

P.O Box 416, 70 Hughes Lane Marmora, ON K0K 2M0 Phone: 613-472-3137 Fax: 613-472-5516 www.crowevalley.com

REPORT FOR: CROWE VALLEY CONSERVATION AUTHORITY WATERSHED ADVISORY BOARD

REGARDING:ONTARIO REGULATION 159/06, PERMIT APPLICATION NO. 101/22FOR PERMISSION TO RECONSTRUCT AN IN-WATER BOATHOUSE AND
CONSTRUCT A NEW PERMANENT DOCK.

DATE: **OCTOBER 20, 2022**

An application for development has been submitted by Mr. Ron Aelick with regard to Ontario Regulation 159/06: Crowe Valley Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.

Executive Summary

An application to rebuild an in-water boathouse and construct a new permanent dock along the shoreline and over the lakebed of Chandos Lake is recommended for denial. The proposal does not conform to the Crowe Valley Conservation Authority's (CVCA) Watershed Planning and Regulations Policies. The proposal is to reconstruct an existing in-water boathouse and to construct a new permanent dock. The existing in-water boathouse has direct access to Chandos Lake by means of a wet boat slip. The existing boathouse is also accommodated by a mechanical boat lift system. The proposed boathouse would include the addition of a solid floor within the boathouse. The proposed boathouse would therefore no longer contain a wet boat slip, and would no longer allow direct entry / exit to and from the lake. The existing boathouse is accompanied by some permanent dock structure around the outside of the boathouse and a walkway and stairs leading to the boathouse. The applicant proposes to construct a permanent dock that is not a like-for-like replacement of the existing combination of dock and deck structures. The applicant proposes to construct a new permanent dock to accommodate a change in design of the existing boathouse, the total area of which exceeds the total amount of existing dock and deck structures.

The proposed development does not conform to the CVCA's Watershed Planning and Regulations Policies for the following reasons:

- 1. Repairs to an existing in-water boathouse that results in a change in use, including new decks and rooftop patios, are not permitted.
- 2. Repairs to an existing in-water boathouse that provides an opportunity for conversion into habitable space in the future are not permitted.
- 3. New permanent docks are not permitted.

Background and Subject Lands

The property is located at 51 Sylvan Drive in the Township of North Kawartha and has approximately 30 metres of frontage on Chandos Lake. The property is approximately 0.41 acres (0.17 hectares) in size. Existing development on the property includes a dwelling, detached garage, in-water boathouse, and a shoreline / in-water dock. The entire property has a gradual slope towards Chandos Lake and the area near the shoreline has a slightly steeper incline than the rest of the property. The property is considered to be within the jurisdiction of the Crowe Valley Conservation Authority based on the flooding and erosion hazards associated with Chandos Lake, as well as the apparent valley associated with Chandos Lake.

On March 16, 2022 the Township of North Kawartha circulated planning application ZA-09-22 to the CVCA (CVCA file number ZBA 011/22, attached as Appendix A) for the reconstruction of an existing boathouse. The proposed zoning bylaw amendment was described as follows:

The proposed amendment would upon coming into force and effect, serve to amend By-Law No. 26-2013, as amended, by changing the zone category of certain lands located in Lot 9 Plan 4 in the Chandos Ward from Shoreline Residential (SR) Zone to Shoreline-Exception (SR-X) Zone to permit an existing 245 square foot (22.8 square metre) on-water boathouse with a height of 3.0metres to be reconstructed on the same footprint with an increased height of 4.8metres. This is an amendment to Section 3.19 (a) which permits the rebuilding of an existing non-conforming building or structure provided the external dimensions of the original building or structure are not increased.

The application would also permit the construction of stairs and landings intended to provide safe access to the land near the waters edge with an increased width of 1.6metres. This is an amendment to Section 3.30 (c) which permits such stairs and landings, provided that the width is not more than 1.25metres.

Based on the information provided by the Township of North Kawartha on March 25, 2022, the CVCA submitted comments to the Township stating that the CVCA had "no concerns" from a natural hazards perspective (CVCA comments are attached as Appendix B). The planning application only addressed an in-water boathouse. There was no reference to the construction of a permanent dock. Further, it was the CVCA's understanding that the in-water boathouse would be reconstructed in the same footprint and design as the existing boathouse, thereby maintaining its existing use and functionality, with the ability to accommodate a boat with direct access to the water by means of a wet slip.

On April 26, 2022 Mr. Ron Aelick submitted a permit application to the CVCA for the reconstruction of an in-water boathouse and construction of a new permanent dock. Mr. Aelick's application (attached as Appendix C) included the following description of the proposed works:

To re-develop an existing in-water boathouse structure. The intent is to demolish/remove the existing boathouse and reconstruct on the same footprint.

Detailed drawings were submitted as part of the permit application. During the permit application review process, it was determined that the proposal was to reconstruct the boathouse on the same footprint as the existing in-water boathouse, however, that the new in-water boathouse was proposed to be built with the addition of a solid floor. The application also included the construction of a new permanent dock.

CVCA staff attended the subject property on June 21, 2022. The landowner, Mr. Aelick, and his agent, Mr. Neil Campbell, were present. The presence, specifications and condition of the existing boathouse were observed and verified. The existing boathouse is constructed over the lakebed and has direct access to the lake by means of a wet boat slip, accompanied by a mechanical boat lift system. Also observed and verified was the presence, specifications and condition of the existing dock and deck structures around the outside of the boathouse, including a ramp and stairs leading to the

boathouse. (Photos are attached as Appendix D). The combined total area of existing dock and deck is approximately 262 square feet.

On June 28, 2022 CVCA staff emailed Mr. Aelick with the following information about the applicability of CVCA policies in regards to the application (this email is attached as Appendix E):

- That the application does not conform to CVCA policies.
- Applicable CVCA boathouse policy wording.
- Rationale related to the intent of the boathouse policies.
 - The CVCA allows for repairs to existing in-water boathouses, but this precludes repairs that would result in a change in use or provide an opportunity for conversion to habitable space in the future.
 - That personal watercraft (canoe, kayaks, etc.) and other marine accessories do not require an in-water boathouse for storage, and can be reasonably stored in an upland accessory structure.
- The alteration of the boathouse design, with the removal of the wet slip (means to directly access the water) and the addition of a solid floor would constitute a change in use.
- That the CVCA could not permit the permanent dock as proposed (355 square feet), but would be willing to permit
 a permanent dock that is the same square footage as the existing permanent dock(s) (approximately 262 square
 feet). *

* With regard to the proposed permanent dock, the CVCA was willing to recognize the existing 262 square feet of various components of the existing permanent dock and consolidate them into one, in order to permit up to 262 square feet of new permanent dock that could be reconfigured by the applicant. Typically, the replacement of a permanent dock is required to be located in the same exact footprint, so as to not disturb additional lakebed. The CVCA offered a concession that the dock could be reconfigured provided that it did not exceed the overall footprint of the existing dock. The applicant did not accept this concession and is proposing to construct a 355 square foot dock in a different location than the existing dock.

On August 17, 2022 Mr. Aelick called the CVCA office to request a Hearing in front of the CVCA's Watershed Advisory Board.

Proposal Description

As per the application information provided on April 26, 2022, the proposal is to reconstruct an existing 245 square foot in-water boathouse on the same footprint as the existing in-water boathouse. The proposed boathouse would include a solid floor, while the existing boathouse has a wet boat slip with a mechanical boat lift system. The proposal also includes the construction of 355 square feet of new permanent dock in a different footprint than the existing 262 square feet of permanent dock. The existing boathouse has a bay door to accommodate a boat on the shorter side of the structure, facing out towards the lake. The proposed boathouse would have two bay doors located on the longer side of the structure, which would open onto the permanent dock.

