

CROWE VALLEY CONSERVATION

SECTION 28 HEARING

85 FIRE ROUTE 19C

HAVELOCK-BELMONT-

METHUEN

Presentation for
CVCA Watershed
Advisory Board
November 16, 2023



OVERVIEW

- Background
- Issues/Concerns



TIMELINE

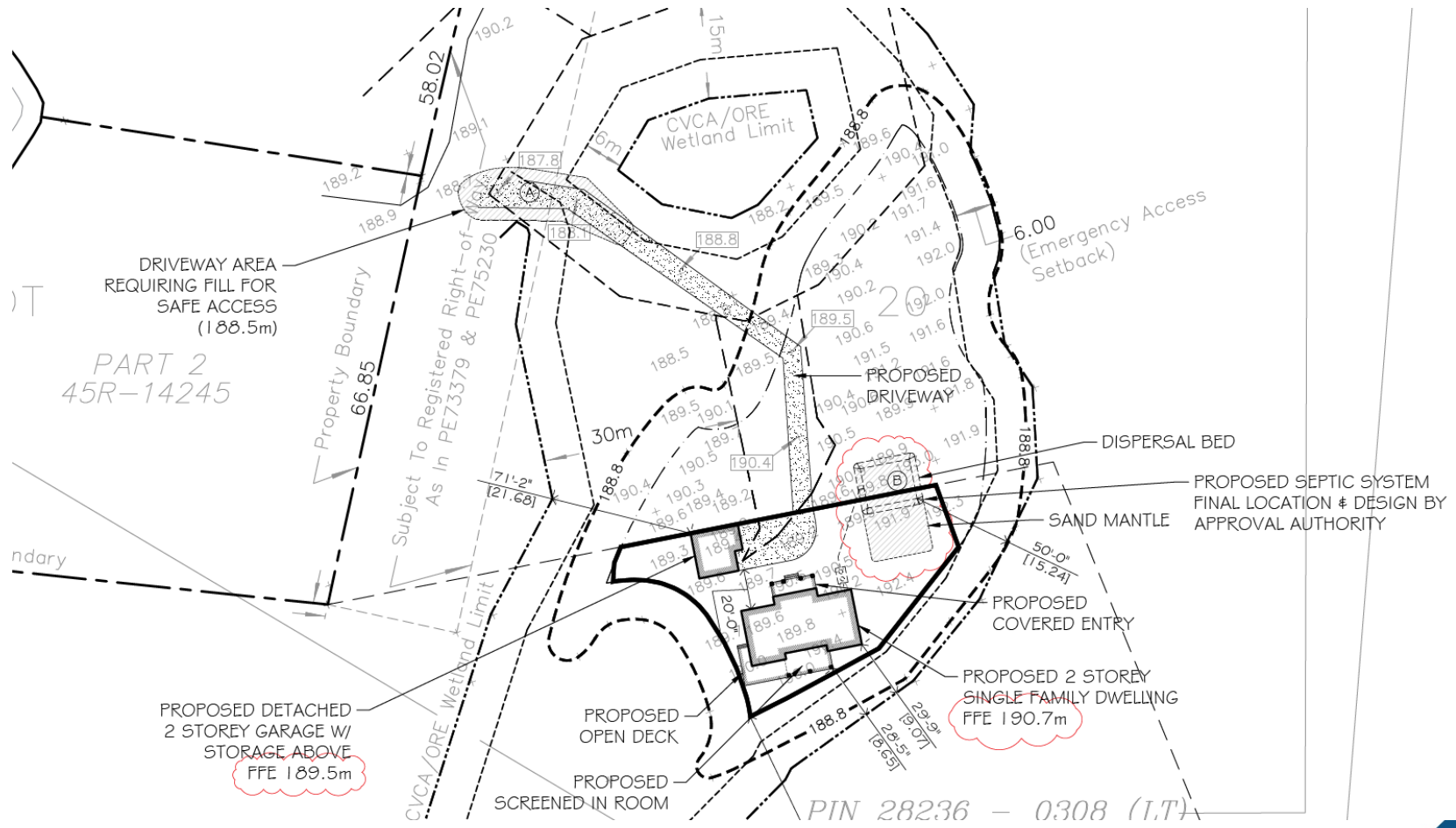
- October 2021 – CVCA responded to a property inquiry submitted on behalf of Mr. Deshane. Property Inquiry stated *Looking for suitable building envelope for cottage. Property in currently vacant.*
 - CVCA responds that there is not a building envelope due to the flood hazard and wetland setback requirements.
- May 2022 - CVCA Staff, Rob West (Oakridge Environmental Ltd.), Mr. Deshane and Mr. Anthony Quinn (agent for the Deshane's) complete a site visit to the property.
 - CVCA staff and Rob West delineate wetland boundary. While on site it is communicated to Mr. Deshane and Mr. Quinn that CVCA staff will not be able to permit the development of the property as there does not appear to be a building envelope outside of the wetland setback and floodplain but that he can submit a permit application and the inability to gain a permit from a Regulations Officer would be communicated and allow them to request a hearing before the Watershed Advisory Board.
- Winter 2022/2023 –CVCA staff and Mr. Sharpe, acting on behalf of the Deshane's, communicate regarding permit requirements: elevation survey, scoped Environmental Impact Study and other standard application requirement details including a conceptual site plan (CVCA did not request detailed construction drawings).
- August 2023 - Mr. Quinn submits permit application for development of a dwelling, detached garage, driveway and septic system. At the time of permit submission Mr. Bennet requested a hearing before the CVCA Watershed Advisory Board.



