



Board of Directors Meeting Agenda

Thursday, October 6, 2022



Board of Directors Meeting

Thursday, October 6, 2022 at 6:00 p.m.

This meeting will be held in person for Board of Directors members and designated, limited staff only.

The public may view the meeting live on HCA's You Tube Channel:
<https://www.youtube.com/user/HamiltonConservation>

1. Call to Order – Ferguson

2. Declarations of Conflict of Interest

3. Approval of Agenda

4. Delegations

5. Section 28 Hearing

5.1. 62 Lake Avenue North, Stoney Creek - Permit Application No. SC/C/22/51

6. Consent Items for Applications, Minutes and Correspondence

6.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses

6.2. Approval of Board of Directors Minutes – September 1, 2022

6.3. Approved August 18, 2022 Budget & Administration Committee Minutes – for receipt only

6.4. Email from Ministry of Natural Resources and Forestry confirming receipt of HCA Application to Renew Exceptions for Chair and Vice-Chair Provisions of the Conservation Authorities Act, dated September 20, 2022

7. Foundation Briefing Foundation Chair – Stebbing

8. Member Briefing

8.1. Eramosa Karst Conservation Area Trail Guide Application – Cripps
Presentation

9. Business Arising from the Minutes

9.1. HCA Quarterly Report #2 to MNRF – O. Reg. 687/21 – Burnside

10. Reports from Budget & Administration Committee and Conservation Advisory Board

Budget & Administration Committee – September 15, 2022
(Recommendations) – Burnside & Fleming

10.1.1. BA 2236 2023 Capital Budget

10.1.2. BA 2238 Administrative Bylaw review – Ability to Chair
Using Hybrid Meetings

11. Other Staff Reports/Memorandums

11.1. Valens Lake Campground Expansion Request for Proposal – Hall
11.2. Watershed Conditions Report – Bastien
11.3. Conservation Areas Experiences Update – Costie

12. New Business

13. In-Camera Items

14. Next Meeting – Thursday, November 3, 2022 at 7:00 p.m.

15. Adjournment

Hearing Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer/Director, Watershed Management Services

PREPARED BY: Mike Stone, MCIP, RPP, Manager, Watershed Planning, Stewardship & Ecological Services

Elizabeth Reimer, Conservation Planner, Watershed Planning, Stewardship & Ecological Services

DATE: September 9, 2022

RE: Hearing under Section 28(12) of the *Conservation Authorities Act* for an Application by Bhaskar Joshi for Development in a Regulated Area of Battlefield Creek at 62 Lake Avenue North, City of Hamilton (Stoney Creek) – Permit Application No. SC/C/22/51

STAFF RECOMMENDATION

THAT HCA staff recommends to the Board of Directors:

THAT the Board of Directors refuse the application made by Bhaskar Joshi for development of a secondary dwelling unit in an existing single residence in a regulated area of Battlefield Creek at 62 Lake Avenue North, City of Hamilton as the development does not conform to the requirements of the Hamilton Conservation Authority's *Planning & Regulation Policies and Guidelines* (October, 2011) as they relate to the implementation of *Ontario Regulation 161/06* (HCA's *Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*) made under the *Conservation Authorities Act*, R.S.O. 1990.

BACKGROUND

Site Description

The property at 62 Lake Ave N is a 0.09 ha (0.23 ac) property located on the east side of Lake Avenue N, approximately 100 m south of the Lake Avenue N crossing of Battlefield Creek (Attachment A). The lot is more or less rectangular, ± 62.0 m deep at the centre, and ± 15.0 m wide. The lot contains an existing single storey residential dwelling with an existing basement. The dwelling has a ground floor area of approximately 93 m² (1000 sq ft).

The property is regulated pursuant to *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990* due to its proximity to Battlefield Creek and its associated floodplain (Attachment B).

The Proposal

The subject application proposes to construct a separate basement dwelling unit in the existing brick bungalow. In order to construct the separate basement unit, an existing window is being enlarged (from 36" x 14" to 42" x 36") to provide egress. The drawings prepared by Out of the Box Engineering, Inc. for the applicant are attached to this report (Attachment C).

Application Review to Date

On July 4, 2022, the designer contacted HCA staff after applying for a municipal building permit for the proposed separate basement dwelling unit, and being advised that the property is affected by the HCA's regulations. Plans for the proposed work were provided from the designer by email. Staff reviewed the plans and reviewed existing information to determine the entire property is within the flood hazard associated with Battlefield Creek, and can therefore not be supported by staff under existing HCA policy.

Based on the HEC-RAS model produced in 2011 in support of the Stoney Creek Battlefield Creek Class EA, the flood depths may reach an elevation of 87.12 m in the vicinity of the Lake Avenue North crossing. A topographic survey has not been provided; however, based on existing contour lines, the elevations at the existing house are between 85.0m and 85.5m. Therefore, the existing basement windows would be subject to between 1.6 and 2.1m of flooding. As the separate unit is in the basement, this flood depth would fully submerge the basement windows.

On July 11, 2022, HCA staff advised the applicant that the property is within the floodplain of Battlefield Creek, and that HCA policy cannot support the creation of additional dwelling units in the floodplain. Furthermore, renovations that increase the

flood-proneness of a building (lowering or adding entrances, in this case the installation of the egress window) are also not permitted.

HCA staff indicated that staff could not support the permit, but advised the applicant he may apply for a permit and request a Hearing before the Board. Accordingly, the property owner applied for a permit on July 12, 2022, and requested that the application be reviewed at a Hearing.

Staff provided information to the applicant that the permit application submission for the proposed addition was deemed complete but could not be supported by staff given the proposal did not conform to policy. In accordance with *Conservation Authority Act Hearing Guidelines* (MNRF October 2005, Amended 2018, 2020 and 2021) and the *Hamilton Region Conservation Authority Administrative By-law* (HCA, October 7, 2021), HCA provided the Notice of Hearing to the applicant, as well as a copy of this Hearing Report, which outlines HCA staff's analysis of the application and reasons for recommending refusal, on September 9, 2022.

STAFF COMMENT

Applicable Policy

HCA has a mandate to ensure that people and property are protected from impacts associated with natural hazards. The Province has delegated the authority for representing and implementing the provincial interest in natural hazards to Conservation Authorities. In evaluating the subject application, HCA staff must ensure that Provincial and HCA policies regarding development and hazardous lands are considered and met. The following outlines the key provincial and HCA hazard policies relevant to the subject application.

Provincial Policy

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides a policy framework for allowing appropriate development, while protecting resources of provincial interest, conserving the natural and built environment, and ensuring public health and safety.

With respect to hazards, the PPS states that development shall generally be directed to areas outside of hazardous lands, including hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards (PPS 3.1.1). Notwithstanding these restrictions, development may be permitted in those portions of hazardous lands where the effects and risks to public safety are minor and can be mitigated in accordance with provincial standards, and new hazards are not created or existing hazards aggravated, and no adverse environmental impacts will result (PPS 3.1.7).

HCA Policy

In accordance with *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990*, no person shall undertake development in a regulated area without permission from the HCA. HCA may grant permission (issue a permit) for development in a regulated area if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.

HCA's *Planning & Regulation Policies and Guidelines*, as approved by the HCA Board of Directors in October 2011, were developed to support the administration of HCA's Regulation (*Ontario Regulation 161/06*) and to implement provincial policy (PPS) direction, including provincial natural hazard policies. HCA applies these policies to its review of planning and regulation proposals.

HCA policies generally do not permit development within the flooding hazard limits. The following policies are particularly relevant to the subject application.

2. 1. 1 Flooding Hazard Limit

The Hamilton Conservation Authority manages flood plain lands at the Regulatory Flood level of the Regional Storm (Hurricane Hazel) with the exception of those numbered watercourses in the Stoney Creek area that have undergone a criteria reduction in the Regulatory Flood level to the 100 year flood event and the Special Policy Areas (SPAs) in Dundas.

2. 1. 1. 1 Permitted Uses in the Flood Plain

- Agriculture or open space/recreational uses that do not require permanent, closed structures or any major alteration of the landscape;
- Flood, erosion and sediment control structures;
- Gardens, nurseries and *open arboretums*;
- Other non-structural uses such as forestry and wildlife management;
- *Replacement structures* or minor *additions* to existing structures;
- Municipal infrastructure such as water treatment facilities/wastewater discharge/water intakes, pumping stations, etc. that must be located in the *flood plain* as determined through the Class *EA* process; and
- Any other relevant or appropriate use and/or *development* as deemed satisfactory by the *Authority*.

2. 1. 1. 3 One Zone Areas

One zone areas are those where the Conservation Authority prohibits all *development* or *site alteration* within the boundaries of the *Regulatory Flood* level. This is the most effective way of minimizing threats to public health or safety or property damage. The *one zone concept* is the preferred approach for the management of *flooding hazards*

within *river and stream systems* as it provides the most cost-effective means of minimizing potential threats to life and risks of property damage and social disruption. Where the *one zone concept* is applied, the entire *flood plain* or the entire *flood hazard limit* defines the *floodway* (Figure 3).

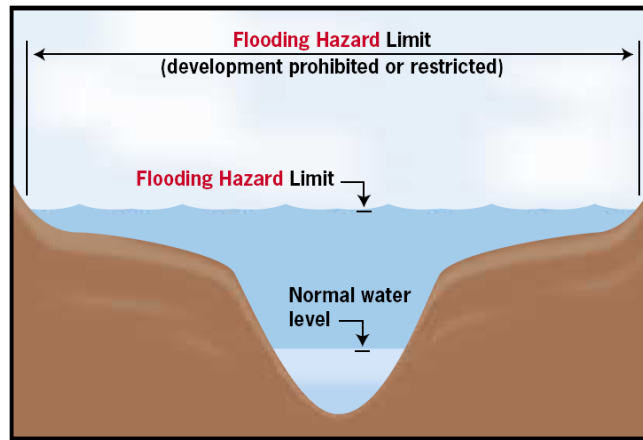


Figure 1: Flooding Hazard Limit for One Zone Concept

2. 1. 1. 3. 1 Development

Any development and/or site alteration within the jurisdiction of the Authority and within the flooding hazard limit for one zone areas must be in accordance with the following policies and guidelines and must be to the satisfaction of the Authority.

- a. With the exception of those uses outlined in Section 2.1.1.1, and under the provisions of these development policies and sub-policies, development within the flood plain will be prohibited in all one zone areas.
- b. In spill areas, development may be permitted in areas where flooding depths are less than or equal to 0.3 m and/or flooding velocities are less than or equal to 0.3 m/sec. Supporting calculations to assess onsite and offsite flood elevation impacts may be required. Only developments with no net impacts on flood elevations will be considered. Dry floodproofing measures with a 0.3 m freeboard above the Regulatory Flood elevations will be required.
- c. Interior renovations to any building or structure that do not alter the use or potential use, do not increase the size, and do not increase the number of dwelling units of that building or structure will only require a letter of permission from the Authority pursuant to HCA Regulation 161/06 under Ontario Regulation 97/04.

- d. Development and/or site alteration that is within the Regulation limit but outside of hazard limits generally will only require a letter of permission from the Authority pursuant to HCA Regulation 161/06 under Ontario Regulation 97/04.

Application Assessment

The property at 62 Lake Ave N is affected by flooding hazards associated with Battlefield Creek. Based on existing floodplain modelling, the entire property is within the floodplain associated with a Regulatory (Hurricane Hazel) storm event (Attachment B). HCA policies, as outlined above, do not permit development within the flood hazard.

The application proposes to construct an additional dwelling unit in the basement of an existing single storey residence. HCA policies do not permit interior renovations to buildings in the floodplain that would increase the number of dwelling units in a building. The construction of an additional dwelling unit would increase the risk, because the number of households that are at risk of flooding would increase.

Adding an egress window would increase the size of the openings below the flood elevation, which is contrary to HCA policy as this increases the flood vulnerability of the property.

In considering the applicable policies, it is HCA staff's opinion the conditions under which a permit can be issued under *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* are not met.

STRATEGIC PLAN LINKAGE

HCA's Strategic Plan 2019 – 2023 outlines its major strategic priority areas and related initiatives for advancing HCA's Vision to provide a healthy watershed for everyone. HCA implements a wide variety of programs to fulfill this mandate, including programs to manage water resources and protect people and property from natural hazards. Administration of HCA's regulation (*Ontario Regulation 161/06*) contributes to the achievement of these program objectives and HCA's Strategic Plan more generally.