Both the proposed in-water boathouse and permanent dock would be built on helical piles. Being in-water structures, both the boathouse and the permanent dock are considered to be development within the flood hazard associated with Chandos Lake, while the apparent valley system represents the greatest extent of the CVCA's regulated area on the subject property.

Applicability of the *Conservation Authorities Act, Ontario Regulation 159/06* and the Crowe Valley Conservation Authority's Watershed Planning and Regulations Policy Manual

Ontario Regulation 159/06, was made pursuant to section 28 of the Conservation Authorities Act, R.S.O. 1990. Ontario Regulation 159/06 is attached as Appendices F.

The subject property is within an area regulated by the CVCA due to the river valley associated with Chandos Lake. All lakes within the CVCA watershed are considered watercourses and have a river or stream valley associated with them. Section 2 (1) (a) (iii) (A) of the Regulation states:

Development prohibited

- 2. (1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,
 - (a) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:
 - (i) where the river or stream valley is apparent and has stables slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,
 - (ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope, or if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side,
 - (iii) where the river or stream valley is not apparent, the valley extends the greater of,
 - (A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side, and
 - (B) the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side;
 - (b) hazardous lands;
 - (c) wetlands; or
 - (d) other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and areas within 30 metres of wetlands less than 2 hectares in size.

Permission to develop

3. (1) The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.

Alterations prohibited

5. Subject to section 6, no person shall straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or change or interfere with a wetland.

Permission to alter

6. (1) The Authority may grant permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland.

Section 3, above, refers to what are known as the "tests" of the Regulation. Any application for development within an area regulated by the Conservation Authority is reviewed through the lens of these tests. The CVCA's Watershed Planning and Regulations Manual was developed to govern how these tests are applied to a multitude of possible development scenarios, as well as to provide guidance to CVCA staff in order to implement a consistent and practical approach for granting or refusing permission for development.

Hearing Process and Role of the CVCA's Watershed Advisory Board

When an application for development does not conform to the CVCA policies, CVCA staff must recommend the application for denial. The applicant then has the ability to request a Hearing with the CVCA's Watershed Advisory Board. The Watershed Advisory Board is tasked with reviewing the application for development, considering the applicable CVCA policies that have not been satisfied, and ultimately making a decision as to whether the application is consistent with the tests of the Regulation.

Tests of the Regulation

The development will not affect the control of:

- flooding,
- erosion,
- dynamic beaches (not applicable in CVCA watershed),
- pollution or
- the conservation of land

The CVCA Watershed Advisory Board may grant or refuse permission. Permission may be granted with or without conditions. The applicant will receive written notice of the decision. The notice of decision must state the reasons for which the application was either approved or refused. The applicant has the right to appeal the decision within 30 days of receipt of the notice of decision. Appeals are to the Ontario Land Tribunal. The applicant can appeal a refusal or the conditions of an approval.

CVCA Staff Recommendation

Based on the information submitted, the CVCA staff recommends that the application be denied for the following reasons:

- 1. The reconstruction of an in-water boathouse with a floor results in there no longer being direct access to the water. This negates the need for an in-water boathouse and constitutes unnecessary development within the floodplain.
- 2. CVCA policies do not allow for new permanent docks. The proposed dock does not constitute a replacement of the existing dock, and therefore is considered new development within the floodplain.

Applicable CVCA Watershed Planning and Regulations Policies

Reconstruction of an In-water Boathouse

The location of the proposed development is in a regulated area as described in Ontario Regulation 159/06. Being an in-water boathouse, located on and over the lakebed, the structure is inevitably within the floodplain associated with Chandos Lake. The CVCA's policies do not permit new development within the floodplain. However, leniency is afforded to recognize and "grandfather" existing development when dealing with boathouses. New in-water boathouses are not permitted. CVCA Policy 6.4.1.8 states:

New in-water boathouses (for upland boathouses see Policy 5.3.5), structures and permanent docks that are within the channel of a watercourse will not be permitted.

The CVCA only permits <u>new</u> on-shore boathouses. When there is an existing in-water boathouse, the CVCA permits repairs to the boathouse, provided that the proposal conforms to the provisions of the policy. CVCA Policy 6.4.1.9 applies to existing in-water boathouses as well as to existing permanent docks. The policy states:

Repairs to existing in-water boathouses, structures and permanent docks may be permitted provided the repairs:

- 1. the repairs do not impede the flow of water;
- 2. the repairs do not provide an opportunity for conversion into habitable space in the future (to ensure no habitable component, the boathouse shall contain no services other than electricity);
- 3. the repairs do not result in a change in use, including new decks and rooftop patios;
- 4. the repairs do not alter the natural contour of the shoreline;
- 5. the repairs do not result in a change in size or create a navigational hazard;
- 6. repairs to the foundation are designed by an appropriate and qualified professional (i.e. an engineer).

Of the above policy provisions, the reconstruction of the in-water boathouse conforms to 1, 4, 5, but fails to comply with 2, 3 and 6.

2. the repairs do not provide an opportunity for conversion into habitable space in the future (to ensure no habitable component, the boathouse shall contain no services other than electricity)

The existing boathouse has a wet slip and mechanical boat lift. The nearly all of the interior "floor" of the boathouse is open to the water. The proposed boathouse design would no longer have a wet slip, and would be constructed with the addition of a solid floor. The proposed boathouse would also include the addition of windows and doors. CVCA staff consider this to be providing an opportunity for conversion into habitable space in the future.

3. the repairs do not result in a change in use, including new decks and rooftop patios;

The existing boathouse has a wet slip and mechanical boat lift. The nearly all of the interior "floor" of the boathouse is open to the water. The proposed boathouse design would no longer have a wet slip, and would be constructed with the addition of a solid floor. The proposed would no longer allow direct boat access to the water. CVCA staff consider this to be a change in use, whereby the use and functionality of the boathouse is altered.

6. repairs to the foundation are designed by an appropriate and qualified professional (i.e. an engineer).

The boathouse as proposed would be constructed on helical piles. It is understood that the helical piles are of an engineered design. However, the foundation plan and use of the piles should also be designed by an engineer to ensure that the boathouse is constructed to withstand hydrostatic and hydraulic pressures, as well as any anticipated wave action or ice jamming. CVCA staff have not requested that the application employ an engineer for the foundation design, as the proposal in general does not conform to CVCA policies. This could be an unnecessary expense for the applicant.

CVCA Policy Discussion - Boathouse

CVCA policies are very selective for what types of development can occur within the floodplain. There are too many development scenarios and policy nuances to cover in this report. Generally speaking, CVCA policies do not permit any new development within the floodplain. Structures such as dwellings and dwelling additions are only permitted in the floodplain if these is no feasible alternative. The structures are required to be meet additional

"floodproofing" standard to mitigate risks to life and property. Other types of development are permitted when, by their nature, the development must be located in a hazardous area. This includes stairs, docks and boathouses. Boathouses are an excellent example of this. In order to function and be used as a boathouse, the structure needs to be located in close proximity to the shoreline. This is often within lands considered to be hazardous due to flooding, erosion, or a combination of both. Recognizing that there is value to recreational enjoyment of waterfront properties, the CVCA permits the development of new on-shore boathouses (and various other types of development) within these zones. CVCA staff assess the property and shoreline conditions, and work with the applicant to locate the development in an area where risks related to natural hazards are minimized to the greatest possible extent, while still allowing the development to serve its intended use. The applicant may be required to produce additional technical studies to support the development. The development may also be required to be constructed to greater standards to withstand additional forces that may be experienced in these hazardous lands, as designed by a qualified professional. The CVCA does not permit new development within the hazard which could otherwise be reasonably located outside of the hazard. Keeping with the boathouse example, a structure used for storage of marine equipment such as life jackets, paddles, canoes, kayaks – the list goes on – does not, by its nature, need to be located within hazardous lands. An upland shed or storage structure would serve the same use and function, though understandably without the same degree of convenience. For boathouses, the CVCA requires applicants to demonstrate that the structure serves as a boathouse. This includes a large bay door appropriate to accommodate a boat and a means of directly accessing the water with a boat (wet slip, marine rails, or similar). Structures that do not demonstrably serve as a boathouse are considered to be accessory structures, and are more appropriately located outside of the hazard area (flooding or erosion), away from the immediate shoreline area.