EXISTING DEVELOPMENT



PROPOSED DEVELOPMENT



CONFORMITY WITH CVCA POLICY MANUAL

Administrative Policies

- **3.8.4** That notwithstanding Sections 3.8.1, 3.8.2 and 3.8.3, where there is an existing vacant lot of record, (including an infill lot), no new development will be permitted where the lot has no safe access, or is entirely within one or more of the following:
 - a) the flood hazard (One Zone Policy Area), or erosion hazard of valley and stream corridors, other hazardous lands;
 - c) any natural features, areas and systems contributing to the conservation of land, including areas providing hydrologic functions or ecological functions.



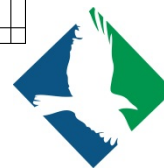
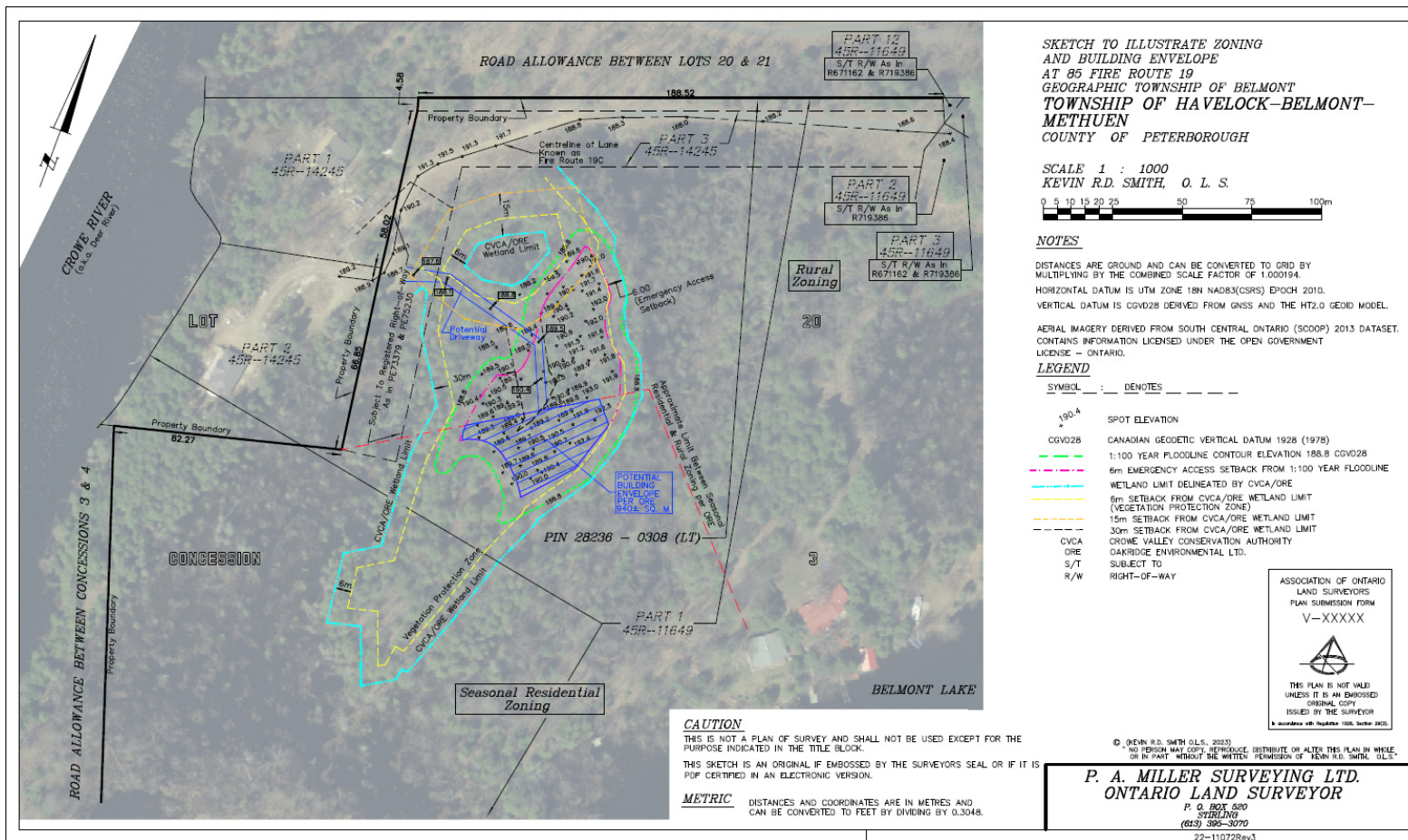
SAFE ACCESS REQUIREMENTS