AGENCY COMMENTS

None.

LEGAL/FINANCIAL IMPLICATIONS

It is important to note that approval of this application may create liabilities for the Hamilton Conservation Authority in that the proposal would allow construction within the

flood hazard associated with Battlefield Creek. The HCA Board of Directors need to be aware of the possible associated liability to the Hamilton Conservation Authority if this application is approved.

The proposal creates a risk to the safety and personal property of the prospective tenants if the basement dwelling unit is approved.

CONCLUSION

The subject application proposes the construction of a basement dwelling unit within the flood hazard associated with Battlefield Creek. Provincial and HCA policies take a preventative approach to addressing the potential risks and impacts associated with natural hazards by generally directing development to areas outside of hazardous lands. It is HCA staff's opinion the policy framework outlined in HCA's *Planning and Regulation Policies and Guidelines (October, 2011)* does not support the proposed development.

The proposal creates a risk to the safety and property of any future tenants, and therefore is not consistent with Provincial policy that only permits development in those portions of hazardous lands where the effects and risks to public safety are minor and can be mitigated.

On this basis, the proposed development does not meet the conditions under which HCA may issue a permit under *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990*. As such, it is the recommendation of HCA staff that the application be refused.

Attachment A – Site Location

62 Lake Avenue North, City of Hamilton (Stoney Creek)

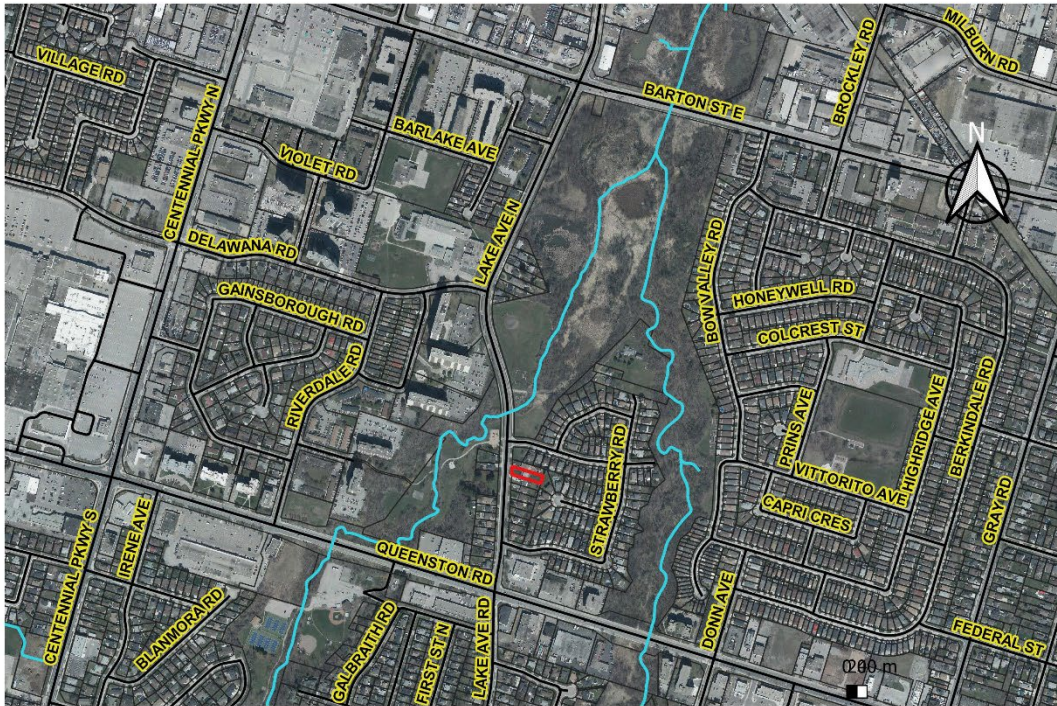


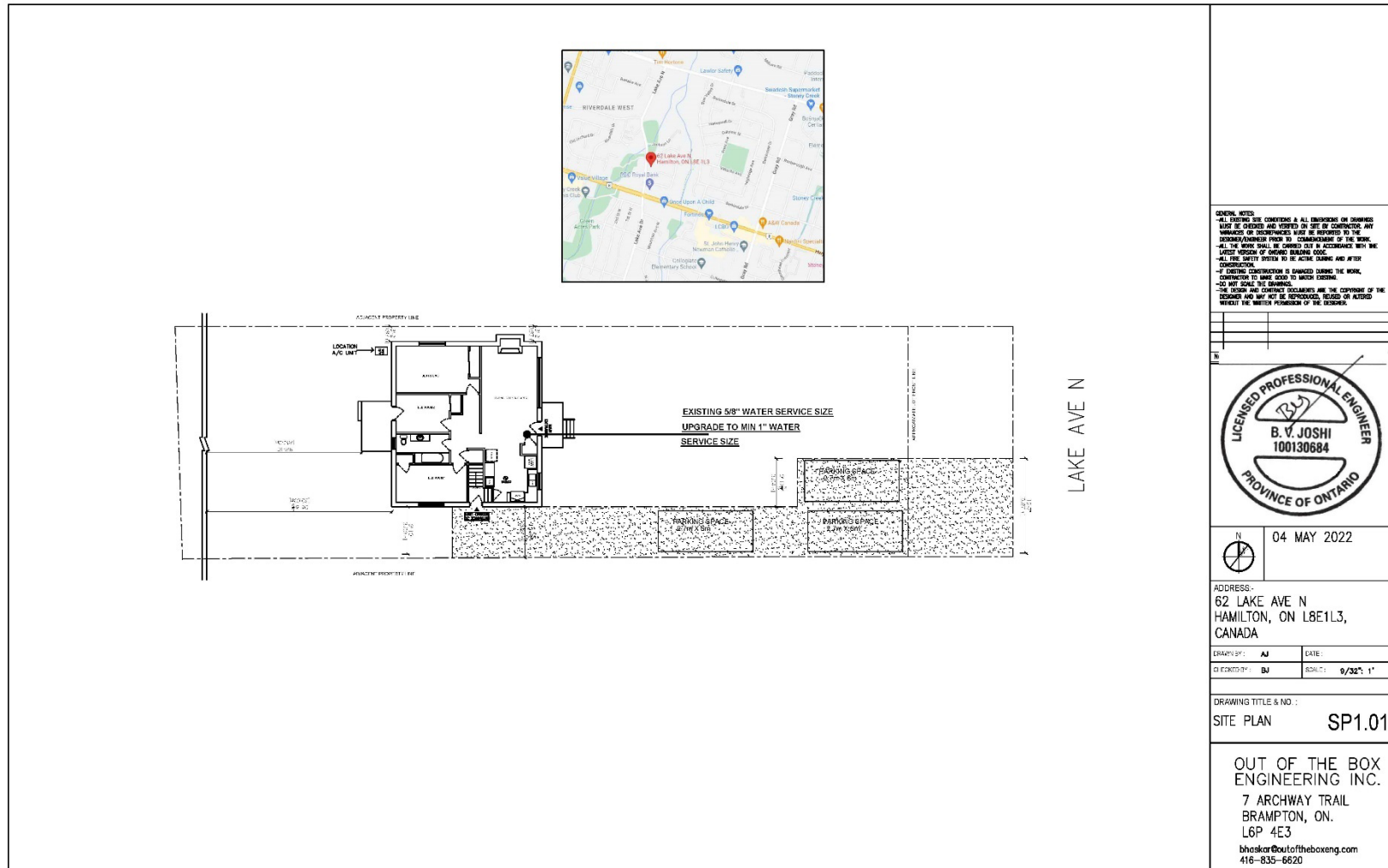
Figure 1: General location of the proposed work at 62 Lake Avenue North (red rectangle).

Attachment B – Extent of Regulatory Floodplain



Figure 2. Property at 62 Lake Avenue North in relation to the Regional flood elevation.

Attachment C – Plans for Proposed Basement Dwelling Unit



WALL ASSEMBLIES :

P1 EXISTING EXTERIOR WALL CONSTRUCTION TYPE A
 $\frac{1}{2}$ " GYPSUM BOARD
 2" X4" WOOD STUD AT 16"O.C.
 1 INCH AIRSPACE
 EXISTING R12 ROLLED BATT INSULATION
 EXISTING VAPOUR BARRIER
 EXISTING 8" CONCRETE WALL
 EXISTING DAMP PROOFING PAPER

P2 $\frac{1}{2}$ " GYPSUM BOARD
 2" X4" WOOD STUD AT 16"O.C.
 $\frac{1}{2}$ " GYPSUM BOARD

P3 WALL NUMBER - W4a
 TYPICAL SOUND TRANSMISSION CLASS (STC) = 51
 FIRE RESISTANCE RATING = 1HR

NEW WOOD FRAMED WALL CONSISTING OF
 -38 X 89 mm 406 mm O.C.
 -89 mm THICK ABSORPTIVE MATERIAL (ROCKWOOL SAFE AND SOUND
 -RESILIENT METAL CHANNELS ON ONE SIDE SPACED 406mm O.C
 -2 LAYERS OF 15.9mm TYPE-X GYPSUM BOARD ON RESILIENT METAL
 CHANNEL SIDE
 -1 LAYER OF 15.9mm TYPE-X GYPSUM BOARD ON OTHER SIDE.

CEILING:-

C ASSEMBLY NUMBER - F8d
 TYPICAL SOUND TRANSMISSION CLASS (STC) = 50, FIRE RESISTANCE
 RATING = 30 Min

- CEILING ON WOOD JOISTS OR WOOD-JOISTS SPACED NOT MORE THAN 610mm O.C
- WITH ABSORPTIVE MATERIAL IN CAVITY (ROCKWOOL SAFE AND SOUND)
- RESILIENT METAL CHANNELS SPACED 610mm O.C
- 1 QTY. X 12.5 mm GYPSUM BOARD
- 1 QTY. X 15.9 mm TYPE-X GYPSUM BOARD

D LED LIGHTS IN FIRE SEPARATION ARE REQUIRED TO BE PROTECTED WITH ROXULL SAFE "N" SOUND INSULATION

E LIGHT CONTROLLED BY A SWITCH IS REQUIRED IN EVERY KITCHEN, BEDROOM, LIVING ROOM, UTILITY ROOM, LAUNDRY ROOM, DINING ROOM, BATHROOM, VESTIBULE, HALLWAY, GARAGE AND CARPORT. A SWITCH, RECEPTACLE MAY BE PROVIDED INSTEAD OF LIGHT IN BEDROOMS AND LIVING ROOMS.

F PROVIDE MINIMUM 30 FIRE SEPARATION UNDER STAIR AND UNDER CEILING (REFER O.B.C. SB-2, TABLE 2.3.12)
 USE 2 QUANTITY $\frac{5}{8}$ " GYPSUM BOARD

G FIRE DAMPER SHALL BE INSTALLED PER MANUFACTURER'S REQUIREMENT, TYPICAL FOR ALL DUCT PENETRATION OF RATED CEILING AND WALL

LINTEL SCHEDULES:-

LINTEL NO.	HEADER	STEEL ANGLE FOR BRICK/STONE VENEER SUPPORT
L1	2-2" X 8"	3 1/2" X 3 1/2" X 1/4" STEEL ANGLE
L2	2-2" X 6"	3 1/2" X 3 1/2" X 1/4" STEEL ANGLE

NOTE: PROVIDE MIN 6" BEARING OF LINTEL AT B/S OF WALL

P4 WALL NUMBER - W3C
 TYPICAL SOUND TRANSMISSION CLASS (STC) = 43,
 FIRE RESISTANCE RATING = 45 Min

38 MM X 89 MM WOOD STUDS SPACED 400 MM OR 800 MM O.C.
 • 89 MM THICK ABSORPTIVE MATERIAL
 • 1 LAYER OF GYPSUM BOARD ON EACH SIDE
 • 12.7 MM REGULAR GYPSUM BOARD ON EACH SIDE

WOOD MEMBERS TO BE IN CONTACT WITH CONCRETE TO BE PROTECTED FROM DECAY AND DAMPNESS WITH MIN. 0.05 MM POLYETHYLENE FILM OR TYPE"S" ROLL ROOFING AS PER OBC DIV "B" 9.23.2.2 AND 9.23.2.3

THE RETURN AIR GRILL SHALL BE INSTALLED NEAR THE FLOOR LEVEL (HRAI REQ'S). UNDERCUT BY 1" THE DOOR TO ANY ROOM WITH OUT RETURN GRILL

INSTALL MECHANICAL VENTILATION PER OBC DIV B 9.32.1.3(3) REQ'S
 EXHAUST FAN SHALL DISCHARGE DIRECTLY TO OUTSIDE.
 SEPARATE ANY INTAKE FROM BUILDING ENVELOPE PENETRATIONS THAT ARE POTENTIAL SOURCES OF CONTAMINANTS(GAS VENTS, OIL FILL PIPES, ETC. BY MIN 900MM (2FT 11 IN)

ENSURE ADEQUATE VENTILATION AND COMBUSTION AIR FOR THE OPTIMUM OPERATION OF THE FURNACE. PER MANUFACTUR'S RECOMMENDATIONS.

