



REPORT FOR WATERSHED ADVISORY BOARD

RE: AMMENDED PERMIT APPLICATION NO: 016/17

DATE: APRIL 12, 2017

An application for development has been submitted by Mr. Rocco Lammana with regards to Ontario Regulation 159/06 the Development, Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation of the CVCA.

Executive Summary

An application to develop lands along Crowe Lake is recommended by staff to be **denied**. The development proposed is as follows: the construction of an addition to an existing dwelling located entirely within the flood hazard. The application does not meet our policies for minor additions in a flood hazard. The proposed addition is over the size limit allowed for development in the flood hazard.

Background and Subject Lands

On June 8, 2016 a Property Inquiry was received at our office regarding Mr. Lamanna's potential purchase of a property at 1021 Cooke Road, along Crowe Lake in the Municipality of Marmora and Lake and the subsequent expansion of the existing cottage. The subject lands are approximately 0.65 acres, are surrounded by cottages to the east and west and has frontage along Crowe Lake to the south and Cooke Road to the north.

A review of our mapping and a subsequent site visit by CVCA staff on September 9, 2016 indicated that the entire property was located within the setback of a wetland located to the west and possibly within the flood hazard of Crowe Lake. The policies for development in the flood hazard and in a wetland setback were provided and explained to Mr. Lamanna, including details on the size restrictions for additions.

On March 8, 2017 an application for a permit was submitted for the construction of a 13.6' by 24' (326ft²) addition to the eastern side of the dwelling. The addition would have the same floor level as the original structure and be supported by piers. The addition would be located 63' from the shoreline at its closest point. The application also noted that if possible the applicant would like to have a slightly bigger addition (360ft²) or even 500ft² if our policies permitted it. The application was accompanied by a survey completed by Gifford, Harris Surveying Ltd. on November 29, 2016 that confirmed that the entire dwelling was located within the flood hazard.

A permit (016/17) was issued on April 3, 2017 for the 326ft² addition. On April 4 Mr. Lamanna submitted an amendment to his permit to change the addition size to 350ft². Subsequent to this a second amendment was made to expand the addition to 446.4ft². On April 10, 2017 the application for a 446.4ft² addition was recommended for denial.

CVCA Staff Recommendation

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

Our policies will permit residential development, additions or expansions in a flood hazard under specific conditions. In this application however the expansion does not conform to the policies for size requirements of an addition.

The maximum size the current 700ft² dwelling could be expanded to from its original footprint¹ is 350ft² bringing the total habitable space to 1050ft². The proposed addition is over the allowable size limit by 96.4ft².

The subject site is located in a regulated area as described in Ontario Regulation 159/06. The proposed development of a dwelling of the proposed size will not be permitted in accordance with Section 2. (1) (b) which states:

*Section 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,
(b) hazardous lands;*

The *Conservation Authorities Act* and the Crowe Valley Conservation Authority Watershed Planning and Regulations Policy Manual (2017) defines *hazardous lands* as “land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock.” In this case, processes associated with flooding are our concern.

The manual is intended to provide CVCA staff with policies for the purpose of administrating our Regulation (159/06). When reviewing development applications, the Authority must have regard for its objectives of preventing loss of life and minimizing property damage.

The individual policies that apply to this decision are listed below and are specific to Administrative Policies and Policies for Flooding Hazards. Sections that are not relevant to this application have been removed.

Administrative Policies

The following sections speak to over-arching policies that every application must be tested against. The One Zone concept explains that the entire CVCA watershed is within a single zone where all applications adhere to the same policies. In other Conservation Authorities that have a two zone concept there are different policies depending on what zone development is proposed within. Areas subject to the regulation include several different items with hazardous lands being a critical component. Hazardous lands include all lands that are or could be flooded.

3.2 One Zone Concept

Under the one zone approach, construction activities are restricted within the Regulatory Flood Plain. Permitted development may include reconstruction or minor additions to existing structures as well as extension to existing agricultural operations. Other uses, such as open space, that is not likely to create damage to other properties from floodwater, or cause a threat to public safety, or are not of a polluting nature may be permitted within the flood plain. Examples of uses or structures that would create adverse impacts in the flood plains of our riverine systems include, but

¹ An addition or redevelopment with an expanded footprint must be 50% or less of the original habitable floor space to a maximum of 500ft², whichever is less.

are not limited to, new buildings, swimming pools, filling activities, septic tile fields and tanks, as well as manure storage and handling facilities.