Table 1: Depth and Velocity Criteria

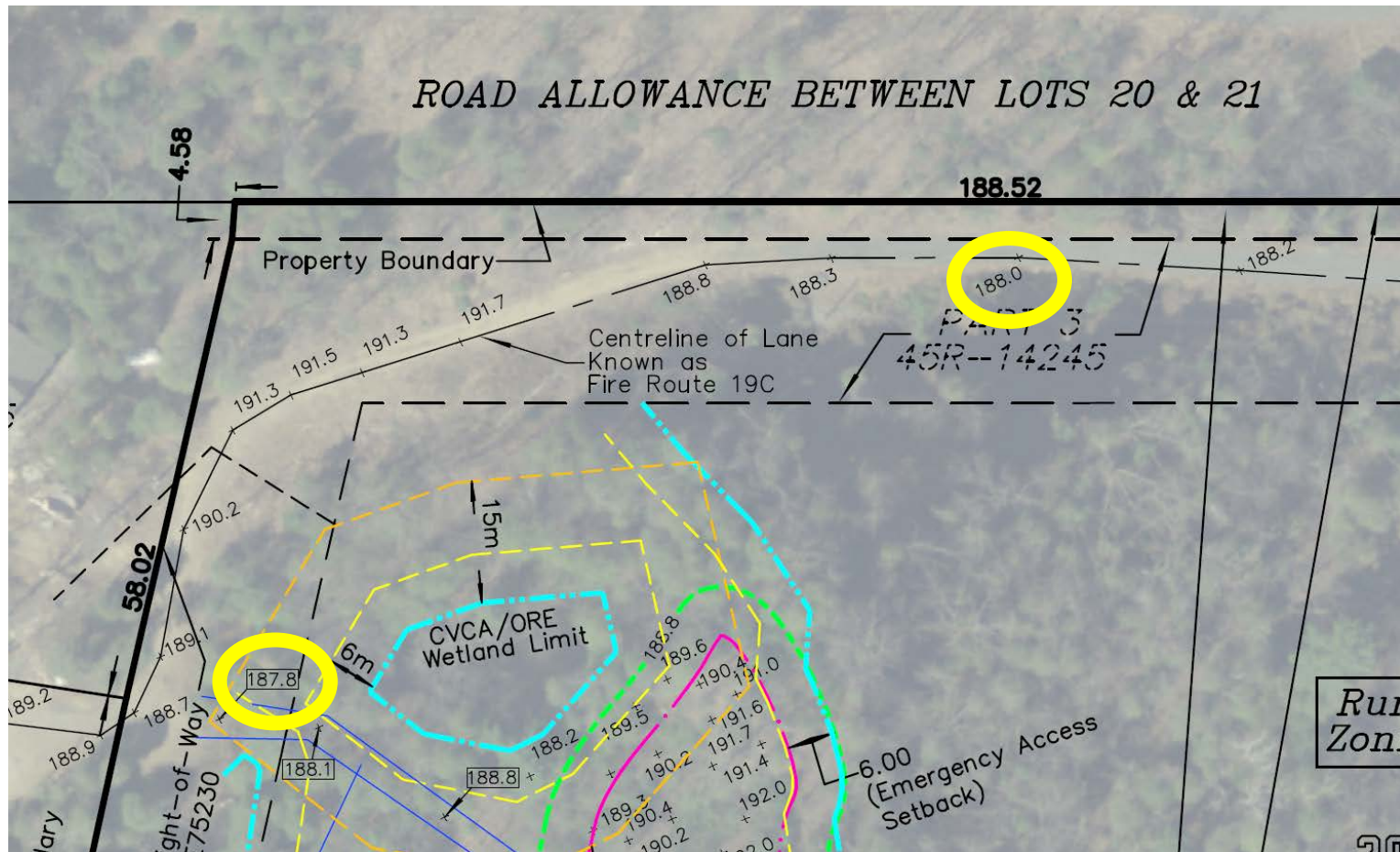
Acceptable Vehicle Depths	Acceptable Pedestrian Depths	Acceptable Velocities
0.1m	0.1m	1.7 m/s (max allowable)
0.2m	0.2m	1.7 m/s
0.3m (max. allowable)	0.3m	1.3 m/s
	0.4m	1.0 m/s
	0.5m	0.8 m/s
	0.6m	0.7 m/s
	0.7m	0.6 m/s
	0.8m (max. allowable)	0.5 m/s



CONFORMITY WITH CVCA POLICY MANUAL



CONFORMITY WITH CVCA POLICY MANUAL



CONFORMITY WITH CVCA POLICY MANUAL

Hazardous Lands Policies

- **5.2.1** Development within the Regulatory floodplain shall not be permitted.
 - The proposed driveway is within the regulatory floodplain. In order to access the proposed dwelling location / building envelope the driveway would traverse the floodplain, with fill being placed in the floodplain.



CONFORMITY WITH CVCA POLICY MANUAL

Hazardous Lands Policies

- **5.2.7** Development within the Regulatory floodplain on vacant lots of record shall not be permitted.
 - The subject lot is vacant, policies state that development within the floodplain on vacant lots of record is not permitted.



CONFORMITY WITH CVCA POLICY MANUAL

Hazardous Lands Policies

- **5.3.13.1** Fill placement and/or excavation for the purpose of changing the grade on a property within the flood hazard for the purpose of permitting development will not be permitted.
 - Grades cannot be altered within the floodplain to permit development. The proposed driveway would result in grades being altered within the floodplain in order access the proposed building envelope.