GENERAL NOTES - APPLY TO ALL SHEETS

- 1.0) IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT ALL OF THE CONSTRUCTION CONFIRMS TO THE REQUIREMENTS OF THE LATEST VERSION OF THE ONTARIO BUILDING CODE.
- 2.0) IF ANY DISCREPANCIES FOUND IN DRAWING, IT IS CONTRACTOR'S RESPONSIBILITY TO INFORM ARCHITECT/ENGINEER BEFORE PROCESSING WORK.
- 3.0) CONTRACTOR TO CAREFULLY EXAMINE ALL EXISTING SITE CONDITIONS AND BUILDING COMPONENTS, ALONG WITH ALL DIMENSIONS WHICH MAY AFFECT PROPER EXECUTION OF WORK, SO THAT A CLEAR AND COMPREHENSIVE TO REMAIN UNDERSTANDING OF THE SCOPE OF WORK IS ACHIEVED.
- 4.0) WHERE EXISTING CONSTRUCTION IS DAMAGED BY CONTRACTOR'S DEMOLITION WORK, THE CONSTRUCTION MUST BE REPAIRED TO MATCH EXISTING.
- 5.0) DIMENSION INDICATING EXISTING CONSTRUCTION IS FOR REFERENCE ONLY CONTRACTOR TO VERIFY DIMENSIONS AT FIELD THAT AFFECT WORK.

*THE FIRE SPRINKLER SYSTEM SHALL BE A FLOW THROUGH SYSTEM WITH A MINIMUM 3/4" COPPER PIPE CONNECTED TO AT LEAST A 3/4" COPPER WATER PIPE OR DIRECTLY AFTER WATER METER OR 3/4" PEX.
 SPRINKLER SHALL BE DESIGNED FOR RESIDENTIAL USE

*SMOKE ALARMS SHALL BE INTERCONNECTED AND HAVE A VISUAL SIGN

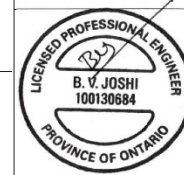
NOTES:-

- DOOR TYPE** A DUCT-TYPE SMOKE DETECTOR
- STEEL SUPPORT COLUMN
- ELECTRICAL LIGHTING OUTLET
- CONTROL SWITCH
- LED ELECTRICAL LIGHTING OUTLET
- THREE WAY CONTROL SWITCH
- MECHANICAL VENTILATION OR EXHAUST FAN
- NEW FIRE SPRINKLER HEAD (2 NUMBER)
- INTERCONNECTED SMOKE ALARM, CARBON MONOXIDE ALARM, STROBE LIGHT
- INTERCONNECTED SMOKE ALARM AND STROBE LIGHT
- (S / A) THIS SYMBOL IS FOR HEATING SUPPLY AIR OUTLET
- (R/A) THIS SYMBOL IS FOR RETURN AIR GRILLS
- (R/A) THIS SYMBOL IS FOR RETURN AIR GRILLS WITH FIRE DAMPER, USE WHEN USED IN FIRE SEPARATION
- EMERGENCY LIGHT WITH BATTERY BACK UP 4 HRS

GENERAL NOTES:
 1. ALL DRAWING SETS CONTAINING A ALL DIMENSIONS OR DIMENSIONS MUST BE CHECKED AND VERIFIED ON SITE BY CONTRACTOR. ANY VARIATIONS OR DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT/ENGINEER PRIOR TO COMMENCEMENT OF THE WORK.
 2. ALL THE WORK SHALL BE DONE OUT IN ACCORDANCE WITH THE LATEST VERSION OF ONTARIO BUILDING CODE.
 3. ALL THE SAFETY SYSTEM TO BE ACTIVE DURING AND AFTER CONSTRUCTION.
 4. EXISTING CONSTRUCTION IS DAMAGED DURING THE WORK, CONTRACTOR TO HAVE TO MATCH EXISTING.
 5. DO NOT SCALE THE DRAWING.
 6. THE DESIGN AND CONSTRUCTION REQUIREMENTS ARE THE PROPERTY OF THE ENGINEER AND ARE NOT TO BE REPRODUCED, COPIED OR ALTERED WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

No.	Date	Revisions

04 MAY 2022



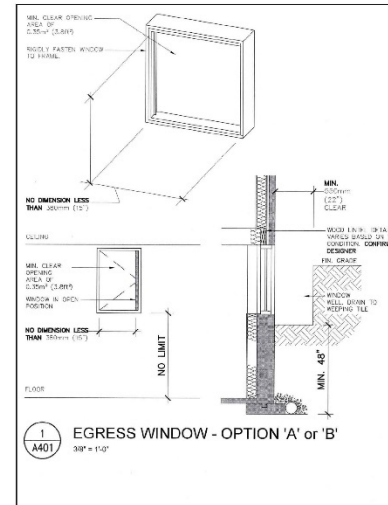
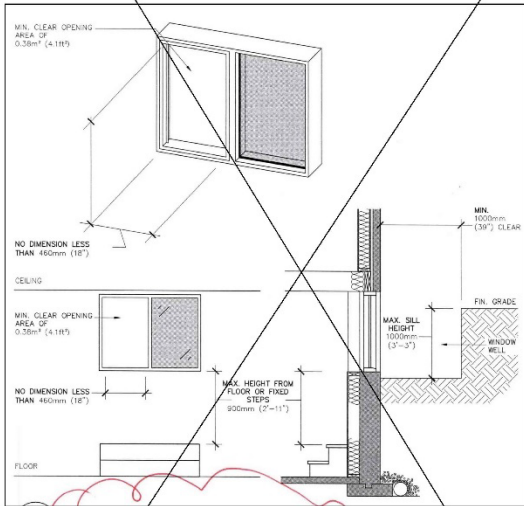
ADDRESS:-
 62 LAKE AVE N
 HAMILTON, ON L8E1L3,
 CANADA

DRAWN BY: MM DATE: -
 CHECKED BY: BU SCALE: 3/16" = 1"

DRAWING TITLE & NO.:
 SCHEDULE AND NOTES **A0.02**

OUT OF THE BOX
 ENGINEERING INC.
 7 ARCHWAY TRAIL
 BRAMPTON, ON.
 L6P 4E3
 bhaskar@outoftheboxeng.com
 416-835-6620

PAPER SIZE 11X17 PLOTTING SCALE 1:164.



GENERAL NOTES:
 -ALL EXISTING SITE CONDITIONS & ALL DIMENSIONS ON DRAWINGS MUST BE CHECKED AND NOTED ON SITE BY CONTRACTOR. ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO THE DESIGNER/ARCHITECT PRIOR TO COMMENCEMENT OF THE WORK.
 -ALL THE WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITION OF BUILDING REGULATIONS.
 -ALL THE SUFFICIENCY TO BE ACHIEVED DURING AND AFTER CONSTRUCTION.
 -CONSTRUCTION IS TO BE COMPLETED DURING THE WORK.
 -CONTRACTOR IS TO BE RESPONSIBLE FOR THE WORK.
 -DO NOT SCALE THE DRAWING.
 -THE DESIGN AND EXISTING DOCUMENTS ARE THE COPYRIGHT OF THE DESIGNER AND MAY NOT BE REPRODUCED, COPIED OR ALTERED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.

No.	Date	Revisions

04 MAY 2022



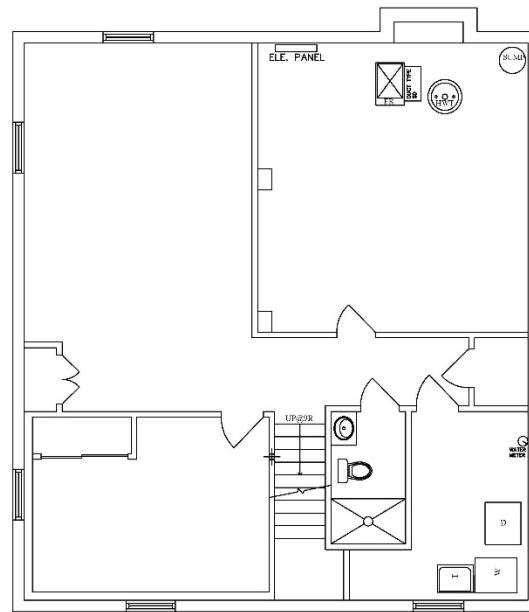
ADDRESS:
 62 LAKE AVE N
 HAMILTON, ON L8E1L3,
 CANADA

DESIGNED BY	DATE

PROPOSED BY	SCALE
	3/16" = 1'

DRAWING TITLE & NO.:
 EGRESS WINDOW A-0.03

OUT OF THE BOX
 ENGINEERING INC.
 7 ARCHWAY TRAIL
 BRAMPTON, ON.
 L6P 4E3
 bhaskar@outoftheboxeng.com
 416-835-8620



EXISTING
BASEMENT FLOOR PLAN

GENERAL NOTES:
-ALL EXISTING SITE CONDITIONS & ALL DIMENSIONS ON DRAWINGS MUST BE CHECKED AND REPORTED ON SITE BY CONTRACTOR. ANY WORKMAN ON DISCREPANCIES MUST BE REPORTED TO THE LICENSED ENGINEER PRIOR TO COMMENCEMENT OF THE WORK.
-ALL THE WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITION OF CANADIAN BUILDING CODE.
-ALL THE SAFETY SYSTEM TO BE ACTIVE DURING AND AFTER CONSTRUCTION.
-ELECTRIC CONNECTIONS TO BE MADE DURING THE WORK, CONNECTION TO MAKE GOOD TO MATCH EXISTING.
-DO NOT SCALE THE DRAWING.
-THE DESIGN AND CONSTRUCTION DOCUMENTS ARE THE PROPERTY OF THE ENGINEER AND MAY NOT BE REPRODUCED, COPIED OR ALTERED WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

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04 MAY 2022

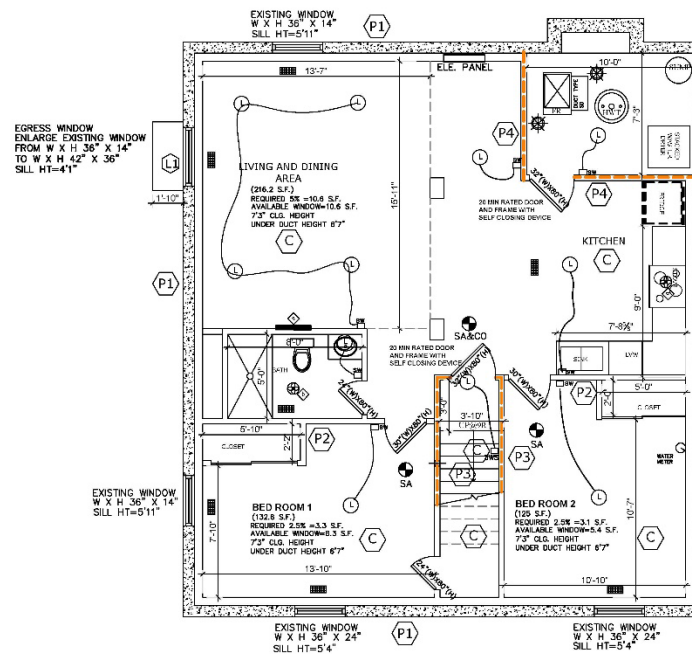


ADDRESS:
62 LAKE AVE N
HAMILTON, ON L8E1L3,
CANADA

DRAWN BY: MH	DATE: --
CHECKED BY: BJ	SCALE: 3/16" = 1'