Proposed development is not to have negative downstream or upstream impacts, or impacts on neighbouring properties. Changes to flood storage capacity and other negative impacts on the control of flooding caused by the proposed in-water boathouse are likely minimal and practically immeasurable. However, Conservation Authorities operate on a watershed-based scale and a long-term planning horizon of 100 years. The Watershed Advisory Board should consider the cumulative impacts of development in the floodplain, regardless of the perceived insignificance. The Watershed Advisory Board must consider what effects ongoing development located within the floodplain will have in the watershed over time and implications this may have for future generations.

Construction of a New Permanent Dock

The construction of a new permanent dock does not meet CVCA Policy 6.4.1.8, which simply states:

New in-water boathouses (for upland boathouses see Policy 5.3.5), structures and permanent docks that are within the channel of a watercourse will be not be permitted.

CVCA Policy Discussion – Permanent Dock

In an attempt to work with the applicant, CVCA staff offered that Policy 6.4.1.9 could be applied, provided that the applicant was willing to limit the new permanent dock to the combined total area of the existing dock, walkway and ramp leading to the existing boathouse. The combined total area of existing dock structures is approximately 262 square feet, whereas the proposed is 355 square feet. The applicant was unwilling to make this adjustment. The permanent dock, as proposed, would not be constructed on the same footprint as the existing dock, and would extend onto previously undisturbed lakebed.

The consolidation of the docks would meet one of the Policy Manual's objectives of concentrating shoreline development to one area. This would allow the remaining shoreline to return to a more natural state.

Proposed development is not to have negative downstream or upstream impacts, or impacts on neighbouring properties. Changes to flood storage capacity and other negative impacts on the control of flooding caused by the proposed permanent dock are likely minimal and practically immeasurable. However, Conservation Authorities operate on a watershed-based scale and a long-term planning horizon of 100 years. The Watershed Advisory Board must consider the cumulative impacts of development in the floodplain, regardless of the perceived

insignificance. The Watershed Advisory Board must consider what effects ongoing development located within the floodplain will have in the watershed over time and implications this may have for future generations.

General CVCA Policies

Specific policies that apply to this application are listed above. Below and are general administrative policies and policies for development near/in watercourses that every application must be tested against. Sections that are not relevant to this application have been omitted.

3.8 General Regulation Policies

- **3.8.3** That development, interference or alteration within a regulated area may be permitted where it can be demonstrated to the satisfaction of CVCA, through appropriate technical reports, assessments, site plans and/ or other documents as required by CVCA, that:
 - there is no feasible alternative location for development outside the hazard;
 - the risk to public safety is not increased;
 - susceptibility to natural hazards is not increased and no new hazards are created (e.g. there will be no impacts on adjacent properties with respect to natural hazards);
 - there are no adverse hydraulic or fluvial impacts on rivers, creeks, streams, or watercourses;
 - negative or adverse hydrological or ecological impacts on natural features and functions, including wetlands, are avoided and mitigated as demonstrated by a qualified professional;
 - intrusions on natural features, areas and systems contributing to the conservation of land, including areas providing ecological functions and hydrologic functions, are avoided or mitigated as demonstrated by qualified professional;
 - access for emergency works and maintenance of flood or erosion control works is available;
 - pollution, sedimentation and erosion during construction and post-construction is minimized using best management practices including site, landscape, infrastructure and/or facility design (whichever is applicable based on the scale and scope of the project), construction controls, and appropriate remedial measures;
 - the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected during and post development, interference or alteration;
 - proposed development is constructed, repaired and/or maintained in accordance with accepted engineering principles and approved engineering standards to the satisfaction of CVCA, whichever is applicable based on the structural scale and scope, and the purpose of the project.

The CVCA's Watershed Planning and Regulations Policies are intended to provide CVCA staff with guidance and direction for the purpose of administrating Ontario Regulation 159/06 (pursuant to the Conservation Authorities Act). When reviewing development applications, the Authority must have regard for its objectives of preventing or minimizing risks to life and property as a result of natural hazards.

Summary

Hazard land management was delegated by the Province to the CVCA through the Conservation Authorities Act and the establishment of Ontario Regulation 159/06. The CVCA's Watershed Planning and Regulations Policies have been developed to assist CVCA staff with the administration of this Regulation. CVCA staff review development proposals in an effort to protect people and their property in areas susceptible to natural hazards, while also limiting development in ecologically sensitive areas – such as the riparian zone at the edges of our lakes and rivers.

CVCA staff recommend that the application for the reconstruction an in-water boathouse and construction a new permanent dock be deinied, as it does not conform with the CVCA's Watershed Planning and Regulations Policies and constitutes unnecessary development within the floodplain.

The proposed boathouse design results in a change in use that is not consistent with the CVCA's criteria for approving of the repairs to an in-water boathouse. Further, the proposed permanent dock does not conform with the CVCA's Policies, which simply state that new permanent docks are not permitted. In consideration of the "tests" of the Regulation, the proposed development would have potential impacts on the control of flooding. Development permitted by the CVCA is not to have negative downstream or upstream impacts, or impacts on neighbouring properties. Changes to flood storage capacity and other negative impacts on the control of flooding caused by the proposed boathouse and permanent dock are likely minute, and practically immeasurable. That said, Conservation Authorities operate on a watershed-based scale and a long-term planning horizon of 100 years.

It is important to note that deviation from the CVCA's policies begins to set precedence in the watershed – a risk that requires careful consideration.

Appendices:

- A North Kawartha Zoning Bylaw Amendment Circulation
- B CVCA Planning Comments
- C CVCA Permit Application
- D Photographs of Existing in-water boathouse
- E June 28, 2022 Correspondence from CVCA
- F Ontario Regulation 159/06

Appendix A

North Kawartha Zoning By-Law Amendment Circulation





The Corporation of the Township of North Kawartha

Notice of Public Meeting and Complete Application for a Proposed Amendment to the Zoning By-Law for The Corporation of the Township of North Kawartha

Important Information: Council meetings are being held electronically during the COVID-19 pandemic. Members of the public may join the meeting using their computer or phone. Please refer to the instructions below for further information.

Lands Affected

Application #ZA-09-22 Plan 4, LT 20, Con 5 Lot 9 Chandos Ward 51 Sylvan Drive 1536 Roll #010-200-39500

The Corporation of the Township of North Kawartha being in receipt of a complete application for an Amendment to the Comprehensive Zoning By-Law No. 26-2013, as set out in Subsection 34 (10.4) of the Planning Act as amended by Bill 51 thereby advise of the following:

Take Notice that the Council of the Corporation of the Township of North Kawartha shall hold a public meeting for the purpose of informing the public in respect of the proposed amendment to the comprehensive zoning by-law. A decision by Council to grant, deny or defer the amendment will take place at this public meeting.

Date:April 5, 2022Time:9:30 a.m.Location:During the COVID-19 pandemic, regular meetings of Council are being held
electronically

If you wish to participate in the electronic meeting in real time, please contact the <u>Deputy Clerk</u> by email <u>k.picken@northkawartha.ca</u> no later than 4:00 p.m. on the day prior to the scheduled meeting and you will be provided with an invitation to join the meeting using your computer or phone. Although possible for members of the public to "attend" a meeting electronically, and provide verbal submissions, we would encourage you to communicate with Council by forwarding written comments in support or opposition to <u>planning@northkawartha.ca</u>.

The Township is using Zoom for electronic meetings. Recorded meetings will be posted on the Township YouTube channel as soon as possible after the meeting for public viewing.