CONFORMITY WITH CVCA POLICY MANUAL

Hazardous Lands Policies

- **5.3.13.3** Notwithstanding Policy 5.3.13.1 development associated with the construction of a driveway or access way through the Regulatory floodplain in order to provide access to lands outside of the Regulatory floodplain may be permitted subject to the provision of safe access as identified in Section 3.3 and if it has been demonstrated to the satisfaction of CVCA that there is no viable alternative outside of the regulated area and that the control of flooding, erosion, pollution, or the conservation of land will not be affected;
 - Maximum acceptable flood depth for safe access is exceeded. Flood water depths during a 1:100-year flood event would be approximately 1 metre deep which exceed safe access requirements for vehicular access by 0.7 metres and pedestrian access by 0.2 metres.



CONFORMITY WITH CVCA POLICY MANUAL

General Policies for Wetlands

For Provincially Significant Wetlands and wetlands greater than 2 ha the following shall apply:

- **7.3.1a** - In general, there shall be no development within 30 metres of the wetland boundary.
 - All components of the proposed development within the 30 metre setback.



CONFORMITY WITH CVCA POLICY MANUAL

General Policies for Wetlands

For Provincially Significant Wetlands and wetlands greater than 2 ha the following shall apply:

- **7.3.1b** - A 15 metre vegetative buffer from the edge of the wetland boundary shall be encouraged to protect the wetland from nutrient loading and surface runoff which could impact area and/or function.
 - The proposed development is 6 metres from a wetland greater than 2 ha.



CONFORMITY WITH CVCA POLICY MANUAL

General Policies for Wetlands

For Wetlands less than 2 ha in size the following shall apply:

- **7.3.1d** - In general, there shall be no development within 15 metres of the wetland boundary
 - The proposed driveway is 6 metres from a wetland less than 2 ha.