DRAWING TITLE & NO.:
EXISTING **A1.01a**
BASEMENT FLOOR PLAN

OUT OF THE BOX
ENGINEERING INC.
7 ARCHWAY TRAIL
BRAMPTON, ON.
L6P 4E3
bhoskar@outoftheboxeng.com
416-835-6620

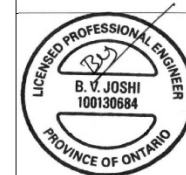


PROPOSED
BASEMENT FLOOR PLAN

GENERAL NOTES:
-ALL DRAWING SETS CONTAINING A SET OF DRAWINGS OR CHANGES
MAY BE CHECKED AND VERIFIED ON SITE BY CONTRACTOR. ANY
VARIATIONS OR DISCREPANCIES MUST BE REPORTED TO THE
ENGINEER/ARCHITECT IMMEDIATELY UPON DISCOVERY OF THE SAME.
-ALL THE WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE
LATEST VERSION OF CANADIAN BUILDING CODE.
-ALL THE SAFETY SYSTEMS TO BE ACTUAL DURING AND AFTER
CONSTRUCTION.
-A DESIGN CONTRACTOR IS ISSUED DURING THE WORK,
CONTRACTOR TO HAVE ACCESS TO MATCH EXISTING,
AND NOT RE-USE THE EXISTING.
-THE DESIGN AND CONSTRUCTION REQUIREMENTS ARE THE PROPERTY OF THE
ENGINEER AND ARE NOT TO BE REPRODUCED, COPIED OR ALTERED
WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

No.	Date	Revisions

04 MAY 2022



ADDRESS:-
62 LAKE AVE N
HAMILTON, ON L8E1L3,
CANADA

DESIGNED BY:	MM	DATE:	-
CHECKED BY:	BU	SCALE:	3/16" = 1"

DRAWING TITLE & NO.:
PROPOSED **A1.01**
BASEMENT FLOOR PLAN

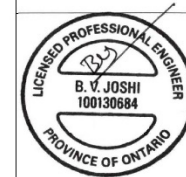
OUT OF THE BOX
ENGINEERING INC.
7 ARCHWAY TRAIL
BRAMPTON, ON.
L6P 4E3
bhaskar@outoftheboxeng.com
416-835-6620



GENERAL NOTES:
 -ALL DRAWING SETS CONTAINING A SET OF DRAWINGS OR DRAWINGS MUST BE CHECKED AND VERIFIED ON SITE BY CONTRACTOR. ANY VARIATIONS OR DISCREPANCIES MUST BE REPORTED TO THE ARCHITECT/ENGINEER PRIOR TO COMMENCEMENT OF THE WORK.
 -ALL THE WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITION OF APPLICABLE BUILDING CODE.
 -ALL THE SAFETY SYSTEMS TO BE ADHERED DURING AND AFTER CONSTRUCTION.
 -THE EXISTING CONSTRUCTION IS SHOWN BEFORE THE WORK, CONSIDERED TO HAVE BEEN USED TO MATCH EXISTING, AND NOT AS A GUIDE.
 -THE DESIGN AND CONSTRUCTION REQUIREMENTS ARE THE PROPERTY OF THE ENGINEER AND ARE NOT TO BE REPRODUCED, COPIED OR ALTERED WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

No.	Date	Revisions

04 MAY 2022



ADDRESS:-
 62 LAKE AVE N
 HAMILTON, ON L8E1L3,
 CANADA

DESIGNED BY: MM	DATE: -
CHECKED BY: BU	SCALE: 3/16" = 1'

DRAWING TITLE & NO.:
 REAR SIDE ELEVATION **A2.01**

OUT OF THE BOX
 ENGINEERING INC.
 7 ARCHWAY TRAIL
 BRAMPTON, ON.
 L6P 4E3
 bhaskar@outoftheboxeng.com
 416-835-6620



A Healthy Watershed for Everyone

September 9, 2022

File: SC/C/22/51

BY EMAIL

Bhaskar Joshi
7 Archway Trail
Brampton, ON L6P 4E3

Dear Mr. Joshi:

**RE: NOTICE OF HEARING
DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO
SHORELINES AND WATERCOURSES REGULATION 161/06 APPLICATION
Bhaskar Joshi
62 Lake Avenue North, City of Hamilton**

This letter serves to inform you that the application by Bhaskar Joshi, received July 12, 2022, for development in a regulated area of Battlefield Creek will be considered by the Board of Directors at the meeting scheduled for:

7:00 p.m. on October 6, 2022

**Please note this Hearing will be held by Webex video conference.
Details on the video meeting link will be sent separately.**

This is a Hearing under Section 28, Subsection 12 of the Conservation Authorities Act. Please note that Authority staff is recommending **refusal** of the application on the basis that the development does not comply with the Hamilton Conservation Authority's (HCA) *Planning & Regulation Policies and Guidelines (October, 2011)*. A copy of the staff report outlining staff's reasons for recommending refusal is included with this notice. Also attached is a copy of the HCA's Hearing Guidelines.

You are invited to speak in support of your application and submit supporting written material for the Hearing. You will be allotted approximately 20 minutes to speak at the Hearing. You may be represented by legal Counsel or have advisors present information to the Board of Directors. If you intend to appear, or if you believe that holding the hearing electronically is likely to cause significant prejudice, please contact Mike Stone, Manager, Watershed Planning Services. Written material will be required to be submitted by September 23, 2022, to enable the Board members time to review the material along with the staff report.

This Hearing is governed by the provisions of the Statutory Powers Procedure Act. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the Ontario Evidence Act. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in the prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires protection of the Canada Evidence Act, that protection must be obtained in the usual manner.

The Ontario Statute requires the tribunal to draw this matter to the attention of the witness as this tribunal has no knowledge of the effect of any evidence that a witness may give.

If you do not attend at this Hearing, the Board of Directors of the Hamilton Conservation Authority may proceed in your absence, and you will not be entitled to any further notice of proceedings.

Please contact the undersigned at ext. 133 at this office if you have any questions regarding this matter.

Yours truly,



Mike Stone MCIP, RPP
Manager, Watershed Planning Services

Enclosures: Hamilton Conservation Authority Hearing Guidelines
Hamilton Conservation Authority Hearing Report

APPENDIX B

Hearing Procedures

1. Motion to sit as Hearing Board.
2. Roll Call followed by the Chairperson's opening remarks. For electronic hearings, the Chairperson shall ensure that all parties and the Hearing Board are able to clearly hear one another and any witnesses throughout the hearing.
3. Staff will introduce to the Hearing Board the applicant/owner, his/her agent and others wishing to speak.
4. Staff will indicate the nature and location of the subject application and the conclusions.
5. Staff will present the staff report included in the Authority/Executive Committee agenda.
6. The applicant and/or their agent will present their material
7. Staff and/or the conservation authority's agent may question the applicant and/or their agent if reasonably required for a full and fair disclosure of matters presented at the Hearing.¹
8. The applicant and/or their agent may question the conservation authority staff and/or their agent if reasonably required for full and fair disclosure of matters presented at the Hearing.²
9. The Hearing Board will question, if necessary, both the staff and the applicant/agent.
10. The Hearing Board will move into closed session for deliberation. For electronic meetings, the Hearing Board will separate from other participants for deliberation.
11. Members of the Hearing Board will move and second a motion.
12. A motion will be carried which will culminate in the decision.
13. The Hearing Board will move out of closed session . For electronic meetings, the Hearing Board will reconvene with other hearing participants.
14. The Chairperson or Acting Chairperson will advise the owner/applicant of the Hearing Board decision, including providing the Board's reasons for the decision for approval or refusal.
15. If decision is "to refuse" or "approve with conditions", the Chairperson or Acting Chairperson shall notify the owner/applicant of his/her right to appeal the decision to the Ontario Land Tribunal within 30 days of receipt of the reasons for the decision.
16. Motion to move out of Hearing Board and sit as the Board of Directors.

^{1, 2} As per the *Statutory Powers Procedure Act* a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

NAME- BHASKAR JOSHI

ADDRESS- 62 LAKE AVE N

Hello,

My name is Bhaskar Joshi, P. Eng. I am the owner and agent for 62 Lake Ave N. When I bought this property, I did not know that it is coming under flood zones.

I applied for two-unit dwelling permit in the City of Hamilton on 28th May 2022. I paid all the fees such as non-refundable building permit fee (265\$), building permit fee (318\$) and water meter fee(404.6\$). And on 30th June, I got response from city regarding getting permit from the Hamilton Conservation Authority. My permit is ready to issue subject to getting approval from Hamilton Conservation Authority.

As an owner I am in financial crunch due to interest rate hike. I won't be able to afford this property if don't have two rental income and if I sell right now, I'll lose a lot as this house price has been reduced significantly. It would be great if you could help me in this situation by anyways.

Thank You,

BHASKAR JOSHI, P. ENG.



Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer

**RECOMMENDED
& PREPARED BY:** T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer/Director, Watershed Planning and Engineering

Mike Stone, MCIP, RPP, Manager, Watershed Planning, Stewardship & Ecological Services

DATE: October 6, 2022

RE: Summary Enforcement Report
Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 161/06

HCA Regulation applications approved by staff between the dates of August 19, 2022 and September 22, 2022 are summarized in the following Summary Enforcement Report (SER-8/22).

RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-8/22 as information.

HAMILTON REGION CONSERVATION AUTHORITY**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES APPLICATIONS**

September 22, 2022

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, October 06, 2022

The proposed works are subject to Ontario Regulation 161/06, and in particular Section 2, Subsection (1).

SUMMARY ENFORCEMENT REPORT SER 8/22

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
D/C/22/56	05-Aug-22	24-Aug-22	21		1 Helen St Lot 16, 17, Concession 1 Dundas	Demolition and re-construction of portion of the existing dwelling, in a regulated area of Sydenham Creek.	Approved subject to standard conditions.
SC/F,C/22/55	03-Aug-22	26-Aug-22	23		5, 7 and 9 Church St Lot 21, Concession BF Stoney Creek	Construction of three (3) detached dwellings on separate lots, in a regulated area of Lake Ontario.	Approved subject to standard conditions.
H/C/21/23	10-Mar-21	26-Aug-22	77		555 Bay St N Lot 15, Concession BF Hamilton	Construction of an accessory accessible washroom structure, in a regulated area of Hamilton Harbour.	Approved subject to standard conditions.
F/F,C,A/22/49	07-Jul-22	31-Aug-22	42		111 Parkside Dr Lot 11, Concession 4 Flamborough	Inspection and maintenance of a buried pipeline in a regulated area of Borer's Creek and Logies Creek Parkside Drive Wetland Complex.	Approved subject to standard conditions.
F/F,C/22/60	31-Aug-22	19-Sep-22	28		1260 5th Con Rd W Lot 33, Concession 4 Flamborough	Construction of a garage accessory structure in a regulated area of Westover Creek and Hayesland Christie Wetland Complex.	Approved subject to standard conditions.

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

September 1, 2022

Minutes of the Board of Directors meeting held on Thursday, September 1, 2022 at 6.p.m., by videoconference and livestreamed via YouTube.

PRESENT: **Lloyd Ferguson – in the Chair**
 Brad Clark Jim Cimba
 Tom Jackson Susan Fielding (Township of Puslinch)
 Cynthia Janzen Santina Moccio

Jennifer Stebbing – Foundation Chair (by Webex)

REGRETS: **Dan Bowman, Esther Pauls, Russ Powers, Maria Topalovic**

STAFF PRESENT: **Lisa Burnside, Grace Correia, Gord Costie, Scott Fleming, Matt Hall, Neil McDougall, Scott Peck, Elizabeth Reimer, Jaime Tellier, and Nancy Watts**

OTHERS: **Raed Al-Rawi, Ahmed Dhaghir (by Webex), Zainab Khudair**

1. Call to Order

The Chair called the meeting to order and welcomed everyone present. He then welcomed Scott Fleming, the new Director of Finance and Central Support Services to HCA and also advised that this would be Neil McDougall's final Board meeting before he retires September 2nd. The members all thanked Neil for his many years of counsel and financial reporting over the past 12 years.

2. Declarations of Conflict of Interest

The Chair asked members to declare any conflicts under the Board's Governance Policy. There were none.