The One Zone Concept of floodplain management is applied throughout the entire Crowe Valley Conservation jurisdiction.

3.4 Areas Subject to the Regulation

Ontario Regulation 159/06 sets out areas where development is prohibited as well as setbacks from various ecological features. The features that are encompassed by the regulation are as follows: (irrelevant sections have been removed)

Hazardous Lands

This component of the Regulation applies to development within hazardous lands which is defined under Section 28 of the CA Act as land that could be unsafe for development due to naturally occurring processes associated with flooding, erosion, dynamic beaches, or unstable soil or bedrock. Unstable soil and bedrock include, but is not limited to sensitive marine clays, organic soils, and karst topography. Sensitive marine clays are not identified within the watershed. Organic soils are normally formed by the decomposition of vegetative and other organic materials. Peat soils are the most common type of organic soil in Ontario. Karst topography may be present in limestone or dolomite bedrock and are extremely variable in nature.

Hazardous Lands Policies

The following policies are specific to development in the flood hazard. Any development within a flooding hazard requires permission from the CVCA. In general development within the Regulatory floodplain shall not be permitted except in accordance with the policies contained below. Policies that do not apply to this case have not been included.

The following policies apply to the development proposed:

New Residential Development

5.3.1.1 New multiple residential development will not be permitted within a flooding hazard, regardless of previous approvals provided under the Planning Act or other regulatory process (e.g., Building Code Act).

5.3.1.2 New single residential development on an existing lot will not be permitted within a flooding hazard regardless of previous approvals provided under the Planning Act or other regulatory process (e.g., Building Code Act).

Minor Residential Additions

5.3.1.3 Additions (including ground floor, second storey or an attached garage) to existing residential dwellings located, even partially, within a flooding hazard will be permitted provided it can be demonstrated that:

- there is no feasible alternative site outside of the flooding hazard;
 - the addition is 50% or less of the original habitable floor space* to a maximum footprint of 46.5 square metres (~500 square feet), whichever is less, or in the case of multiple additions, all additions combined are equal to or less than 50% of the original habitable floor space to a maximum footprint of 46.5 square metres (~500 square feet), whichever is less;
 - the number of dwelling units is the same or fewer;
 - the addition will not be subject to flows that could cause structural damage;
 - where feasible, an improvement in the existing dwelling will occur with respect to floodproofing of the structure;
-

- *safe access (ingress/egress) is present;*
- *the addition will be floodproofed to an elevation of 0.3 metre above the regulatory flood elevation as per floodproofing standards outlined in Appendix C – Floodproofing Guidelines;*
- *the structure is properly anchored to prevent flotation, is not subject to damage by flooding or other hazards and flood flows and flood water storage are not impeded;*
- *no basement is proposed and any crawl space is designed to facilitate service only;*
- *the proposed development will not prevent access for emergency works, maintenance or evacuation;*
- *the potential for surface erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans;*
- *natural features and/or ecological functions associated with conservation of land are protected, pollution is prevented and erosion hazards have been adequately addressed; and*
- *the plan has been carried out by a qualified professional with recognized expertise in the appropriate discipline and must be prepared using established procedures and recognized methodologies to the satisfaction of the CVCA.*

These policies apply to any addition to a dwelling that is located entirely or partially in the flood hazard regardless of whether or not the addition, or part thereof, is located in the flood hazard.

A site plan prepared by qualified professional illustrating the elevations of existing and proposed grades and lowest openings of existing and proposed buildings/structures must be submitted. In addition, detailed technical analysis completed by a qualified professional engineer may be required to be submitted to demonstrate the acceptability of the proposal.

5.3.1.4 *Additions to existing residential dwellings greater than the size provision identified in 5.3.1.3 above would be considered Single Residential Development and therefore subject to Policy 5.3.1.2.*

**Original habitable floor space means the floor space that was part of the original structure when it was first constructed. Subsequent requests for additions which will result in the cumulative exceedance of 50% of the original floor space or 46.5 square metres (~500 square feet) will not be considered.*

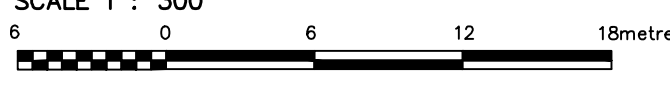
For this application the policies on Minor Residential Additions apply to the application. The proposed addition is over the size restrictions by 96.4ft² and would therefore be considered under policy 5.3.1.2 which prohibits new single residential development.