An explanation of the purpose and effect of the proposed by-law amendment describing the lands to which the proposed by-law amendment will apply and a **key map** showing the location of the lands to which the proposed by-law amendment will apply are attached.

The Right to Appeal

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the Township of North Kawartha to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Township of North Kawartha before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or a public body does not make oral submissions at a public meeting, or make written submissions to the Township of North Kawartha before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

A submission form is available on our website: <u>https://www.northkawartha.ca/en/our-services/planning-services.aspx#Comments-and-Appeals</u> and can be returned to the Township office by email: <u>planning@northkawartha.ca</u> or by fax (705) 656-4446 or hand delivered to the dropbox to the right of the front entrance to the Municipal Office.

To be Notified If you wish to be notified of the decision of The Township of North Kawartha on the proposed zoning by-law amendment, send a written request to Janet Woodbeck, Planning Assistant at <u>i.woodbeck@northkawartha.ca</u> or Fax: 705-656-4446 or in person or by mail to PO Box 550, 280 Burleigh Street, Apsley, Ontario

Information pertaining to this application can be made available by contacting Travis Toms, Chief Building Official at <u>t.toms@northkawartha.ca</u> / 705-656-4445 (ext. 237).

Purpose and Effect

The proposed amendment would upon coming into force and effect, serve to amend By-Law No. 26-2013, as amended, by changing the zone category of certain lands located in Lot 9, Plan 4 in the Chandos Ward from Shoreline Residential (SR) Zone to Shoreline Residential-Exception (SR-X) Zone to permit an existing 245 square foot (22.8 square metre) on-water boathouse with a height of 3.0 metres to be reconstructed on the same footprint with an increased height of 4.8 metres. This is an amendment to Section 3.19 (a) which permits the rebuilding of an existing non-conforming building or structure provided the external dimensions of the original building or structure are not increased.

The application would also permit the construction of stairs and landings intended to provide safe access to the land near the water's edge with an increased width of 1.6 metres. This is an amendment to Section 3.30 (c) which permits such stairs and landings, provided that the width is not more than 1.25 metres.

All other provisions in all other respects as set out in the General Provisions and the Provisions of the Shoreline Residential (SR) Zone and Lake (L) Zone shall apply and be complied with as identified in By-Law 26-2013.

Dated at the Township of North Kawartha this 16th day of March, 2022.

Connie Parent, Clerk Township of North Kawartha 280 Burleigh Street, P.O. Box 550 Apsley, ON K0L 1A0 c.parent@northkawartha.ca

Personal Information is collected under the authority of the *Planning* Act and will become part of the public record and may be made available for public viewing or distribution.

If you have accessibility needs and require alternate formats or other accommodations, please contact the Clerk at (705) 656-4445 (ext. 234) or by email to <u>c.parent@northkawartha.ca</u>

Lands Affected

Application #ZA-09-22 Plan 4 Lot 9 Chandos Ward 51 Sylvan Drive Roll #010-200-39500



Purpose and Effect

The proposed amendment would upon coming into force and effect, serve to amend By-Law No. 26-2013, as amended, by changing the zone category of certain lands located in Lot 9, Plan 4 in the Chandos Ward from Shoreline Residential (SR) Zone to Shoreline Residential-Exception (SR-X) Zone to permit an existing 245 square foot (22.8 square metre) on-water boathouse with a height of 3.0 metres to be reconstructed on the same footprint with an increased height of 4.8 metres. This is an amendment to Section 3.19 (a) which permits the rebuilding of an existing non-conforming building or structure provided the external dimensions of the original building or structure are not increased.

The application would also permit the construction of stairs and landings intended to provide safe access to the land near the water's edge with an increased width of 1.6 metres. This is an amendment to Section 3.30 (c) which permits such stairs and landings, provided that the width is not more than 1.25 metres.

All other provisions in all other respects as set out in the General Provisions and the Provisions of the Shoreline Residential (SR) Zone and Lake (L) Zone shall apply and be complied with as identified in By-Law 26-2013.

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Appendix B

CVCA Planning Comments

25 March 2022

Connie Parent – Clerk Township of North Kawartha 280 Burleigh Street Apsley, Ontario KOL 1A0

Dear Ms. Parent,

RE:

Application for a Zoning Bylaw Amendment # ZA-09-22 (Our File # ZBA 011/22) Part of Lot 20, Concession 5 51 Sylvan Drive ARN: 1536-010-200-39500



Crowe Valley

The above application for a zoning by-law amendment has been reviewed with regards to the applicability of the Crowe Valley Conservation Authority's Regulation of Development, Interference with Wetlands & Alterations to Shorelines & Watercourses (O. Reg. 159/06) and the Provincial Policy Statement (PPS). Through a memorandum of understanding between Conservation Ontario, the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing, Conservation Authorities are responsible for representing Provincial interest in planning matters as they relate to natural hazards (Section 3.1 Natural Hazards, PPS).

Please be advised that this recommendation is based on the best available data, including aerial imagery and GIS data in addition to the information submitted with the application for zoning by-law amendment with the Township of North Kawartha (ZA-09-22). A site visit has not been conducted to verify or refute this information.

Our understanding of the application is to permit the teardown of an existing 245 square foot (22.8 square metre) onwater boathouse with a height of 3.0metres to be reconstructed on the same footprint with an increased height of 4.8metres. This is an amendment to Section 3.19 (a) which permits the rebuilding of an existing non-conforming building or structure provided the external dimensions of the original building or structure are not increased.

The permit application would also permit the construction of stairs and landings intended to provide safe access to the land near the water's edge with an increased width of 1.6metres. This is an amendment to Section 3.30 (c) which permits such stairs and landings, provided that the width is not more than 1.25metres.

RECOMMENDATION

In summary, the Crowe Valley Conservation Authority **has no concerns** with this application for a zoning by-law amendment. The application is believed to be consistent with Section 3.1 Natural Hazards of the PPS.

A permit application must be submitted under the CVCA's Regulatory program prior to any development taking place.

The proponent is reminded that they must meet all Department of Fisheries and Oceans and Ministry of Natural Resources and Forestry requirements as well as have any necessary permits.

SECTION 3.1 NATURAL HAZARDS, PROVINCIAL POLICY STATEMENT

Concerning Section 3.1 Natural Hazards of the PPS, the CVCA has reviewed the application with respect to flooding, erosion, and hazards associated with unstable soil and bedrock.

Flooding Hazard

A flooding hazard means the inundation of areas adjacent to a shoreline of a river or stream system and not ordinarily covered by water. The flood hazard limit is based on a regulatory flood event standard and is represented by an elevation to which water would rise under the conditions of a 100-year flood event. That is, conditions that have a 1% chance in taking place any given year.

The proposed works by their nature are within the flooding hazard of Chandos Lake. The proposed development does not create a new hazard or aggravate an existing one.

Erosion Hazard

An erosion hazard means the loss of land, due to human or natural processes, that poses a threat to life and property. Defined in the MNRF Technical Guide – River and Stream Systems: Erosion Hazard Limit, the erosion hazard is comprised of 3 main elements: the 100-year erosion rate (the average annual rate of recession extended over a 100-year time span), an allowance for slope stability (3H:1V or gentler, or as determined by geotechnical assessment), and a hazard access allowance (6 metres).

The proposed works by their nature are within the erosion hazard of Chandos Lake. The proposed development does not create a new hazard or aggravate an existing one.

Other Hazards

No unstable soils or bedrock (such as karst topography) have been identified.

O. REG 159/06: CROWE VALLEY CONSERVATION AUTHORITY: REGULATION OF DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES

The location of the proposed development is within the CVCA's regulated area due to proximity to the shoreline of Chandos Lake. A permit application will be required to be submitted to Crowe Valley Conservation Authority for the proposed development.