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. Lisa Burnside advised of an additional item of correspondence to be added as item 6.5 on the agenda.

BD12, 3083

MOVED BY: Brad Clark

SECONDED BY: Santina Moccio

THAT the agenda be approved, as amended.

CARRIED

4. Delegations

There were none.

5. Section 28 Hearing

5.1. 6 (10) Governor's Road, Dundas – Permit Application No. D/C/22/50

BD12, 3084

MOVED BY: Santina Moccio

SECONDED BY: Susan Fielding

THAT the Board of Directors sit as the Hearing Board.

CARRIED

The hearing procedures were reviewed.

Elizabeth Reimer presented a summary of the staff report regarding a proposed development to convert an existing convenience store and used car dealership to a medical centre. The proposed changes constitute a change in use and would increase the flood susceptibility of the building. The application proposes development within the Regional flood hazard associated with Middle Spencer Creek, and the proposal does not provide adequate floodproofing. Provincial and HCA policies take a preventative approach to addressing the potential risks and impacts associated with natural hazards by providing a framework to protect people and property from flooding and other natural hazards. As adequate floodproofing cannot be implemented, staff outlined that the policy framework outlined in HCA's *Planning and Regulation Policies and Guidelines (October, 2011)* does not support the proposed development.

Raed Al-Rawi of Professional Floor Plans, presented on behalf of the permit applicant. Mr. Al-Rawi reviewed the floor plans and elevation drawings for the proposed development. It was noted dry floodproofing the building would be impractical as the openings to the building would be greater than 2.3m above street level and difficult to achieve AODA (Accessibility of Ontarians with Disabilities Act) compliance for those with mobility challenges. Retrofitting the building to withstand forces exerted by flood waters was also discussed. It was noted that due to existing openings the building would still be subject to flooding. Therefore, wet floodproofing measures were proposed.

Board members posed questions to both staff and the proponent on various matters related to the proposed development, existing building and HCA policies.

BD12, 3085

MOVED BY: Santina Moccio

SECONDED BY: Cynthia Janzen

THAT Hearing Board moves *in camera*.

CARRIED

During the *in-camera* session, the hearing board deliberated on the application. A motion, BD 3086, was carried culminating in a decision.

BD12, 3087

MOVED BY: Jim Cimba

SECONDED BY: Brad Clark

THAT the Board of Directors moves out of *in camera*.

CARRIED

The Chair announced the decision to deny the permit application.

BD12, 3086

MOVED BY: Jim Cimba

SECONDED BY: Susan Fielding

THAT the Board of Directors refuse the application made by Ahmed Ameen (2864335 Ontario Ltd.) for development of a medical centre in an existing commercial building in a regulated area of Middle Spencer Creek at 10 Governor's Road, City of Hamilton as the development does not conform to the requirements of the Hamilton

Conservation Authority's Planning & Regulation Policies and Guidelines (October, 2011) as they relate to the implementation of Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the Conservation Authorities Act, R.S.O. 1990.

CARRIED

6. Consent Items for Applications, Minutes and Correspondence

The following consent items were adopted:

- 6.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 6.2. Approval of Board of Directors Minutes – July 7, 2022
- 6.3. Approved June 16, 2022 Budget & Administration Committee Minutes – for receipt only
- 6.4. Level One Low Water Condition, declared as of July 28, 2022
- 6.5. Email from Ministry of Environment, Conservation and Parks regarding change in Ministry reporting by Conservation Authorities, dated August 30, 2022

7. Foundation Briefing

Jennifer Stebbing reported on the following:

The Foundation received a total of **\$59,496.00** in donations from July 1 to August 31, 2022. They break down as follows:

- \$42,040 to the Environmental Education Fund, which included a \$25,000 donation through a personal Foundation Board contact
- \$6,000 to our Benches Fund for 2 memorial benches to be dedicated at Webster Falls
- \$5,000 in support of the Fifty Point Wetland

The remaining \$6,294 was directed to various projects, including the General Fund, Dundas Valley, Land Securement, Tribute Trees and the Westfield Locomotive Restoration Project. This brings the fiscal year-to-date fundraising total to **\$674,785**, which is 82% of our goal.

The Foundation Board will resume meeting this month after taking a break over the summer, and Directors are looking forward to being back to in-person meetings.

BD12, 3088

MOVED BY: Santina Moccio

SECONDED BY: Jim Cimba

THAT the Foundation Briefing be received.

CARRIED

8. Member Briefing

There was none.

9. Business Arising from the Minutes

9.1. Trail accessibility to McMaster University

Following up on a delegation at the July Board meeting requesting a steel staircase and bike runnel on HCA lands connecting the University Gardens neighbourhood and McMaster University, Matt Hall presented a staff recommendation to make improvements to an existing nearby alternate trail that would achieve the same result of facilitating access, while being more cost effective and faster to complete in the near-term.

BD12, 3089

MOVED BY: Cynthia Janzen

SECONDED BY: Jim Cimba

THAT HCA staff be directed to undertake the necessary improvements to the existing trail pathway leading from Grant Blvd. to McMaster University, in order to bring it in line with other standard HCA trail connections.

CARRIED

10. Reports from Budget & Administration Committee and Conservation Advisory Board

10.1. Budget and Administration Committee – August 18, 2022 (Recommendations)

10.1.1. BA 2230 Application to renew governance exceptions granted by MECP

Santina Moccio provided an overview of the staff report, summarizing the exceptions to governance provisions of the *Conservation Authorities Act* that HCA applied and received approval for, from the Minister of the Environment, Conservation and Parks, last year.

The first is in regard to the rotation of the Chair and Vice Chair position to rotate amongst participating municipalities given HCA's unique board composition with only two participating municipalities and just one member from the second participating municipality and that the rotation instead, be based on annual democratic election by board members who wish to stand for these positions.

The motion also requested an exception to the maximum two consecutive term limits (a term equals one year) for the position of Chair and Vice Chair for a longer period to align with the appointment timeframe given by the participating municipalities and instead, that a maximum four consecutive terms be permitted and based on annual democratic election by board members who wish to stand for these positions.

As the current exceptions expire at the end of the year, staff brought forward a recommendation to reapply for the exceptions at this time so that there is clarity around the proceedings of the 2023 AGM and HCA's Administrative Bylaws can be updated accordingly.

Staff clarified for the Board that the City of Hamilton must reapply for exceptions to the requirement in the *Conservation Authorities Act* that 70% of appointees be elected officials. While the City of Hamilton did apply in late 2021, it was advised they were too early and to reapply at a later date. The Township of Puslinch applied in early 2022 and was approved for the upcoming municipal term. The City of Hamilton will need to re-submit and staff understand this is under review by the City Manager's office.

It was stated by elected members of the Board that the citizen appointees have excelled on HCA's Board.

Note: given very recent correspondence from MECP regarding changes to the Conservation Authority reporting Ministry, the exception request will now be addressed to the Minister of Natural Resources and Forestry.

BD12, 3090

MOVED BY: Brad Clark

SECONDED BY: Tom Jackson

WHEREAS the governance exceptions that HCA has been granted from the Minister of the Environment, Conservation and Parks will be expiring at the end of 2022,

THEREFORE, BE IT RESOLVED

THAT the Budget & Administration Committee recommend to the Board of Directors:

THAT Hamilton Conservation Authority reapply to the Minister of the Environment, Conservation and Parks requesting an exception to the rotation of the Chair and Vice Chair position to rotate amongst participating municipalities; and further

THAT an exception also be requested to the maximum two consecutive term limits for the position of Chair and Vice Chair to a maximum of four consecutive terms; and further

THAT the exceptions be based on the rationale as provided in the last exception that was approved by the Minister noting HCA's unique board composition, alignment with four-year municipal appointment terms and process of annual democratic election.

RECORDED VOTE:**For:**

**Jim Cimba
Brad Clark
Susan Fielding
Cynthia Janzen
Tom Jackson
Santina Moccio
Lloyd Ferguson**

Absent:

**Dan Bowman
Esther Pauls
Russ Powers
Maria Topalovic**

CARRIED**10.1.2. BA 2231 2023 HCA Fee Guide**

Santina Moccio provided an overview of the staff report, highlighting a new requirement under the *Conservation Authorities Act* to formally adopt a written policy with respect to fees charged for programs and services provided.

The fee increases for our HCA conservation areas recommendations for 2023 are intended to offset increases to minimum wage and continued high inflation as well as defray increased costs associated with greater maintenance levels at our

conservation areas. The new rates also reflect enhancements to the visitor experience.

Following a comprehensive fee review by Watson and Associates Economists Inc., the fee guide also includes proposed changes to planning and permit application review fees to reach the Board approved cost recovery targets in two years.

BD12, 3091

**MOVED BY: Santina Moccio
SECONDED BY: Susan Fielding**

THAT the Budget & Administration Committee recommends to the Board of Directors:

THAT the Fee Policy contained in this report be included with the 2023 Fee Schedule and further;

THAT effective January 1, 2023, HCA staff be directed to implement the revised fee schedule contained in this report and further;

THAT HCA provide an additional 22 annual vehicle passes as part of the ongoing agreement with the Hamilton Public Library System.

CARRIED

11. Other Staff Reports/Memoranda

11.1. 93 Creanona Boulevard, Stoney Creek – Permit Application No. SC/F/C/22/57

Scott Peck presented a summary of the report, recommending approval of a permit for renovation of a single-family residence within the regulated area associated with Lake Ontario. Staff are unable to issue a permit which does not comply with HCA's Board-approved policy, however staff were of the opinion that the proposed development meets the intent of HCA policy.

BD12, 3092

**MOVED BY: Brad Clark
SECONDED BY: Cynthia Janzen**

THAT the HCA Board of Directors approve the issuance of a permit under *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and

Watercourses) for the renovation of a single- family residence within the regulated area associated with Lake Ontario at 93 Creanona Blvd., Stoney Creek, City of Hamilton.

CARRIED

11.2. Watershed Conditions Report

Jonathan Bastien presented a summary of the memorandum, noting in the past few weeks there were no observations or reports of significant watercourse flooding events or Lake Ontario shoreline flooding events. Currently there are no significant watercourse flooding, public safety concerns, or Lake Ontario shoreline flooding. Current flows are near to slightly above baseflow conditions, and are generally well below long-term average monthly flows for August. The Lake Ontario daily water level is currently about 22 cm below average for this time of year.

Christie Lake water levels are relatively low for this time of year, approximately 1.2 ft. above winter operating levels. Staff are balancing between reservoir levels and downstream flows in Lower Spencer Creek and will continue to monitor. Valens Lake is also slightly below summer operating levels.

There are currently no significant rainfall events forecasted for the watershed over the next 2 weeks. In the next 9 days, no significant Lake Ontario shoreline flooding is expected.

The Hamilton Low Water Response Team declared a Level 1 Low Water Condition for the entire HCA watershed on July 28th and is expected to continue. The Team is reassessing every two weeks for worsening drought conditions within the watershed, at such time a Level 2 Low Water Condition would be declared.

BD12, 3093

MOVED BY: Tom Jackson

SECONDED BY: Santina Moccio

THAT the memorandum entitled Watershed Conditions Report be received.

CARRIED

11.3. Conservation Areas Experiences Update

Gord Costie provided a verbal update, highlighting year to date revenues for 2022, compared with 2021. As expected in the months following the pandemic, we are seeing a softening for day use visitation, however camping has increased at both

Valens Lake and Fifty Point. Gord also noted that staff are beginning to prepare for the Fall season. The Spencer Gorge reservation system will return to seven days a week for that period. He highlighted the efforts of staff to open and maintain operations at Wild Waterworks, given a two year pause in operations due to COVID and a national shortage of lifeguards, among the key challenges.

BD12, 3094

MOVED BY: Brad Clark

SECONDED BY: Jim Cimba

THAT the verbal update on the Conservation Areas Experiences be received.

CARRIED

12. New Business

There was none.

13. In-Camera Items

BD12, 3095

MOVED BY: Santina Moccio

SECONDED BY: Cynthia Janzen

THAT the Board of Directors moves *in camera* for matters of law, personnel and property.

CARRIED

During the *in camera* session, two legal matters were discussed.

13.1. Confidential Report – BA/Aug 03-2022

Lisa Burnside provided a summary of the report regarding a legal matter and answered the members' questions.

BD12, 3096

MOVED BY: Santina Moccio

SECONDED BY: Tom Jackson

THAT the confidential report entitled BA/Aug 03-2022 be received and remain in camera.

