



Minutes of Meeting #9/10

Meeting #9/10 was held on Friday, July 16, 2010 at the Kawartha Conservation Office. Chair Villemaire called the meeting to order at 10:00 a.m.

Present: Donna Villemaire, Chair
Peter Franzen, Vice-chair
David Marsh
Lynn Philip Hodgson
Larry O'Connor 10:05 a.m.
Lloyd Robertson
Alex Ruth

Regrets: Jim McMillen
Ron Hooper

Staff: Rob Messervey, CAO
Wanda Stephen, Director, Corporate Services
Mark Majchrowski, Director, Watershed Management
Dave Pridham, Manager, Environmental Technical Services
Saleem Sial, Watershed Resources Engineer
Leah Breivik, A/Resources Planner
Cindy Haney, Administrative Assistant

Adoption of Agenda

Resolution #141/10

Moved by: David Marsh
Seconded by: Alex Ruth

Resolved, That, the agenda be adopted.

CARRIED

Declaration of Pecuniary Interest

None declared.

Regulations

Resolution #142/10

Moved by: Lloyd Robertson
Seconded by: Dave Marsh

Resolved, That, Permit application no. 2010-063 submitted under the Development, Interference with Wetlands and Alterations to Shoreline and Watercourses (Ontario Regulation 182/06) be approved.

CARRIED

Resolution #143/10

Moved by: Lynn Philip Hodgson
Seconded by: Alex Ruth

Resolved, That, the Board of Directors Meeting #9/10 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
 Linda Barber
 John Thomson, JTC Consultants

Roll Call.

The Hearing Board was called to order at 10:15 a.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 introduced Ed Call of the Humane Society. Mr. Call introduced two representatives for the Humane Society.

Director, Watershed Management Mark Majchrowski presented Kawartha Region Conservation Authority's stand on the proposed application and concerns raised with potential development, as listed in the "Report to the Hearing Board" and in accordance with 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. Mr. Majchrowski advised staff's recommendation is to deny the application.

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 they are funded and financed solely by volunteers who fund raise to pay for expenditures. He also advised after looking at different alternatives, including other building locations, there was no other recourse but to pursue their current location and address the floodplain issues.

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 noted Mr. Ruth left the meeting at 10:30 a.m. per section 3.3 of the KRCA Hearing By-Law Procedures. Mr. Ruth returned at 10:35 a.m.

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

Resolution #144/10

Moved by: Dave Marsh
Seconded by: Alex Ruth

Resolved, That, the Hearing Board enters into closed

CARRIED

Resolution #145/10

Moved by: Alex Ruth
Seconded by: Lloyd Robertson

Resolved, That, the Hearing Board rises from closed.

CARRIED

The board reconvened at 11:20 a.m. in public forum.

Chair Villemaire read the Hearing Board's decision per Resolution #146/10 as follows:

Resolution #146/10

Moved by: Peter Franzen
Seconded by: Alex Ruth

Resolved, That, the Hearing Board support staff's recommendation.

Whereas this proposal is contrary to the Provincial Policy Statement (2005), the Ontario Ministry of Natural Resources Technical Guide, River & Stream Systems: Flood Hazard Limit (2002), and Policy B(1.1.3) of the Authority's Watershed Management Policies (2002) regarding safe access/egress; and

Whereas this proposal is contrary to the Provincial Policy Statement (2005) regarding development and site alteration within a floodway and uses associated with the storage of hazardous substances in a floodway; and

Whereas this proposal is contrary to the Ontario Ministry of Natural Resources Technical Guide, River & Stream Systems: Flooding Hazard Limit (2002), and Policy B(1.1.1) of the Authority's Watershed Management Policies (2002) regarding maximum depth of flooding; and

Whereas this proposal is contrary to Policy B(1.1.8) of the Authority's Watershed Management Policies (2002) regarding allowable loss in flood storage capacity,

Therefore, the Hearing Board's decision is that this application be denied.

Recorded Vote

In Favour

Peter Franzen
Lynn Philip Hodgson
Larry O'Connor
Lloyd Robertson
Alex Ruth
Donna Villemaire

Against

Dave Marsh

Total in favour: 6

Total against: 1

CARRIED

Resolution #147/10

Moved by: Dave Marsh
Seconded by: Lynn Philip Hodgson

Resolved, That, the Hearing Board be adjourned and the Board of Directors Meeting #9/10 be reconvened.

CARRIED

Mr. Marsh discussed his concerns about the decision of the Hearing Board.

Mr. O'Connor spoke to Mr. Marsh's concerns and requested the following motion.

Resolution #148/10

Moved by: Larry O'Connor
Seconded by: Lynn Philip Hodgson

Resolved, That, KRCA send correspondence supporting the Humane Society in seeking an extension to the timeframe of the federal grant, and;

That, the City of Kawartha Lakes be encouraged to assist in finding serviced CKL property that can be transferred to the Humane Society, and;

That, the CKL be requested to make every effort to have the Ops Drain be a priority for the Capital Budget in 2011.

CARRIED

Adjournment

Resolution #149/10

Moved by: Alex Ruth
Seconded by: Larry O'Connor

Resolved, That, the Board of Directors Meeting #09/10 be adjourned.

CARRIED

There being no further business, the meeting adjourned at 12:00 p.m.

Donna Villemaire
Chair

Robert Messervey
CAO