The CVCA permits repairs to existing in water boathouses provided that the repairs:

• do not impede the flow of water;

• do not provide an opportunity for conversion into habitable space in the future (to ensure no habitable component, the boathouse shall contain no services other than electricity);

- the repairs do not result in a change in use, including new decks and rooftop patios;
- do not alter the natural contour of the shoreline; and,

• do not result in a change in size or create a navigational hazard. Repairs to the foundation of an existing boathouse or structure will be required to be designed by an appropriate and qualified professional (i.e.: an engineer).

Should any of the details of this proposal change please notify our office and we will amend our comments as necessary. We respectfully request a copy of the decision made on this application. Should you have any questions please do not hesitate to contact me.

Best regards,

More

Beth Lowe Regulations Officer Crowe Valley Conservation Authority

Appendix C

CVCA Permit Application



PERMIT APPLICATION FORM

FOR A DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES PERMIT (CONSERVATION AUTHORITIES ACT - ONTARIO REG. 159/06) Please provide the completed Permit Application Form to info@crowevalley.com

Contact Information (please print clearly)			
Property Owner's Name(s):			
Ronald Aelick			De stal Carla
Mailing Address (Street, P.O. Bo	x)	City Toronto	Postal Code
57 Walder Avenue		Тогонцо	M4P 2R8
Telephone: Home		Work	Mobile (416) 302-0297
Email			
ronaelick@gmail.com			
Agent's Name(s):		*property owner's lette	er of authorization or signature to be attached
Mailing Address (Street, P.O. Bo		City	Postal Code
	~,	Toronto	
Telephone: Home		Work	Mobile
Email			
Is the Owner aware of this application? Ves No - Please explain: Have you contacted the municipality to determine if a Planning Act application is applicable? Is a Planning Act application (minor variance, zoning by-law amendment) required for this development? Ves No			
Location of Proposed W	orks (please ensure a	map and driving direction	ns are attached)
Lot Concession	Municipality		
Township of North Kawartha			
Municipal Street Address			
51 Sylvan Drive			
Assessment Roll Number Watercourse/Waterbody			terbody
1536 010-200-39500-0000 Chandos Lake			

Residential This application must be accompanied by <u>TWO COPIES of a detailed site plan and payment of a processing fee as</u> determined by the Conservation Authority. The site plan <u>MUST</u> include the following information:

Proposed Land Use

Recreational/Residential

1. General location of property in relation to roads, etc.

Existing Land Use (vacant, residential, etc.)

- 2. Location and dimensions of all existing structures on property and a survey plan with lot dimensions.
- 3. Location of any waterway, open water, wetland, steep slope on or near the property and any drainage features (ditches/culverts).
- 4. Intended location and dimensions of fill, construction, or waterway alteration proposed.
- 5. Cross-section of proposal showing existing and final grade with elevations from the current water level of any nearby waterway, and elevations of the lowest structure opening if applicable.

Description of Works (please check all that apply)			
Construction of a Structure	Interference with a Wetland		
Alter, Add to or Renovate a Structure	Pond Construction, cleanout or repair		
Install a Septic System (please indicate type and volume of fill below)	Watercourse Crossing (culvert, bridge)		
Place or Remove Fill Material (please indicate type and volume of fill below)	Shoreline Protection (please indicate length of shoreline affected below)		
Type and Volume of Fill (m ³)	Length of Shoreline Affected (m)		
Other			
What is the purpose of the work? To re-develop an existing boathouse structure. The intent is to demolish/remove the existing boathouse and reconstruct on the same foot print.			
Proposed Start Date: Summer 2022	Completion Date: Fall 2022		

I/We the undersigned herby certify to the best of my/our knowledge and belief that all of the above-noted, attached and/or supporting documentation and information is correct and true. I/we further solemnly declare that I/we have read and fully understand the contents of this application and specifically the terms and conditions on the following page, and the declaration written below.

By signing this application, consent is given to the Crowe Valley Conservation Authority, its employees and authorized representatives to access the property for the purposes of obtaining information and monitoring any approved works pursuant to Section 28(20) of the Conservation Authorities Act.

I, (please print name)		de	declare that the above information is correct to the best of my	
knowledge a	and I agree to abid	e by Ontario Regul	ation 159/06.	
Signature:				26, 2022
NC	OTE: Signature or V	Vritten Authorizatio	n of Landowner is Ma	ndatory. Landowner authorization form follows this page.
I am the:	Owner	Agent	Contractor	Other:

The information on this form is being collected, and will be used, for the purposes of administering a Regulation made pursuant to Section 28 of the Conservation Authorities Act, R.S.O. 1990 C27.

NOTE: Further information and studies may be required by the Crowe Valley Conservation Authority (CVCA) in order to process this file, the cost of which will be borne by the applicant or their agent. This information may include details related to wetlands, floodplains, hydraulics, slope stability or stream systems. Once completed, all studies become the property of the CVCA and the information may be used by the CVCA, its member municipalities and partners. In order for members of the public to view any studies, plans and reports related to your permit, a formal request under the *Municipal Freedom of Information Protection and Privacy Act*, RSO 1990, c.M.56, is required. Access is subject to statutory exemptions. The same is true should you wish to access any studies, plans and reports pertaining to other's permits. Insufficient information may delay the processing of your application. This application does not relieve the applicant of the obligation to secure any other necessary approvals. Fees are subject to change without notice.

Landowner Authorization

If this Application of Permit is to be submitted by a solicitor/ contractor/ agent on behalf of the owner(s), this Landowner Authorization must be completed and signed by the owner(s). If the owner is a corporation acting without agent or solicitor, the application must be signed by an officer of the corporation and the corporation's seal (if any) must be affixed.

NOTE TO OWNER(S)

Please note that the Crowe Valley Conservation Authority staff reserve the right to discuss any or all aspects of the permitting process with the property owner.

If the Application of Permit is to be prepared by a solicitor/ contractor/ agent, authorization should not be given until the Application of Permit and its attachments have been examined and approved by you the owner(s). All submissions are the responsibility of the owner(s).

I/ We	
Print full name of owner	

Hereby Authorize_____ Print full name of Solicitor/ Contractor/ Agent)

To submit the enclosed Application of Permit to the Crowe Valley Conservation Authority and to provide any further information or material required by Authority Staff relevant to the Application of Permit for the purpose of obtaining a Permit to fill, construct or alter a watercourse in accordance with the requirements of the Ontario Regulations.

Signature of Owner(s)	Date	
Signature of Solicitor/ Contractor/ Agent	Date	

TERMS AND CONDITIONS

The Applicant, by acceptance and in consideration of the issuance of this Application of Permit, agrees to the following conditions: 1. The Owner and Applicant agrees:

- a. to indemnify and save harmless, the CVCA and its officers, employees, or agents, from and against all damage, loss, costs, claims, demands, actions and proceedings, arising out of or resulting from any act or omissions of the Owner and Applicant or any of his/her agents, employees or contractors relating to any of the particulars, terms or conditions of this Application of Permit;
- that this Application of Permit shall not release the Owner and Applicant from any legal liability or obligation and remains in force subject to all limitations, requirements and liabilities imposed by law;
- c. that at all complaints arising from the proposed works authorized under this Application of Permit shall be reported immediately by the Owner and Applicant to the CVCA. The Owner and Applicant shall indicate any action which has taken place or is planned to be take, with regard to each complaint.
- 2. This Application of Permit shall not be assigned or assumed by any subsequent purchaser, transferee or grantee.
- This Application of Permit does not absolve the Applicant of the responsibility of obtaining necessary permission from applicable federal, provincial or local agencies.
- 4. Should default be made by the Owner and Applicant in compliance with, or satisfaction of, the enumerated conditions and or submitted application, the CVCA may enter upon the property with respect to which conditional approval is granted and cause said conditions to be satisfied if necessary, the expense of which will be the sole responsibility of the Owner and Applicant.
- 5. The work shall be carried out as per the approved plans and specifications submitted in support of the application and as amended by the approval of this permit.
- 6. The Owner and Applicant agree to maintain all existing drainage patterns, and not to obstruct external drainage from other adjacent private or municipal lands.
- The permit granted under this regulation is valid for TWO years from the date of issue and it is the responsibility of the Owner and Applicant to ensure that a valid permit is in effect at the time of works occurring.
- 8. The Owner and Applicant may appeal any or all of the stated conditions of the permit to the Board of the Conservation Authority.