CARRIED

13.2. Confidential Verbal Update – BD/Sep 01-2022

Lisa Burnside provided a verbal update regarding a legal matter and answered the members' questions.

BD12, 3097**MOVED BY: Santina Moccio****SECONDED BY: Cynthia Janzen****THAT the Board of Directors moves out of *in camera*.****CARRIED****14. Next Meeting**

The next meeting of the Board of Directors will be held on Thursday, October 6, 2022 at 7:00 p.m. at the HCA Main Administration Office – Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

15. Adjournment

On motion, the meeting adjourned.

Neil McDougall
Secretary-Treasurer

Hamilton Conservation Authority

Minutes

Budget & Administration Committee

August 18, 2022

Minutes of the Budget & Administration Committee meeting held on Thursday, August 18, 2022 at 6:00 p.m., at the HCA main office, 838 Mineral Springs Road, in Ancaster, and livestreamed on YouTube.

Present: **Santina Moccio, in the Chair**
 Dan Bowman – by videoconference
 Jim Cimba
 Lloyd Ferguson

Regrets: **Maria Topalovic**

Staff Present: **Lisa Burnside, Gord Costie, Scott Fleming, Matt Hall, Bruce Harschnitz, Neil McDougall, Scott Peck, and Jaime Tellier**

Others Present: **None**

1. Welcome

The Chair called the meeting to order and welcomed everyone present. The Chair introduced Scott Fleming, the new Director of Finance and Central Support Services, sharing details of his credentials and welcoming him to the HCA.

2. Declarations of Conflict of Interest

The Chair asked members to declare any conflicts under the HCA Administrative By-law. There were none.

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. Lisa Burnside advised of a memorandum regarding an Electronic Monitoring of Employees Policy, to be

added as item 7.6, as well as an additional in camera matter, to be added as item 12.3.

BA 2228

MOVED BY: Jim Cimba

SECONDED BY: Lloyd Ferguson

THAT the agenda be approved, as amended.

CARRIED

4. Delegations

There were none.

5. Consent Items

The following consent items were adopted:

5.1. Approval of Budget & Administration Committee Minutes –
June 16, 2022

5.2. 2nd Quarter 2022 WSIB Injury Statistics

6. Business Arising from the Minutes

There was none.

7. Staff Reports/Memoranda

7.1. 2nd Quarter Financial Results – Operating

Neil McDougall presented a summary of the memorandum and answered the members' questions. HCA is still in a good financial position in comparison with the pre-Covid period. There has been some softening in most areas, as expected due to the broad re-openings following the pandemic closures, however the marina remains full and camping continues to perform well on weekdays, in addition to usual high bookings on weekends.

7.2. 2nd Quarter Financial Results – Capital & Major Maintenance

Neil McDougall presented a summary of the memorandum highlighting major projects at each Conservation Area. The Valens camping cabins are nearing completion and the Christie Lake Conservation Area entrance reconstruction is also wrapping up, most expenses will show in the third quarter. Staff are preparing for bridge replacement and trail work at Tiffany Falls and the contracts have been secured to complete the dredging and boat ramp replacement this Fall. Staff are also completing road, trail and hazard tree work throughout all areas.

7.3. 2nd Quarter Vendor Report

Neil McDougall presented a summary of the memorandum, noting significant payments and answered members questions related to insurance payments for Wild Waterworks and acquisition of computers.

7.6. Electronic Monitoring of Employees Policy

Lisa Burnside provided a summary of the memorandum and policy and answered the members' questions.

The process for advising HCA staff of this policy was addressed. Lisa advised that HCA has an employee handbook that includes policies relevant to all employees. Staff sign a document confirming they have read the handbook.

BA 2229

MOVED BY: Jim Cimba

SECONDED BY: Dan Bowman

THAT the memorandums entitled 2nd Quarter Financial Results – Operating, 2nd Quarter Financial Results – Capital & Major Maintenance, 2nd Quarter Vendor Report, and Electronic Monitoring of Employees Policy be received.

CARRIED

7.4. Application to renew governance exceptions granted by MECP

Lisa Burnside provided a summary of the report and answered the members' questions.

Lisa clarified that in addition to these exceptions, the City of Hamilton also has to reapply to retain the same complement of elected officials and citizen appointments on HCA's Board of Directors. While the City of Hamilton did apply in late 2021, it was advised they were too early and to reapply at a later date. The Township of Puslinch also applied in early 2022 and was approved. The City of Hamilton will need to re-submit and staff understand this is under review by the City Manager's office.

Lloyd Ferguson shared discussion from the recent AMO conference that the requirements for the rotation of the Chair and Vice-Chair may have been intended for two-tier municipalities, however it has not been addressed in the legislation.

**BA 2230 MOVED BY: Lloyd Ferguson
 SECONDED BY: Jim Cimba**

WHEREAS the governance exceptions that HCA has been granted from the Minister of the Environment, Conservation and Parks will be expiring at the end of 2022,

THEREFORE, BE IT RESOLVED

THAT the Budget & Administration Committee recommend to the Board of Directors:

THAT Hamilton Conservation Authority reapply to the Minister of the Environment, Conservation and Parks requesting an exception to the rotation of the Chair and Vice Chair position to rotate amongst participating municipalities; and further

THAT an exception also be requested to the maximum two consecutive term limits for the position of Chair and Vice Chair to a maximum of four consecutive terms; and further

THAT the exceptions be based on the rationale as provided in the last exception that was approved by the Minister noting HCA's unique board composition, alignment with four-year municipal appointment terms and process of annual democratic election.

CARRIED

7.5. 2023 HCA Fee Guide

Neil McDougall introduced the new fee policy required as part of the changes to the Conservation Authorities Act. Gord Costie provided an overview of the proposed price changes for Conservation Areas effective January 1, 2023 which provide modest increases to address inflationary cost increases and impacts to minimum wage, while continuing to provide excellent value and price competitiveness. Scott Peck also provided an overview of the proposed changes to fees for planning and permit application review to reach the board approved 100% and 80% cost recovery targets respectively, in two years.

BA 2231 **MOVED BY: Jim Cimba**
SECONDED BY: Dan Bowman

THAT the Budget & Administration Committee recommends to the Board of Directors:

THAT the Fee Policy contained in this report be included with the 2023 Fee Schedule and further;

THAT effective January 1, 2023, HCA staff be directed to implement the revised fee schedule contained in this report and further;

THAT HCA provide an additional 22 annual vehicle passes as part of the ongoing agreement with the Hamilton Public Library System.

CARRIED

Lloyd Ferguson left the meeting.

8. New Business

There was none.

9. In-Camera Items for Matters of Law, Personnel and Property

BA 2232 **MOVED BY: Dan Bowman**
SECONDED BY: Jim Cimba

THAT the Budget and Administration Committee moves *in camera* for matters of law, personnel and property.

CARRIED

During the *in camera* session, two legal matters and one matter of official position were discussed.

9.1. Confidential Memorandum – BA/Aug 01-2022 **Legal Matter**

The Chair provided a summary and staff answered the members' questions.

9.2. Confidential Verbal Update – BA/Aug 02-2022
Legal Matter

Lisa Burnside provided the members with a verbal update and answered the members' questions.

9.3. Confidential Report – BA/Aug 03-2022
Official Position for legal matter

Neil McDougall provided a summary of the report and answered the members' questions.

BA 2233

MOVED BY: Jim Cimba

SECONDED BY: Dan Bowman

THAT the confidential report entitled BA/Aug 03-2022 be approved and remain in camera.

CARRIED

BA 2234

MOVED BY: Jim Cimba

SECONDED BY: Dan Bowman

THAT the Budget and Administration Committee moves out of *in camera*.

CARRIED

10. Next Meeting

The next meeting of the Budget and Administration Committee will be held on Thursday, September 15, 2022 at 6:00 p.m. at the HCA Main Administration Office – Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

11. Next Meeting Adjournment

On motion, the meeting adjourned.

From: [ca.office \(MECP\)](#)
To: [Jaime Tellier](#)
Cc: [ca.office \(MECP\)](#); [Lisa Burnside](#); [ted.arnottco@pc.ola.org](#); [donna.skelly@pc.ola.org](#)
Subject: RE: Hamilton Conservation Authority Application to Renew Exceptions for Chair and Vice-Chair Provisions in the CA Act
Date: September 20, 2022 2:02:07 PM

354-2022-661

Dear Jamie Tellier,

Thank you for submitting the Hamilton Conservation Authority's request for an exception under section 17 of the *Conservation Authorities Act* to the Minister of Natural Resources and Forestry. We would like to confirm that your application has been received and staff are reviewing the submission.

Staff will contact you if clarification or additional information is required. If you have any questions, feel welcome to reach out to ca.office@ontario.ca.

Sincerely,

Jennifer Keyes,
 Director, Resources Planning and Policy Development Branch
 Ministry of Natural Resources and Forestry

From: Jaime.Tellier@conservationhamilton.ca <Jaime.Tellier@conservationhamilton.ca>
Sent: September 12, 2022 4:34 PM
To: MIN Feedback (MNRF) <minister.mnrf@ontario.ca>
Cc: ted.arnottco@pc.ola.org; donna.skelly@pc.ola.org; Lisa.Burnside@conservationhamilton.ca; [ca.office](#) (MECP) <ca.office@ontario.ca>
Subject: Hamilton Conservation Authority Application to Renew Exceptions for Chair and Vice-Chair Provisions in the CA Act

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Dear Minister Smith,

Attached please find Hamilton Conservation Authority's application to renew existing Minister's exceptions for Chair and Vice-Chair provisions in the Conservation Authorities Act.

The application is being shared with our local MPPs.

Thank you,

Jaime Tellier
 Executive Assistant /
 Records Management Coordinator

Hamilton Conservation Authority
838 Mineral Springs Road, P.O. Box 81067
Ancaster, ON L9G 4X1
Phone: 905-525-2181 Ext. 112
Email: Jaime.Tellier@conservationhamilton.ca



The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged and confidential. If you have received this message in error or are not the named recipient(s), please notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever. Thank you.

Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

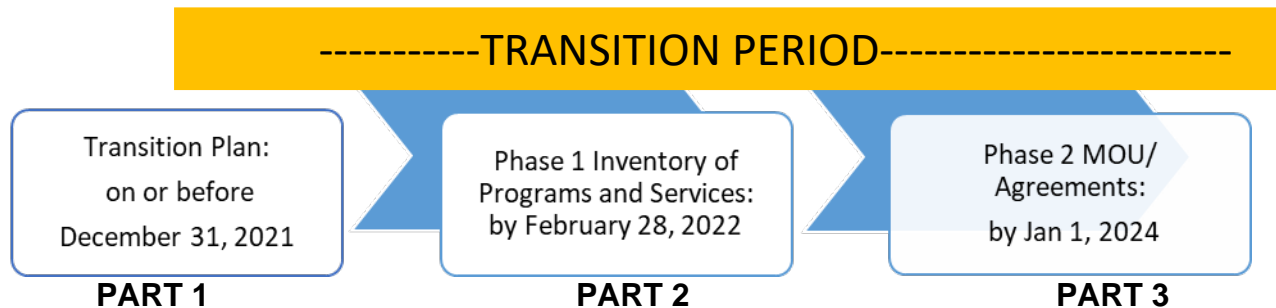
MEETING DATE: October 6, 2022

RE: HCA Quarterly Report #2 to MNRF – Ontario Regulation 687/21

BACKGROUND

On October 7, 2021, Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the *Conservation Authorities Act* was passed.

The key components and deadlines for [Transition Plan and Agreements Regulation \(O.Reg. 687/21\)](#) are illustrated in Figure 1 below. As required, HCA developed and approved a Transition Plan and Inventory of Programs and Services in Part 1 and Part 2 as noted below. The inventory is based on the three categories identified in the Regulation which include (1) Mandatory, (2) Municipally requested, and (3), Other programs and services an Authority determines are advisable.



HCA currently is in part 3 of the Transition period where the first quarterly report to MECP was submitted to meet the July 1, 2022 requirement and the second report was submitted October 1, 2022 (now to MNRF given reporting change).