Summary

CVCA staff recommend that the application for the development of an addition be denied as it does not meet our current policy standards. Mr. Lamanna was made aware of the restrictions associated with development on this property prior to purchase and has an approved permit for a 326ft² addition. CVCA regulations staff are supportive and willing to amend the active permit to allow for an addition at the maximum size of 350ft² but are not supportive of the current amended application for 446.4ft². The Conservation Authority should not allow development in areas that we regulate specifically to minimize hazards to life and property that do not meet our Board approved policies and as such placing an addition of this size in the floodplain should not be approved.

Figures Enclosed: Elevation Survey by Gifford Harris Surveying
 Proposed addition on elevation survey (zoomed in for clarity)\
 Communications Timeline


PART 1
 SURVEYOR'S REAL PROPERTY REPORT PLAN OF
 SURVEY AND TOPOGRAPHIC DETAIL OF PART OF
LOT 9, CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF MARMORA
MUNICIPALITY OF MARMORA AND LAKE
 COUNTY OF HASTINGS

SCALE 1 : 300

 GRAPHIC SCALE - METRES
 GIFFORD, HARRIS SURVEYING LTD.
 ONTARIO LAND SURVEYORS

Note:

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF
 ROCCO LAMANNA AND THE UNDERSIGNED ACCEPTS
 NO RESPONSIBILITIES FOR USE BY OTHER PARTIES

ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
 1999085



THIS PLAN IS NOT VALID
 UNLESS IT IS AN EMBOSSED
 ORIGINAL COPY
 ISSUED BY THE SURVEYOR
 In accordance with
 Regulation 1026, Section 29(3).

OBSERVED CONTROL POINTS (ORPs) UTM ZONE 18, NAD83 (CSRS) (1997.0) COORDINATES TO RURAL ACCURACY PER SEC. 14 (2) OF O.REG. 216/10		
STATION	CO-ORDINATES	
	NORTH	EAST
(A)	N: 4929409.0	E: 281621.0
(B)	N: 4929445.2	E: 281669.9

COORDINATES CANNOT, IN THEMSELVES, BE
 USED TO RE-ESTABLISH CORNERS OR
 BOUNDARIES SHOWN ON THIS PLAN

Grid Distances

DISTANCES ARE GROUND AND CAN BE CONVERTED
 TO GRID BY MULTIPLYING BY THE COMBINED SCALE
 FACTOR OF 1.0002

Grid Bearings

BEARINGS ARE UTM GRID DERIVED FROM OBSERVED
 REFERENCE POINTS A AND B BY REAL TIME NETWORK
 (RTN) OBSERVATIONS, UTM ZONE 18, NAD83 (CSRS).

A ROTATION OF 1'55" COUNTER-CLOCKWISE MAY BE
 APPLIED TO UTM GRID BEARINGS SHOWN HEREON
 TO CONVERT TO APPROXIMATE LOCAL ASTRONOMIC BEARINGS.