PLEASE NOTE THAT ONLY THE FIRST THREE (3) PAGES OF THIS PACKAGE NEED TO BE RETUREND ALONG WITH SUPPORTING DOCUMENTATION. PLEASE DO NOT RETURN THE FOLLOWING PAGES WITH YOUR APPLICATION.

Description of Works (please check all that	apply)
Construction of a Structure	Interference with a Wetland
Alter, Add to or Renovate a Structure	Pond Construction, cleanout or repair
Install a Septic System (please indicate type and volume of fill below)	Watercourse Crossing (culvert, bridge)
Place or Remove Fill Material (please indicate type and volume of fill below)	Shoreline Protection (please indicate length of shoreline affected below)
Type and Volume of Fill (m ³)	Length of Shoreline Affected (m)
Other	
What is the purpose of the work? To re-dev demolish/ foot print.	relop an existing boathouse structure. The intent is to fremove the existing boathouse and reconstruct on the same
Proposed Start Date: Summer 2022	Completion Date: Fall 2022

I/We the undersigned herby certify to the best of my/our knowledge and belief that all of the above-noted, attached and/or supporting documentation and information is correct and true. I/we further solemnly declare that I/we have read and fully understand the contents of this application and specifically the terms and conditions on the following page, and the declaration written below.

By signing this application, consent is given to the Crowe Valley Conservation Authority, its employees and authorized representatives to access the property for the purposes of obtaining information and monitoring any approved works pursuant to Section 28(20) of the Conservation Authorities Act.

I, (please print (name) Ronald A	velick		eclare that the above information is correct to the best of my
knowledge and	I agree to bide	ontario Regular	ion 159/06.	
Signature:	KCZ	telick	Date: Apr	il 26, 2022
NOTE: Signature or Written Authorization of Landowner is Mandatory. Landowner authorization form follows this page.				
I am the:	Owner	Agent	Contractor	Other

The information on this form is being collected, and will be used, for the purposes of administering a Regulation made pursuant to Section 28 of the Conservation Authorities Act, R.S.O. 1990 C27.

NOTE: Further information and studies may be required by the Crowe Valley Conservation Authority (CVCA) in order to process this file, the cost of which will be borne by the applicant or their agent. This information may include details related to wetlands, floodplains, hydraulics, slope stability or stream systems. Once completed, all studies become the property of the CVCA and the information may be used by the CVCA, its member municipalities and partners. In order for members of the public to view any studies, plans and reports related to your permit, a formal request under the *Municipal Freedom of Information Protection and Privacy Act*, RSO 1990, c.M.56, is required. Access is subject to statutory exemptions. The same is true should you wish to access any studies, plans and reports pertaining to other's permits. Insufficient information may delay the processing of your application. This application does not relieve the applicant of the obligation to secure any other necessary approvals. Fees are subject to change without notice.



SYLVAN DRIVE

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All drawings are the property of the designer. I here and may not be reprodued without permission. The contractor shall cinety and verify all drimensions on state and discrepancies to the architect. This drawing is not to be scaled.



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The Corporation of the Township of NORTH KAWARTHA

P.O. Box 550, 280 Burleigh Street Apsley, Ontario KOL 1A0 (705) 656-4445 or 1-800-755-6931 (ext. 234) Fax: (705) 656-4446 <u>c.parent@northkawartha.ca</u> <u>www.northkawartha.ca</u> www.facebook.com/NorthKawartha

Roll #010-200-39500 (Aelick) Application #ZA-09-22

Notice of the Passing of Zoning By-Law

Take Notice That the Council of the Corporation of the Township of North Kawartha passed By-Law #2022-0030 on the 5th day of April, 2022, under Section 34 of the Planning Act, Statutes of Ontario 1990, Chap. P. 13.

And Take Notice That any person or agency may appeal to the Ontario Land Tribunal in respect to the By-law by filing with the Clerk of the Corporation of the Township of North Kawartha not later than the 27th day of April, 2022. The notice of appeal must set out the objection to the By-law and the reasons in support of the objection, and be accompanied by a certified cheque or money order in Canadian Funds payable to the Minister of Finance in the amount of \$1,100.00 which represents the Tribunal's fee. The Tribunal may reduce appeal fees to \$400.00 for eligible private citizens and community groups. A request for reduced fees must be made at the time of filing the appeal. Forms and further details regarding fees and how to file an appeal are available on the Ontario Land Tribunal website: https://olt.gov.on.ca/appeals-process/

As a result of public consultation on the proposal, the Township received 3 written comments from interested community members and agencies. Verbal submissions were also made at the public meeting. All comments received were considered by Council prior to making a decision. A summary of the submitted comments is provided below:

- Verbal submission in opposition, April 5, 2022, objecting to the use and location of the building
- Email of opposition, dated April 4, 2022, objecting to the use and location of the building
- Letter from Crowe Valley Conservation Authority, dated March 25, 2022 indicating they had no concerns with this application.

An explanation of the purpose and effect of the By-law describing the lands to which the By-law applies, and key map showing the location of the lands to which the By-law applies, are attached. The complete By-law is available for inspection in the office of the Clerk at the Municipal Office, Administration Building, during regular office hours (Monday to Friday 9:00 a.m. to 4:30 p.m.)

Only individuals, corporations and public bodies may appeal a by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

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No person or public body shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

Dated at the Township of North Kawartha this 7th day of April, 2022.

Connie Parent, Clerk

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Lands Affected



Purpose and Effect

The proposed amendment would upon coming into force and effect, serve to amend By-Law No. 26-2013, as amended, by changing the zone category of certain lands located in Lot 9, Plan 4 in the Chandos Ward from Shoreline Residential (SR) Zone to Shoreline Residential-Exception (SR-X) Zone to permit an existing 245 square foot (22.8 square metre) on-water boathouse with a height of 3.0 metres to be reconstructed on the same footprint with an increased height of 4.8 metres. This is an amendment to Section 3.19 (a) which permits the rebuilding of an existing non-conforming building or structure provided the external dimensions of the original building or structure are not increased.

The application would also permit the construction of stairs and landings intended to provide safe access to the land near the water's edge with an increased width of 1.6 metres. This is an amendment to Section 3.30 (c) which permits such stairs and landings, provided that the width is not more than 1.25 metres.

All other provisions in all other respects as set out in the General Provisions and the Provisions of the Shoreline Residential (SR) Zone and Lake (L) Zone shall apply and be complied with as identified in By-Law 26-2013.

Google Maps

Crowe Valley Conservation Authority to 51 Sylvan Drive, Apsley, ON

Drive 65.8 km, 52 min



2	4	38 Cottesloe 8 South	7 Geogle Map data ©2022 Google 5 km
Crov	ve Va	alley Conservation Authority	
70 H	lugh	es Ln, Marmora, ON K0K 2M0	
	~		
↑	1.	Head south on Hughes Ln toward Hwy 7/Trans- Canada Hwy	
		250 m	
ب	2.	Turn right at the 1st cross street onto Hwy 7/Trans-Canada Hwy	
		17.6 km	
Ļ	3.	Turn right onto Concession St/County Rd 46/Regional Rd 46	
	0	Continue to follow County Rd 46/Regional Rd 46	
	-	42.6 km	/
ب	4.	Turn right onto Peterborough 504 (signs for County Road 504 E)	
		2.6 km	
4	5.	Turn left onto Renwick Rd	
·		2.4 km	
4		Turn right onto Sylvan Dr	
-	0	Destination will be on the left	
		230 m	

51 Sylvan Dr

Apsley, ON K0L 1A0

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.