STAFF COMMENT

As required under Ontario Regulation 687/21 and identified in HCA's Transition Plan, quarterly Progress Reports are required to be submitted. Under the Regulation the Progress Reports must include the following;

- a summary of any comments or feedback on your inventory that were submitted by your participating municipalities or by any others;
- a summary of any changes that were made to your inventory;
- an update on the progress towards negotiating cost apportioning agreements with your participating municipalities, including any difficulties you are experiencing that might impact the ability to conclude any cost apportioning agreements by the transition date;
- a copy of your updated inventory, clearly indicating changes that have been made since your initial inventory was submitted in February 2022.

Staff have prepared the attached report which was submitted October 1, 2022 to meet the second quarterly report deadline outlining the consultation steps that have been undertaken to date with our two participating municipalities, the City of Hamilton and Township of Puslinch. Thus far, the draft inventory has been well received and there have been no formal comments or concerns on the service areas and program areas included. Internal review continues at our municipalities to review the draft inventory and coordinate any comments on it. As such, HCA is working to schedule follow up meetings to obtain feedback once comments are available to share. Some less formal discussion have occurred between HCA and City of Hamilton staff to review category 2 and 3 programs and services which require MOUs and agreements.

The upcoming October 2022 municipal elections may delay some progress on formalizing comments and agreements as new council may have higher priorities that must be accomplished prior to dedicating municipal staff resources into MOU development. However, HCA will continue to work with municipal staff to undertake background work to work towards finalizing the inventory and bringing forward agreements forward for Council approval in an effort to execute MOUs by summer 2023. At this time, HCA does not foresee the need to request an extension to the January 1, 2024 deadline for having MOUs in place with participating municipalities. Staff will continue to re-assess whether an extension request may be required in 2023 based on the status of MOU approvals at that time.

Six quarterly reports will be required in total with the third report required January 1, 2023. A final Conservation Authority report will be due January 31, 2024.

STRATEGIC PLAN LINKAGE

The proposed updates refer directly to the HCA Strategic Plan 2019-2023:

- **Strategic Goal – Organizational Excellence**

AGENCY COMMENTS

On August 30, 2022, HCA was advised that through new Orders-In-Council that MNRF has been designated as the Ministry responsible for administering the *Conservation Authorities Act*. Moving forward, MECP no longer has duties, functions or responsibilities under the CA Act.

With the change in reporting from MECP to MNRF, additional online training sessions have been offered this fall to support the smooth transition to the new CA funding framework and categories of CA programs and services.

- **Phase 1 Regulations - Refresher:** An overview of the regulations prescribing the programs and services that CAs must provide, requirements to transition to the new CA funding framework, and the rules of conduct in conservation areas
- **Phase 2 Regulation and Policy - Overview:** An overview of new regulations governing CA budgetary processes and levy apportionment methods, the classes of programs and services for which a CA may charge a fee, and website information requirements
- **Phase 2 Regulations for Practitioners involved in CA budgets and municipal levy apportionment:** Detailed information on the requirements related to CA budgets, levy apportionment methods, and determining amounts that may owed by specified municipalities in respect of the *Clean Water Act, 2006* and *Lake Simcoe Protection Act*

LEGAL/FINANCIAL IMPLICATIONS

There is no immediate financial impact, however, it should be noted that this undertaking will continue to involve significant time from staff, along with municipal partners.

CONCLUSIONS

The passage of Regulation 687/21 “Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act” requires quarterly reporting beginning July 1, 2022 and this memorandum has come forward to advise the Board of HCA’s second report in this regard.

*HCA Quarterly Report #2 to the
Ministry of Natural Resources and
Forestry (MNR)*

*As required for Conservation
Authority Act Amendments*

[Transition Plan and Agreements Regulation \(O.Reg. 687/21\)](#)

October 1, 2022

HCA Quarterly Report #2 Details – October 1, 2022

HCA meetings with City of Hamilton staff to review Inventory of Programs and Services

- Formal meeting took place August 10, 2022 and review process continues
- Some less formal discussions have occurred between HCA and City of Hamilton staff to review category 2 and 3 programs and services which require MOUs and agreements
- No formal comments or concerns regarding the Inventory have been received at this time, which represent a status quo of current budget
- No changes made to inventory at this time
- HCA staff submitted a draft template for an MOU for consideration and further review
- At this point, there have not been any difficulties identified in meeting transition plan milestones
- Staff will continue to re-assess whether an extension request may be required in 2023 based on the status of MOU approvals at that time.

HCA meetings with Township of Puslinch staff to review Inventory of Programs and Services

- No further formal meetings have taken place since May 26, 2022 and review process continues
- No formal comments or concerns regarding the Inventory have been received at this time, which represents status quo of current budget
- No changes made to inventory at this time
- Classification of category 2 and 3 programs and services requiring MOUs to be further refined and agreement sought
- At this point, there have not been any difficulties identified in meeting transition plan milestones
- Staff will continue to re-assess whether an extension request may be required in 2023 based on the status of MOU approvals at that time.

Report

TO: Budget & Administration Committee

FROM: Lisa Burnside, Chief Administrative Officer

RECOMMENDED & PREPARED BY: Scott Fleming, Director of Finance & Central Support Services
Matt Hall, Director, Capital Projects & Strategic Services

MEETING DATE: September 15, 2022

RE: Capital Budget 2023

STAFF RECOMMENDATION

THAT the Budget & Administration Committee recommends to the Board of Directors:

THAT the 2023 Capital Budget request as presented herein be approved and submitted to the City of Hamilton for consideration and be included in their block funding budget of 2023.

BACKGROUND

Funding for capital projects and major maintenance will again be requested from the City of Hamilton under their block funding program. In each fiscal year since 2009, \$2.0 million as has been provided by the City to address the asset needs of the Authority. Much has been accomplished with these funds but new challenges arrive every year so the need is ongoing. Inflation affects how much can be done with the funds as each year the purchasing power of the dollar diminishes. The \$2.0 million today is the equivalent of \$1.54 million in 2009 when the program started or conversely it can be said that what cost \$100 in 2009 now costs \$130 (based on data for Ontario from Inflationcalculator.ca).

STAFF COMMENT

The budget is composed of two areas; the first being Special Projects and the second being Major Maintenance. Specific Projects make up 69% of the budget in 2023, down from the 83% of last year. These projects are further broken down into four distinct groups. The four groups are 1) Safety and Legislation, 2) Revenue Increase / Cost Reduction 3) Maintenance of Viability and 4) Strategic Priority. The Major Maintenance spending is directed to multiple groups such as Building, Parking, Roads and Trails, Bridges, Forestry, etc. which are identified in full detail on the numeric sheet which follows this report.

Specific Projects

In 2023, the **Safety and Legislation** subgroup is garnering 33% of the specific project funds; and contains funds for some very important initiatives. Access improvements along Kelson & Baseline Road, next to Fifty Point C. A., are expected to help alleviate current traffic congestion entering and exiting the park during peak visitation periods and improve pedestrian safety. The existing accessible fishing platform in this area is currently closed to the public and is need of replacement.

The **Revenue Increase / Cost Reduction** subgroup totals 9% of the 2023 project program and is spread over two projects: 1. Improving public access and after hours controls at the new Saltfleet C.A. will be important to fully open this area to the public and allow for nearby parking relief for the popular Devil's Punchbowl C.A. 2. Automated pedestrian gates at Fifty Point C.A. will allow for fair and equitable daytime hour access to the park.

Under the **Maintenance of Viability** subgroup, which is the largest group this year garnering 29% of project funds, there are always needs caused by aging infrastructure and high usage. 2023 is expected to be the last year of the required Dofasco Boardwalk deck replacement project. Tar & Chip road resurfacing work will continue, focusing on Christie Lake C.A. An engineering review of the existing culverts supporting the Christie Lake C.A. causeway is required, along with a culvert to bridge replacement project in Dundas Valley C.A.

Lastly, we have **Strategic Priority** items for 2023 making up 29% of the project funds. Additional monies will be required moving into 2023 for the construction of the lookout tower replacement project at Valens Lake C.A. from the recently completed area Master Plan. A low impact development improvement project is planned for Tiffany Falls C.A. for a permeable parking lot to help improve local area drainage and also, improvements to facilitate safer access in and out of the lot. New trail mapping and wayfinding projects will continue into 2023 to implement the recently approved map standards. An accessible trail project is planned for Christie Lake C.A. to improve access to the beach area.

General Projects - Major Maintenance

The General Projects group of major maintenance make up 31% of the Block funds and are spread across multiple geographic areas and work disciplines. Several years ago, we introduced the budget process of pooling the primary categories of major maintenance to address the issue of having not enough funds in one conservation area to do a necessary upgrade while having work of lesser priority completed in areas that had an allocation and felt compelled to use it. With the pooled approach the funds are held centrally and distributed to the areas that are of highest priority.

In 2023, the largest subgroups are Building Maintenance and Roads and Parking. Building Maintenance includes various painting, roofing, siding, and window replacements across HCA parks. Typical projects falling under Roads and Parking are spring and fall road and parking lot maintenance across HCA parks, as well as minor parking and roadway alterations and adjustments.

STRATEGIC PLAN LINKAGE

The capital budget refers directly to the HCA Strategic Plan 2019 – 2023:

- **Strategic Priority Area – Organizational Excellence**
 - Initiatives – Support the capital development and major maintenance program to enhance our facilities and ensure they are safe, functional and current
- **Strategic Priority Area - Conservation Area Experience**
 - Initiatives – Update and develop master and management plans and implement priorities to further enhance conservation areas for current and future generations
 - Initiatives – Continue to expand installation of automatic gates across our conservation areas
 - Initiatives - Identify and act upon revenue generation / cost reduction and investment in visitor services opportunities in our conservation areas

Reserve Project

The City of Hamilton is undertaking a road culvert repair project, adjacent to HCA's Ancaster Wells property, located on Sulphur Springs Rd. The project will extend onto HCA owned lands in order to replace an existing failing retaining wall structure as part of the overall scope of work. The HCA will be required to cover construction costs associated with the retaining wall's replacement. HCA's cost is estimated to be approximately \$300,000, and the monies will be drawn from the unplanned capital reserve fund.

AGENCY COMMENTS

n/a

LEGAL/FINANCIAL IMPLICATIONS

Approval of the capital budget will be incorporated into the Capital Projects and Strategic Services work plan for 2023.

CONCLUSION

HCA management is confident that with the 2023 block funding of \$2.0 million necessary work can be accomplished to move forward with its mandate and provide a safe and enjoyable visitor experience.

<u>CAPITAL BUDGET 2023</u>				
<u>Specific Projects</u>				
<u>#</u>	<u>Location</u>		<u>Subtotal By Type</u>	<u>Percent of Projects</u> <u>Percent of Total</u>
Safety and Legislation				
1	FP	Kelson Road Access Improvements	\$ 250,000	
2	FP	Baseline Road Access Improvements	150,000	
3	FP	Accessible Fishing Platform Replacement	50,000	
			\$ 450,000	32.7%
Revenue Increase / Cost Reduction				
4	HMCA	Saltfleet Autogates & Laneway Improvements	\$ 75,000	
5	FP	West Gate Improvements	50,000	
			125,000	9.1%
Maintenance of Viability				
6	HMCA	Dofasco Boardwalk	\$ 150,000	
7	VAR.	Tar & Chip	150,000	
8	CL	Causeway Culvert Review	50,000	
9	DV	Lion's Club Pool Trail Bridge	50,000	
			400,000	29.1%
Strategic Priority				
10	VL	Lookout Platform Replacement	\$ 200,000	
11	DV	Tiffany Falls Permeable Pavement Upgrades	150,000	
12	CL	Accessible Beach Trail	25,000	
13	VAR.	Trail Mapping Improvements	25,000	
			400,000	29.1%
			1,375,000	100.0%
<u>General Projects - Major Maintenance</u>				
		Building Maintenance	\$ 200,000	
		Roads & Parking	150,000	
		Bridges	75,000	
		Forestry Management	75,000	
		Masterplans	75,000	
		Signage	25,000	
		Trails	25,000	
			625,000	100.0%
			625,000	31.3%
Total Capital and Major Maintenance (Block Funding)			\$ 2,000,000	100.0%
Additional Project Funded by Capital Reserve				
		Ancaster Wells Retaining Wall Replacement	\$ 300,000	
			300,000	
Total Capital and Major Maintenance Budget			\$ 2,300,000	

Memorandum

TO: Budget & Administration Committee

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

MEETING DATE: September 15, 2022

RE: Administrative Bylaw review – Ability to Chair Using Hybrid Meetings

Background:

HCA's administrative bylaws, provide for electronic meetings as noted below:

Section C Meeting Procedures

9. Electronic Meetings and Participation

Electronic meetings are permitted and must follow/accommodate all Section C Meeting Procedures identified in this by-law or in the case of Hearings, the Section 28(3) Conservation Authorities Act Hearing Guidelines in Appendix 5.