PART 2

THIS PLAN MUST BE READ IN CONJUNCTION WITH A
 SURVEY REPORT DATED DECEMBER 7, 2016 & SENT BY EMAIL

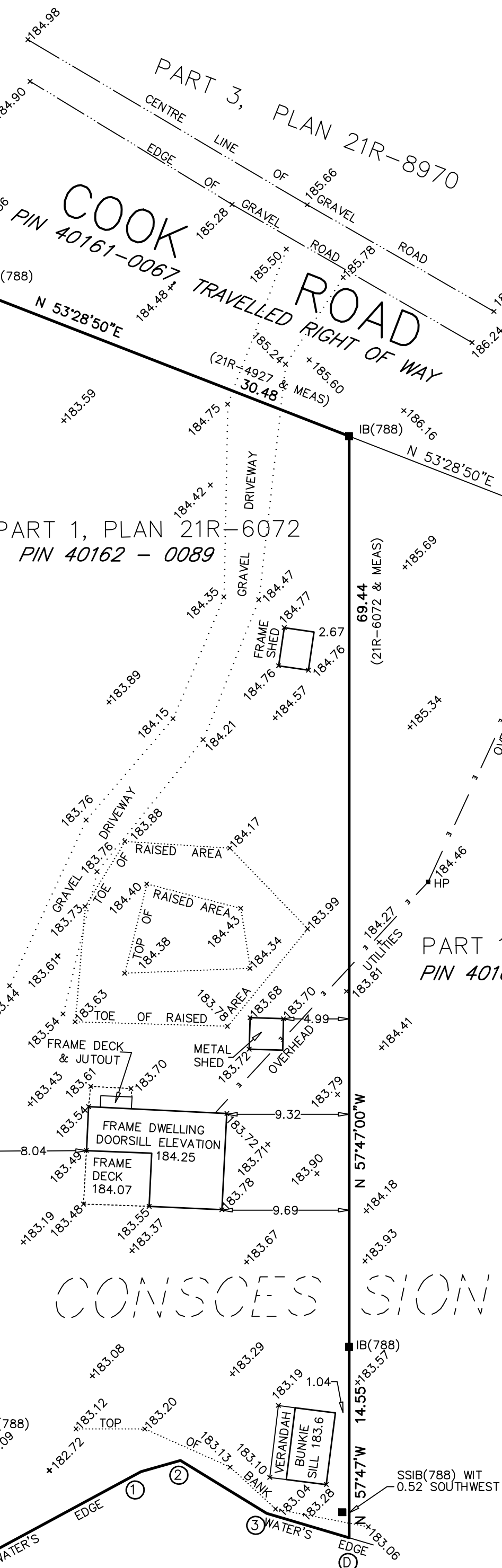
Legend

- SSIB denotes 2.5 cm sq. x 60 cm Iron bar
- SIB .. 2.5 cm sq. x 120 cm Iron bar
- SB .. 1.2 cm sq. x 120 cm Iron bar
- IB .. 1.6 cm sq. x 60 cm Iron bar
- TOB .. Top of Bar Elevation
- .. Survey monument planted
- .. Survey monument found
- (1532) .. Gifford, Harris Surveying O.L.S.
- (788) .. Charles Donald Royce O.L.S.
- (1409) .. Wayne Richard Wollerman O.L.S.

Stadia Table

STADIA TIES TO WATER'S EDGE

Course	Bearing	Distance
C-1	N 03'49'00" E	13.68
C-2	N 06'08'30" E	16.75
C-3	N 23'29'30" E	21.86
C-D	N 29'12'30" E	27.93



WATER ELEVATION=182.30 PER CROWE VALLEY
 CONSERVATION ON NOVEMBER 29th, 2016
CROWE LAKE

Surveyor's Certificate

I certify that:

1. This survey and plan are correct and in accordance with the SURVEYS ACT, the SURVEYORS ACT and the LAND TITLES ACT and the regulations made under them.
2. The survey was completed on November 29th, 2016.

.....
 Date
 Robert K. Harris
 Ontario Land Surveyor

GIFFORD, HARRIS SURVEYING LTD.
 ONTARIO LAND SURVEYORS
 HEAD OFFICE: UNIT 1, RIVERVIEW BUSINESS CENTRE, 255 GLEN MILLER ROAD
 TRENTON, ONT. K8V 5P8
 PHONE: (613) 392-2177 & (613) 394-6646
 CAMPBELLFORD CALL (705) 653-2111 TOLL FREE 1-877-394-6646

CLIENT: ROCCO LAMANNA	DRAWN BY: T.N.	FIELD CREW: R.J.D./T.N.	FILE No. 2-9807
--------------------------	-------------------	----------------------------	--------------------