Appendix D

Photographs of Existing Boathouse





Appendix E

June 28, 2022 Correspondence from CVCA

Beth Lowe

From:	Beth Lowe <beth.lowe@crowevalley.com></beth.lowe@crowevalley.com>
Sent:	June 28, 2022 4:32 PM
То:	'ronaelick@gmail.com'
Subject:	51 Sylvan Drive - boathouse and dock

Good Afternoon Ron and Neil,

The Regulations team met this morning to discusse your proposed boathouse redesign and new permanent dock. Upon review the proposal to add a floor to the existing in-water boathouse will change the intent of the structure and is therefore considered to be a change of use which CVCA Regulations Officers cannot permit. As per the CVCA Policy Manual:

Repairs to existing in water boathouses, structures and permanent docks may be permitted provided that the repairs:

do not impede the flow of water;

• do not provide an opportunity for conversion into habitable space in the future (to ensure no habitable component, the boathouse shall contain no services other than electricity);

- the repairs do not result in a change in use, including new decks and rooftop patios;
- do not alter the natural contour of the shoreline; and,
- do not result in a change in size or create a navigational hazard.

The current in-water boathouse is intended for a motorized watercraft to drive in and out while the proposed structure is to have a floor and is for the storage of personal watercraft (such as canoes). Personal watercraft can be stored in an accessory structure in a different location of the property away from the shoreline or at shore during the day before being stored in an accessory structure in another location on the property and do not require an in-water structure. This change from an in-water boathouse to an accessory structure on the water constitutes a change of use and is therefore not something Regulation Officers can permit.

With regards to the permanent dock the CVCA Policy Manual states no new permanent docks, *New in-water boathouses structures and permanent docks that are within the channel of a watercourse will be not be permitted*. However, the CVCA is willing to work with you and recognize the existing 262square feet of permanent dock and is willing to allow the existing 262square feet to be used in the construction of a permanent dock. If you wish to rebuild the in-water boathouse on the same footprint and keep it open for motorized watercraft to drive in and out and have the 262square foot dock, this is something CVCA Regulations Officers may be able to permit.

Thank you, -Beth

> **Beth Lowe** (she/her) Regulations Officer

Crowe Valley Conservation 70 Hughes Lane P.O. Box 416 Marmora, ON K0K 2M0 Tel: 613-472-3137 Fax: 613-472-5516

www.CroweValley.com

Any maps/screen shots provided in emails are produced by Crowe Valley Conservation Authority with data supplied under licence by the Ontario Geospatial Data Exchange and local County data. These maps/screen shots have been created for demonstrative purposes only and are not to be used as an official source of data.

Disclaimer: This is intended for the addressee indicated above. It may contain information that is privileged, confidential, or otherwise protected from disclosure under the Municipal Freedom of Information and Privacy Protection Act. If you have received this in error, please notify us immediately.

Appendix F

Ontario Regulation 159/06

Conservation Authorities Act Loi sur les offices de protection de la nature

ONTARIO REGULATION 159/06

CROWE VALLEY CONSERVATION AUTHORITY: REGULATION OF DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES

Consolidation Period: From February 8, 2013 to the e-Laws currency date.

Last amendment: 54/13.

Legislative History: 54/13, CTR 12 FE 13 - 1.

This Regulation is made in English only.

Definition

1. In this Regulation,

"Authority" means the Crowe Valley Conservation Authority. O. Reg. 159/06, s. 1.

Development prohibited

2. (1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,

- (a) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:
 - (i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,
 - (ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side,
 - (iii) where the river or stream valley is not apparent, the valley extends the greater of,
 - (A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side, and
 - (B) the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side;
- (b) hazardous lands;
- (c) wetlands; or
- (d) other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and areas within 30 metres of wetlands less than 2 hectares in size. O. Reg. 159/06, s. 2 (1); O. Reg. 54/13, s. 1 (1).

(2) All areas within the jurisdiction of the Authority that are described in subsection (1) are delineated as the "Regulation Limit" shown on a series of maps filed at the head office of the Authority under the map title "Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". O. Reg. 54/13, s. 1 (2).

(3) If there is a conflict between the description of areas in subsection (1) and the areas as shown on the series of maps referred to in subsection (2), the description of areas in subsection (1) prevails. O. Reg. 54/13, s. 1 (2).

Permission to develop

3. (1) The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. O. Reg. 159/06, s. 3 (1).

(2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. 159/06, s. 3 (2).

(3) Subject to subsection (4), the Authority's executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for development in or on the areas described in subsection 2 (1). O. Reg. 54/13, s. 2.

(4) A designate under subsection (3) shall not grant a permission for development with a maximum period of validity of more than 24 months. O. Reg. 54/13, s. 2.

Application for permission

4. A signed application for permission to undertake development shall be filed with the Authority and shall contain the following information:

- 1. Four copies of a plan of the area showing the type and location of the proposed development.
- 2. The proposed use of the buildings and structures following completion of the development.
- 3. The start and completion dates of the development.
- 4. The elevations of existing buildings, if any, and grades and the proposed elevations of buildings and grades after the development.
- 5. Drainage details before and after the development.
- 6. A complete description of the type of fill proposed to be placed or dumped.
- 7. Such other technical studies or plans as the Authority may request. O. Reg. 159/06, s. 4; O. Reg. 54/13, s. 3.

Alterations prohibited

5. Subject to section 6, no person shall straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or change or interfere in any way with a wetland. O. Reg. 159/06, s. 5.

Permission to alter

6. (1) The Authority may grant permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland. O. Reg. 159/06, s. 6(1); O. Reg. 54/13, s. 4(1).

(2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. 159/06, s. 6 (2).

(3) Subject to subsection (4), the Authority's executive committee, or one or more employees of the Authority that have been designated by the Authority for the purposes of this section, may exercise the powers and duties of the Authority under subsections (1) and (2) with respect to the granting of permissions for alteration. O. Reg. 54/13, s. 4 (2).

(4) A designate under subsection (3) shall not grant a permission for alteration with a maximum period of validity of more than 24 months. O. Reg. 54/13, s. 4 (2).

Application for permission

7. A signed application for permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or change or interfere with a wetland shall be filed with the Authority and shall contain the following information:

- 1. Four copies of a plan of the area showing plan view and cross-section details of the proposed alteration.
- 2. A description of the methods to be used in carrying out the alteration.
- 3. The start and completion dates of the alteration.
- 4. A statement of the purpose of the alteration.
- 5. Such other technical studies or plans as the Authority may request. O. Reg. 159/06, s. 7; O. Reg. 54/13, s. 5.

Cancellation of permission

8. (1) The Authority may cancel a permission granted under section 3 or 6 if it is of the opinion that the conditions of the permission have not been met. O. Reg. 159/06, s. 8 (1); O. Reg. 54/13, s. 6 (1).

(2) Before cancelling a permission, the Authority shall give a notice of intent to cancel to the holder of the permission indicating that the permission will be cancelled unless the holder shows cause at a hearing why the permission should not be cancelled. O. Reg. 159/06, s. 8 (2).

(3) Following the giving of the notice under subsection (2), the Authority shall give the holder at least five days notice of the date of the hearing. O. Reg. 159/06, s. 8 (3); O. Reg. 54/13, s. 6 (2).

Period of validity of permissions and extensions

9. (1) The maximum period, including an extension, for which a permission granted under section 3 or 6 may be valid is,

- (a) 24 months, in the case of a permission granted for projects other than projects described in clause (b); and
- (b) 60 months, in the case of a permission granted for,
 - (i) projects that, in the opinion of the Authority or its executive committee, cannot reasonably be completed within 24 months from the day the permission is granted, or
 - (ii) projects that require permits or approvals from other regulatory bodies that, in the opinion of the Authority or its executive committee, cannot reasonably be obtained within 24 months from the day permission is granted.
 O. Reg. 54/13, s. 7.