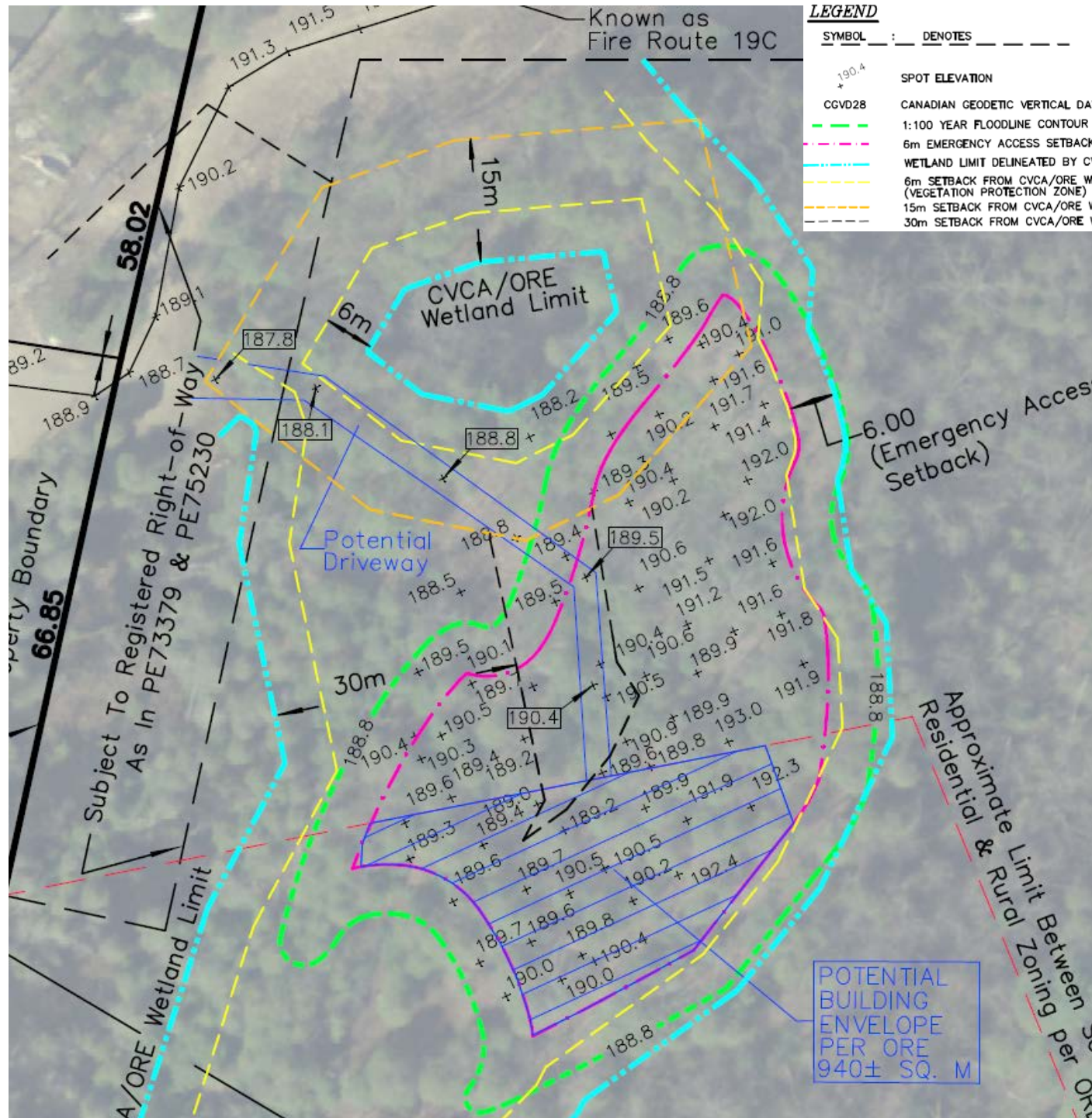
CONFORMITY WITH CVCA POLICY MANUAL

General Policies for Wetlands

For Wetlands less than 2 ha in size the following shall apply:

- **7.4.2.1** - Development shall not be permitted within the setback of a wetland on vacant land.
 - The subject lot is vacant and the proposed development is within the requisite setbacks for wetlands greater than 2 ha and less than 2 ha.





Known as
Fire Route 19C

LEGEND

SYMBOL	NOTES
+ 190.4	SPOT ELEVATION
CGVD28	CANADIAN GEODETIC VERTICAL DATUM 1928 (1978)
--- (green dashed)	1:100 YEAR FLOODLINE CONTOUR ELEVATION 188.8 CGVD28
--- (magenta dashed)	6m EMERGENCY ACCESS SETBACK FROM 1:100 YEAR FLOODLINE
--- (cyan dashed)	WETLAND LIMIT DELINEATED BY CVCA/ORE
--- (yellow dashed)	6m SETBACK FROM CVCA/ORE WETLAND LIMIT (VEGETATION PROTECTION ZONE)
--- (orange dashed)	15m SETBACK FROM CVCA/ORE WETLAND LIMIT
--- (black dashed)	30m SETBACK FROM CVCA/ORE WETLAND LIMIT

Property Boundary
66.85

Subject To Registered Right-of-Way
As In PE73379 & PE75230

58.02

CVCA/ORE
Wetland Limit

15m

6m

Potential
Driveway

30m

6.00
(Emergency Access
Setback)

POTENTIAL
BUILDING
ENVELOPE
PER ORE
940± SQ. M

Approximate Limit Between
Residential & Rural Zoning per Ord.

CVCA/ORE Wetland Limit

89.2
188.9
188.7
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RECOMMENDATION

- The proposed development not conform with the CVCA's Policies, which state:
 - That development within the Regulatory floodplain on vacant lots of record shall not be permitted;
 - That fill placement and/or excavations for the purpose of changing the grade on a property within the flood hazard for the purpose of permitting development will not be permitted;
 - That development associated with the construction of a driveway or access way through the Regulatory floodplain in order to provide access to lands outside of the Regulatory floodplain may be permitted if safe access is present (safe access is not present);
 - That development shall not be permitted within the setback of a wetland on vacant land.
- CVCA staff recommend that the application be **denied**, as it does not conform with the CVCA's Watershed Planning and Regulations policies. The CVCA Watershed Advisory Board must carefully consider the potential implications of granting exceptions to policy at any hearing, including the ability to set precedent.

Recommendation: Application be Denied