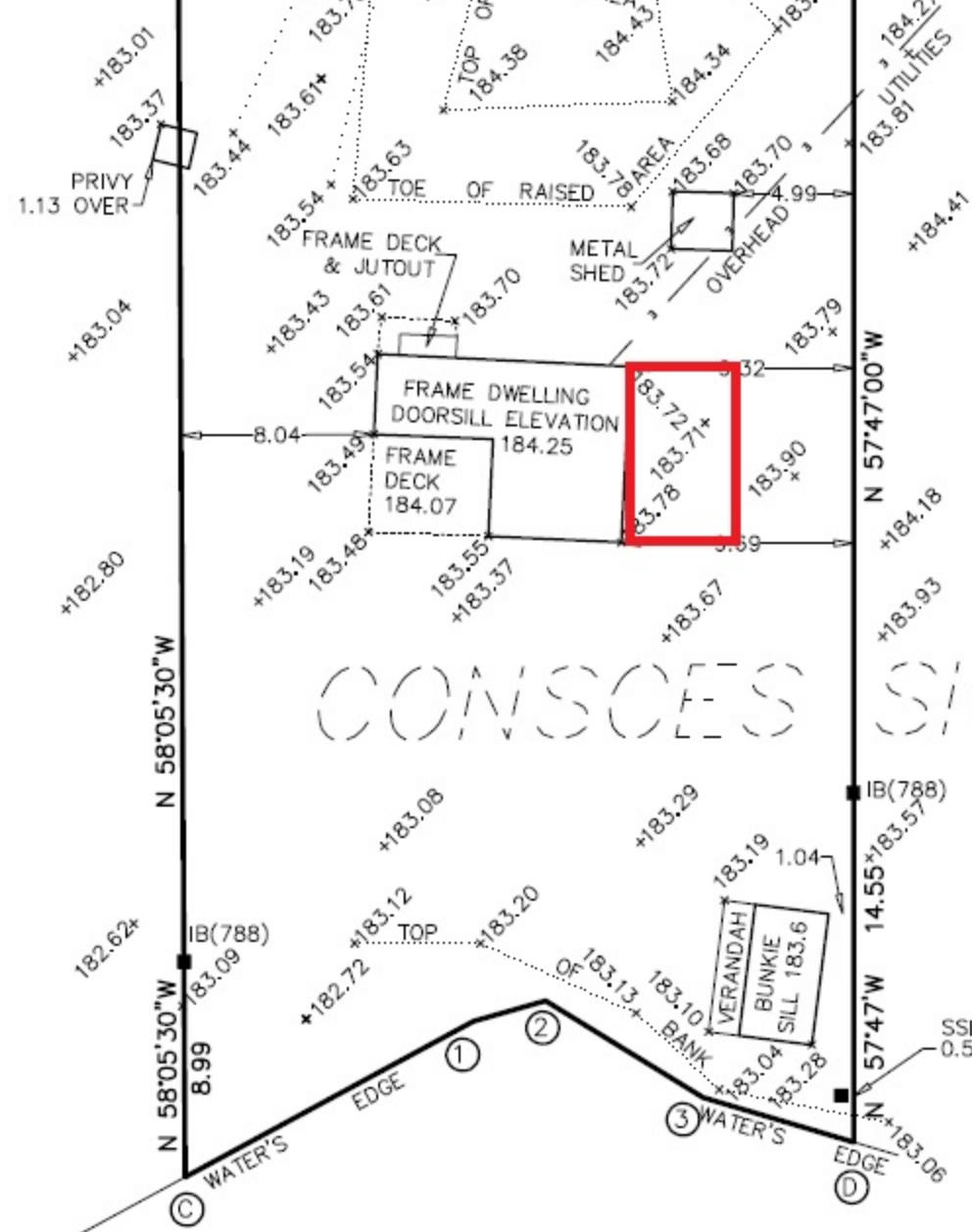
Z\2-9807\2-9807.dwg Plotted 2016/12/07

MEMBER ASSOCIATION OF ONTARIO LAND SURVEYORS

COPYRIGHT © GIFFORD, HARRIS SURVEYING LTD. 2016
 No person may copy, reproduce, distribute or alter this plan in whole or in part without the written permission of Gifford, Harris Surveying Ltd. O.L.S.

METRIC
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

PIN
PART 1,
+183.12



PART 1, PLAN 21R-18112
PIN 40162 - 0090

LOCATION OF PROPOSED ADDITION (not to scale)

Flood hazard elevation of Crowe Lake: 183.88 mas.

Any number on the survey below 183.88 is in the flood hazard.

CONSOLES SION 1

Surveyor's Certificate

- I certify that:
1. This survey and plan are correct and in accordance with the SURVEYS ACT, the SURVEYORS ACT and the LAND TITLES ACT and the regulations made under them.
 2. The survey was completed on November 29th, 2016.

Date

Robert K. Harris
Ontario Land Surveyor

WATER ELEVATION=182.30 PER CROWE VALLEY
CONSERVATION ON NOVEMBER 29th, 2016

CROWE LAKE

GIFFORD, HARRIS SURVEYING LTD.
ONTARIO LAND SURVEYORS
HEAD OFFICE: UNIT 1, RIVERVIEW BUSINESS CENTRE, 255 GLEN MILLER ROAD

Lamanna Communications Timeline

Please be aware that this timeline includes phone calls with S. Richardson only. Conversations with other staff members have not been recorded but have been referenced where possible.

June 7, 2016: Mr. Lamanna called inquiring about property at 1021 Cooke Road, left message.

June 8, 2016: S. Richardson returned Mr. Lamanna's phone call and left a message directing him to the Property Inquiry Form (PIF) on our website.

June 8, 2016: Mrs. Lamanna called regarding the same inquiry as was directed to the PIF.