(2) The Authority or its executive committee may grant a permission for an initial period that is less than the applicable maximum period specified in subsection (1) if, in the opinion of the Authority or its executive committee, the project can be completed in a period that is less than the maximum period. O. Reg. 54/13, s. 7.

(3) If the Authority or its executive committee grants a permission under subsection (2) for an initial period that is less than the applicable maximum period of validity specified in subsection (1), the Authority or its executive committee may grant an extension of the permission if,

- (a) the holder of the permission submits a written application for an extension to the Authority at least 60 days before the expiry of the permission;
- (b) no extension of the permission has previously been granted; and
- (c) the application sets out the reasons for which an extension is required and, in the opinion of the Authority or its executive committee, demonstrates that circumstances beyond the control of the holder of the permission will prevent completion of the project before the expiry of the permission. O. Reg. 54/13, s. 7.

(4) When granting an extension of a permission under subsection (3), the Authority or its executive committee may grant the extension for the period of time requested by the holder in the application or for such period of time as the Authority or its executive committee deems appropriate, as long as the total period of validity of the permission does not exceed the applicable maximum period specified in subsection (1). O. Reg. 54/13, s. 7.

(5) For the purposes of this section, the granting of an extension for a different period of time than the period of time requested does not constitute a refusal of an extension. O. Reg. 54/13, s. 7.

(6) The Authority or its executive committee may refuse an extension of a permission if it is of the opinion that the requirements of subsection (3) have not been met. O. Reg. 54/13, s. 7.

(7) Before refusing an extension of a permission, the Authority or its executive committee shall give notice of intent to refuse to the holder of the permission, indicating that the extension will be refused unless,

- (a) the holder requires a hearing, which may be before the Authority or its executive committee, as the Authority directs; and
- (b) at the hearing, the holder satisfies the Authority, or the Authority's executive committee, as the case may be,
 - (i) that the requirements of clauses (3) (a) and (b) have been met, and
 - (ii) that circumstances beyond the control of the holder will prevent completion of the project before the expiry of the permission. O. Reg. 54/13, s. 7.

(8) If the holder of the permission requires a hearing under subsection (7), the Authority or its executive committee shall give the holder at least five days notice of the date of the hearing. O. Reg. 54/13, s. 7.

- (9) After holding a hearing under subsection (7), the Authority or its executive committee shall,
- (a) refuse the extension; or
- (b) grant an extension for such period of time as it deems appropriate, as long as the total period of validity of the permission does not exceed the applicable maximum period specified in subsection (1). O. Reg. 54/13, s. 7.

(10) Subject to subsection (11), one or more employees of the Authority that have been designated by the Authority for the purposes of this section may exercise the powers and duties of the Authority under subsections (2), (3) and (4), but not those under subsections (6), (7), (8) and (9). O. Reg. 54/13, s. 7.

(11) A designate under subsection (10) shall not grant an extension of a permission for any period that would result in the permission having a period of validity greater than 24 months. O. Reg. 54/13, s. 7.

Appointment of officers

10. The Authority may appoint officers to enforce this Regulation. O. Reg. 159/06, s. 10.

Flood event standards

11. The applicable flood event standards used to determine the maximum susceptibility to flooding of lands or areas within the watersheds in the area of jurisdiction of the Authority are the Hurricane Hazel Flood Event Standard, the 100 year flood level and the Timmins Flood Event Standard described in Schedule 1. O. Reg. 159/06, s. 11.

12. REVOKED: O. Reg. 54/13, s. 8.

SCHEDULE 1

- 1. The Hurricane Hazel Flood Event Standard means a storm that produces over a 48-hour period,
- (a) in a drainage area of 25 square kilometres or less, rainfall that has the distribution set out in Table 1; or
- (b) in a drainage area of more than 25 square kilometres, rainfall such that the number of millimetres of rain referred to in each case in Table 1 shall be modified by the percentage amount shown in Column 2 of Table 2 opposite the size of the drainage area set out opposite thereto in Column 1 of Table 2.

TABLE 1

73 millimetres of rain in the first 36 hours	
6 millimetres of rain in the 37th hour	
4 millimetres of rain in the 38th hour	
6 millimetres of rain in the 39th hour	
13 millimetres of rain in the 40th hour	
17 millimetres of rain in the 41st hour	
13 millimetres of rain in the 42nd hour	
23 millimetres of rain in the 43rd hour	
13 millimetres of rain in the 44th hour	
13 millimetres of rain in the 45th hour	
53 millimetres of rain in the 46th hour	
38 millimetres of rain in the 47th hour	
13 millimetres of rain in the 48th hour	

TABLE 2

Column 1	Column 2
Drainage Area (square kilometres)	Percentage
26 to 45 both inclusive	99.2
46 to 65 both inclusive	98.2
66 to 90 both inclusive	97.1
91 to 115 both inclusive	96.3
116 to 140 both inclusive	95.4
141 to 165 both inclusive	94.8
166 to 195 both inclusive	94.2
196 to 220 both inclusive	93.5
221 to 245 both inclusive	92.7
246 to 270 both inclusive	92.0
271 to 450 both inclusive	89.4
451 to 575 both inclusive	86.7
576 to 700 both inclusive	84.0
701 to 850 both inclusive	82.4
851 to 1000 both inclusive	80.8
1001 to 1200 both inclusive	79.3
1201 to 1500 both inclusive	76.6
1501 to 1700 both inclusive	74.4
1701 to 2000 both inclusive	73.3
2001 to 2200 both inclusive	71.7
2201 to 2500 both inclusive	70.2
2501 to 2700 both inclusive	69.0
2701 to 4500 both inclusive	64.4
4501 to 6000 both inclusive	61.4
6001 to 7000 both inclusive	58.9
7001 to 8000 both inclusive	57.4

2. The 100 year flood level means the peak instantaneous still water level plus an allowance for wave uprush and other water-related hazards for Lake Ontario that has a probability of occurrence of one per cent during any given year.

- 3. The Timmins Flood Event Standard means a storm that produces over a 12-hour period,
- (a) in a drainage area of 25 square kilometres or less, rainfall that has the distribution set out in Table 3; or
- (b) in a drainage area of more than 25 square kilometres, rainfall such that the number of millimetres of rain referred to in each case in Table 3 shall be modified by the percentage amount shown in Column 2 of Table 4 opposite the size of the drainage area set out opposite thereto in Column 1 of Table 4.

TABLE 3

15 millimetres of rain in the first hour	
20 millimetres of rain in the second hour	
10 millimetres of rain in the third hour	
3 millimetres of rain in the fourth hour	
5 millimetres of rain in the fifth hour	
20 millimetres of rain in the sixth hour	
43 millimetres of rain in the seventh hour	
20 millimetres of rain in the eighth hour	
23 millimetres of rain in the ninth hour	
13 millimetres of rain in the tenth hour	
13 millimetres of rain in the eleventh hour	
8 millimetres of rain in the twelfth hour	

TABLE 4

Column 1	Column 2
Drainage Area (Square Kilometres)	Percentage
26 to 50 both inclusive	97
51 to 75 both inclusive	94
76 to 100 both inclusive	90
101 to 150 both inclusive	87
151 to 200 both inclusive	84
201 to 250 both inclusive	82
251 to 375 both inclusive	79
376 to 500 both inclusive	76
501 to 750 both inclusive	74
751 to 1000 both inclusive	70
1001 to 1250 both inclusive	68
1251 to 1500 both inclusive	66
1501 to 1800 both inclusive	65
1801 to 2100 both inclusive	64
2101 to 2300 both inclusive	63
2301 to 2600 both inclusive	62
2601 to 3900 both inclusive	58
3901 to 5200 both inclusive	56
5201 to 6500 both inclusive	53
6501 to 8000 both inclusive	50

O. Reg. 159/06, Sched. 1.

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