA Hearing Procedure (By-law #3) dated April 28, 2010. The proceedings will also be conducted according to the Statutory Powers Procedure Act. Under Section 5 of the

Canada Evidence Act, a witness may refuse to answer any question on the ground that the answer may tend to criminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedures in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If representatives of the Humane Society of Kawartha Lakes have any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the Board.

CAO Rob Messervey brought to the Board's attention the fact that the HSKL had waived the 30 day hearing notification requirement and also the 15 days review of material requirement as set out in the Hearings Procedures.

Director of Watershed Management, Mark Majchrowski, presented Kawartha Region Conservation Authority's staff position and recommendation to deny on the proposed application. He discussed concerns raised with potential development, as set out in the "Report to the Hearing Tribunal". He also described why the application did not meet policy requirements under the Provincial Policy Statement (2005), and the Ontario Regulation 182/06. He also referred to a topographical map of the KRCA Flood Study identifying the property subject to the 100 year flood elevation at depths of one metre or more.

Chair Villemaire asked Mr. Call and representatives of the Humane Society if they had any questions for Mr. Majchrowski. Mr. Call advised he had no questions and they understood staff's position on their application.

Chair Villemaire invited Ed Call (representing the Humane Society) to present.

Mr. Call advised that soil engineers have been hired to report on raising the new facility above flood level.

Mr. Call introduced Claude Morris. Mr. Morris proceeded to read a letter from Ric McGee. (Exhibit 15)

Chair Villemaire asked the Hearing Board if there were any questions of Mr. Call's presentation. There were none.

The Hearing Board through the Chair addressed further questions/clarification to Mr. Majchrowski.

Chair Villemaire announced they would now move into closed session and reconvene with their decision.

Resolution #153/10

Moved by: Dave Marsh
Seconded by: Lloyd Robertson

Resolved, That, the Board of Directors enters into closed

CARRIED

Resolution #154/10

Moved by: Peter Franzen
Seconded by: Alex Ruth

Resolved, That, the Board of Directors rises from closed.

CARRIED

The board reconvened at 14:25 p.m. in public forum.
Chair Villemaire read the Hearing Board's decision as follows:

Resolution #155/10

Moved by: Dave Marsh
Seconded by: Peter Franzen

Resolved, That, based on the firm commitments made by the Council of the City of Kawartha Lakes by Resolutions CR2010 – 932, 933, 934, 935, and 936 adopted July 29, 2010, the Humane Society of Kawartha Lakes application #2010-072 be approved.

Recorded Vote

In Favour

P. Franzen
D. Marsh
J. McMillen
L. O'Connor
L. Robertson
D. Villemaire

Against

L. Hodgson
A. Ruth

Total in favour: 6

Total against: 2

CARRIED

Resolution #156/10

Moved by: Dave Marsh
Seconded by: Lynn Philip Hodgson

Resolved, That, the Hearing Board be adjourned and the Board of Directors Meeting #10/10 be reconvened.

CARRIED

Adjournment

Resolution #157/10

Moved by: Dave Marsh
Seconded by: Larry O'Connor

Resolved, That, the Board of Directors Meeting #10/10 be adjourned.

CARRIED

There being no further business, the meeting adjourned at 14:30 p.m.

Donna Villemaire
Chair

Robert Messervey
CAO