June 8, 2016: Email inquiry regarding property received by CVCA office.

June 8, 2016: Email response from L. Young: indicating property is entirely within the 30m setback of a wetland, relevant policies were provided and notification that an Environmental Impact Study may be required. Map included in email indicated flood hazard, wetland and wetland setback.

September 9, 2016: Site visit conducted by V. Woolfrey, subsequent summary email sent: indicated an elevation survey would be required to confirm flood hazard location, indicated size restrictions and policies for development in a flood hazard, addressed other questions regarding fill and shoreline work.

September 9, 2016: Email from Mr. Lamanna inquiring about potential surveyor recommendations.

September 9, 2016: Email from V. Woolfrey with names of two potential surveyors.

October 3, 2016: Two phone calls with Mr. Lamanna regarding flood hazard mapping requirements and construction size restrictions.

October 12, 2016: Email to V. Woolfrey from Mr. Lamanna indicating they put an offer in on the property. Indicated the original dwelling was 700ft² and wanted confirmation that the maximum size for an addition is 350ft².

October 12, 2016: Email from V. Woolfrey confirming that 350ft² was the maximum size an addition to the dwelling could be and confirmed flood proofing requirements.

November 10, 2016: Email from V. Woolfrey answering questions from Mr. Lamanna in a phone call about minimum requirements for a flood hazard survey.

November 17, 2016: Email to V. Woolfrey from Mr. Lamanna confirming the need for an elevation survey.

November 17, 2016: Email from V. Woolfrey providing information on elevation survey and possible options for the property. Indicated that if no survey is provided the CVCA will proceed under the assumption that the dwelling is in the flood hazard and will review all applications for additions accordingly.

November 27, 2016: Follow up email from V. Woolfrey after phone conversation with Mr. Lamanna to provide another option of accepting a letter from a surveyor documenting whether the existing dwelling and proposed addition are in the flood hazard.

November 21, 2016: Email to V. Woolfrey from Mr. Lamanna indicating they have hired a surveyor.

November 22, 2016: Email from V. Woolfrey acknowledging email and confirmed the surveyors could contact our office directly with any questions.

December 7, 2016: Email to V. Woolfrey from Mr. Lamanna indicating the survey has been completed.

December 14, 2016: Email to V. Woolfrey from Mr. Lamanna with survey attached.

December 15, 2016: Email from V. Woolfrey acknowledging survey which confirmed existing dwelling is in the flood hazard. Indicated that the maximum allowable addition size is 350ft² and included additional restrictions and notes provided in earlier emails.

December 15, 2016: Phone call with Mr. Lamanna confirming email from V. Woolfrey with regards to size restriction. No limitations on the configuration of the interior as long as the footprint doesn't exceed the maximum square footage permitted.

March 8, 2017: Application for development submitted by Mr. Lamanna for a 326ft² addition. Application indicated they would potentially like to go slightly larger to 360ft² if possible and preferably to 500ft².

April 3, 2017: Permit 016/7 granted for a 326ft² addition.

April 4, 2017: Phone call with Mr. Lamanna regarding request to amend the permit to allow a 350ft² addition. He inquired about going over the size limit and the Hearing process was explained as an option.

April 4, 2017: Email received from Mr. Lamanna with new drawing to support amended application for 350ft² addition.

April 5, 2017: Three phone calls with Mr. Lamanna regarding Hearing process, timelines and possible outcomes. Mr. Lamanna indicated he would possibly like a 398ft² addition instead of 350ft².

April 5, 2017: Email sent to Mr. Lamanna outlining the Hearing process and included the Hearing Guidelines.

April 10, 2017: Phone call from Mr. Lamanna indicating he would like to apply for a larger addition and proceed with a possible Hearing. Mr. Lamanna was made aware of the timelines and agreed to waive his preparation time for the Hearing.

April 10, 2017: Email from Mr. Lamanna with new drawings for 446.4ft² addition to amend original permit.

April 10, 2017: Letter sent to Mr. Lamanna indicating his amended application has been recommended for denial. Letter included Request for Hearing form.

April 10, 2017: Email received from Mr. Lamanna with Request for Hearing form completed and fee payment.

April 11, 2017: Phone call with Mr. Lamanna regarding paperwork to amend permit.

April 11, 2017: Notice of Hearing sent to Mr. Lamanna indicating time and date of meeting.

April 12, 2017: CVCA staff submission to Watershed Advisory Board forwarded to Mr. Lamanna via email for full disclosure prior to Hearing.