A Director may participate in a meeting of the Board of Directors by telephonic or electronic means that permits all participants to communicate adequately with each other during the meeting. A Director so participating in a meeting is deemed to be present at the meeting, and shall have the ability to register a vote, be counted towards determining quorum, and participate in any portion of the meeting, including portions closed to the public. However, no person so participating shall chair a meeting of the Board of Directors unless the meeting is held in its entirety by telephonic or electronic means.

Staff Comment:

Given the evolution to hybrid meeting participation the question has been raised to keep/amend the last sentence in the bylaw paragraph above, regarding the ability to chair a meeting having to occur in its entirety by telephone or video if the Chair can't attend in person. HCA now has hybrid capacity for video and in-person participation to occur at the same time, whereas previously meetings had to be fully electronic with only the alternative ability to participate by telephone.

Addendum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

MEETING DATE: October 6, 2022

RE: Administrative Bylaw review – Ability to Chair Using Hybrid Meetings

During the September 15, 2022 Budget & Administration Committee Meeting in regard to the ability to chair using hybrid meetings, the following motion was passed:

BA 2238

MOVED BY: Jim Cimba

SECONDED BY: Maria Topalovic

THAT the B&A recommends to the Board of Directors that the HCA administrative bylaw be amended to permit any member of the Board of Directors or advisory committee participating electronically to Chair a hybrid meeting.

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

**PREPARED &
RECOMMENDED BY:** Matt Hall, Director Capital Projects and Strategic Services

MEETING DATE: October 6, 2022

RE: Request for Proposal – Site Plan Amendment
Professional Services for Campground Expansion at
Valens Lake Conservation Area

STAFF RECOMMENDATION

THAT the Request for Proposal submitted by A.J. Clarke & Associates Ltd. For Site Plan Amendment Professional Services for Campground Expansion at Valens Lake Conservation Area; be approved for a total estimated cost of \$138,360.00 (before taxes).

BACKGROUND

The Valens Lake 2020 Master Plan contained an important recreation initiative to expand camping opportunities in the conservation area. A Formal Consultation process was initiated between the HCA and City of Hamilton (CoH), in order to determine what would be required in order to allow the proposed campground expansion to proceed. After multiple discussions between the two agencies, zoning was confirmed and it was ultimately determined that a Site Plan Amendment would be required to move forward. The final Formal Consultation Approval document was received from CoH staff in February 2022. It highlighted a number of different reports, studies & plans, in order to satisfy Site Plan Amendment requirements. These include:

- Survey plans
- Site plans & elevations
- Archaeological assessment
- Landscape plans

- Tree protection plans
- Erosion & sediment control plans
- Hydrogeological study
- Grading plans
- Stormwater management report or plan

In addition to the above, detailed construction plans will be required in order to adequately construct the campground expansion and tie into existing site services. In April 2022, HCA CaPSS staff developed a detailed Request for Proposal document that was sent directly to a total of eight (8) multi-disciplinary professional planning firms, capable of handling the full scope of work, for their consideration. Unfortunately, when the RFP period closed on May 18th, 2022, no proposals were received. HCA staff then proceeded to contact the firms individually, who had been originally circulated the RFP, to see if any would be interested in submitting a proposal for the scope of work. Due to a variety of reasons, all but one company declined the project.

A.J. Clarke & Associates Ltd. (AJC), a local planning, engineering and surveying firm, did express interest in the project and thus, HCA staff began working with them in order to estimate the full extent of work involved.

STAFF COMMENT

On September 8, 2022, HCA staff received an official Proposal for Professional Services from AJC for the full scope work involved. The following is how work will be broken down into professional services provided:

A.J. Clarke and Associates Ltd.: Project lead & oversight, Planning, Surveying & Engineering services

Landtek Ltd.: Hydrogeological & Site Servicing reviews

Detritus Consulting Ltd: Archaeological services

(Note: Proposal includes Stage 1 & 2 reviews only. If further reviews are necessary a separate contract will be outlined at that time)

Adesso Design Inc.: Landscape Design services

The proposal includes an estimated cost for all services, at a total of \$138,360.00 (before taxes). Should this proposal be accepted, HCA staff will continue to work with AJC to find savings within this budget, wherever possible. For example; depending on the specific requirements from CoH staff for the required Stormwater Management Plan or Report, AJC engineering scope of work may range considerably. Because of this, the costs provided within the proposal, are high conservative estimates.

Staff recommend awarding the proposal to AJC to move the campground expansion project forward on a timely basis. Staff do not feel that going back out to the market will

result in further interest as all eight firms have already been individually contacted following the lack of proposals when the RFP closed. AJC is a well-known local planning and engineering firm and as noted below in the financial section, sufficient budget funds are available within the 2022 capital budget for this project.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Organizational Excellence**
 - Initiatives – Support the capital development and major maintenance program to enhance our facilities and ensure they are safe, functional and current
- **Strategic Priority Area – Organizational Excellence**
 - Initiatives - Update and develop master and management plans, and implement priorities to further enhance conservation areas for current and future generations
 - Identify and act upon revenue generation/cost reduction and investment in visitor services opportunities in our conservation areas

AGENCY COMMENTS

The City of Hamilton's planning department will be contacted, once a full Site Plan Amendment document can be officially submitted for their review and approval.

LEGAL/FINANCIAL IMPLICATIONS

The total cost of the project can be fully funded within existing 2022 Capital Project allocations.

CONCLUSIONS

The Valens Lake Conservation Area Campground Expansion project is an important recreation initiative for HCA. It was prominently highlighted during the park's recently completed Master Plan and has direct linkages to the current HCA Strategic Plan. The professional services outlined in this report are necessary in order to satisfy City of Hamilton planning requirements, before development can occur on the property. Approval to proceed with the award of this contract to A.J. Clarke & Associates Ltd. is recommended by HCA staff in order to continue to move the project forward.



Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer / Director, Watershed Planning & Engineering

PREPARED BY: Jonathan Bastien, Water Resources Engineer

DATE: October 6, 2022

RE: Watershed Conditions Report

SYNOPSIS

During the period of August 23rd, 2022 to September 27th, 2022, there were no observations or reports of significant watercourse flooding events or Lake Ontario shoreline flooding events.

Currently there are no significant watercourse flooding, public safety concerns, or Lake Ontario shoreline flooding. Current flows are at to slightly above recent baseflow conditions. That said, the average monthly flows in September so far have been below to significantly below long-term averages. These below average flow trends also extended into recent months.

The Lake Ontario mean daily water level averaged across the entire lake is currently about 22 cm below average for this time of year.

Current Christie Lake levels (765.49 ft) are well below preferred summer operating levels (771.0 to 771.5 ft) and are within the preferred winter operating levels (765.3 to 765.8 ft). Stored water in the reservoir has been slowly released to maintain minimum flow targets for ecological health downstream in Lower Spencer Creek. HCA staff continue to actively monitor and manage reservoir levels in and dam outflows from Christie Lake.

Current Valens Lake levels (275.04 m) are slightly below preferred summer operating levels (275.25 to 275.45 m). Levels in the reservoirs have been slowly decreasing since mid June.

There are currently no significant rainfall events (+20 mm in a day) forecasted for the watershed over the next 2 weeks. In the next 9 days, no significant Lake Ontario shoreline flooding is expected.

The Hamilton Low Water Response Team (Hamilton LWRT) declared a Level 1 Low Water Condition for the entire HCA watershed on July 28th. An updated drought assessment (including data up to the middle of September) indicated that Level 1 or Level 2 Low Water Conditions could both be considered an appropriate overall characterization of the watershed. Based on this, HCA suggested deferring a decision on declaring Level 2 Low Water Conditions until the next scheduled assessment.

CURRENT WATERSHED CONDITIONS – September 27th, 2022

Current Flows in Major Area Watercourses

There are no observations, reports, or expectations that significant watercourse flooding or significant public safety concerns are occurring at this time. Current flows are at to slightly above recent baseflow conditions at the five available streamflow gauges (Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, Lower Spencer Creek at Market Street, Ancaster Creek at Wilson Street, and Red Hill Creek at Barton Street).

That said, at some stations current flows are well below long-term average monthly flows for September. Current flows are lower than recordable limits at the Middle Spencer Creek at Highway 5 gauge, 50% of long-term averages at the Lower Spencer Creek at Market Street gauge, and 55% of averages at the Ancaster Creek at Wilson Street gauge. At some stations, current flows are slightly above long-term average monthly flows for September, due to recent localized rainfall. Current flows are 147% of long-term average monthly flows at the Upper Spencer Creek at Safari Road gauge, and 111% of averages at the Red Hill Creek at Barton Street gauge.

Also, the average monthly flows in September so far have been below to significantly below long-term averages. Upper Spencer Creek at Safari Road gauge have been 69% of the long-term average, Middle Spencer Creek at Highway 5 gauge has been predominantly lower than recordable limits during September, and Lower Spencer Creek at Market Street gauge has been 21% of average. Ancaster Creek at Wilson Street gauge and Red Hill Creek at Barton Street gauge flows have been 48% and 42% of long-term average, respectively.

These below average flow trends also extended into recent months. August was well below to significantly below average in Spencer Creek (Middle Spencer Creek at

Highway 5 gauge flows were predominantly lower than recordable limits during August, while Upper Spencer Creek at Safari Road gauge and Lower Spencer Creek at Market Street gauge were 38 to 39% of the long-term average monthly flows, respectively). August was well below average in Ancaster Creek and Red Hill Creek (55 and 45% of averages, respectively). July was significantly below average in Spencer Creek (10 to 35% of the long-term average monthly flows), and below average in Ancaster Creek and Red Hill Creek (66 and 65% of averages, respectively). June was well below average in Spencer Creek (41 to 55% of the long-term average monthly flows), and slightly below average in Ancaster Creek and Red Hill Creek (74 and 75% of averages, respectively). Furthermore, May was slightly below average at all available gauges (69 to 89% of the long-term average monthly flows), and the average monthly flows in April were below average (47 to 68% of the long-term average monthly flows).

Current Lake Ontario Water Levels

At this time, there are no observations, reports or expectations of significant Lake Ontario shoreline flooding. The Lake Ontario mean daily water level in the Hamilton area was 74.48 – 74.50 m IGLD85 as of today. The Lake Ontario mean daily water level averaged across the entire lake (74.49 m IGLD85 as of today) is about 22 cm below average for this time of year.

Current Storages in HCA Reservoirs

Current Christie Lake levels (765.49 ft) are well below preferred summer operating levels (771.0 to 771.5 ft) and are within the preferred winter operating levels (765.3 to 765.8 ft). Since mid June, dam outflows from Christie Lake have been greater than reservoir inflows in general, and stored water in the reservoir has been slowly released to maintain minimum flow targets for ecological health downstream in Lower Spencer Creek. HCA staff continue to actively monitor and manage reservoir levels in and dam outflows from Christie Lake.

Current Valens Lake levels (275.04 m) are slightly below preferred summer operating levels (275.25 to 275.45 m). Levels in the reservoirs have been slowly decreasing since mid June.

Current Soil Conditions

The surface and root-zone soils are currently moist to slightly wet, due to recent rain.

RECENT STORM EVENTS

During the period of August 23rd, 2022 to September 27th, 2022, there were no observations or reports of significant watercourse flooding events or Lake Ontario shoreline flooding events.

RECENT WATERSHED LOW WATER CONDITIONS

As a result of drier than normal conditions from April onwards, the Hamilton Low Water Response Team (Hamilton LWRT) declared a Level 1 Low Water Condition for the entire HCA watershed on July 28th. This includes Spencer Creek, Chedoke Creek, Redhill Creek, Stoney Creek and Battlefield Creek, Stoney Creek Numbered Watercourses, as well as all of their tributaries and other minor watercourses.

As part of the Level 1 Low Water Conditions declaration, the following actions were requested:

- July 28th - Water users of surface and groundwater sources voluntarily reduce their normal water use by 10%; and,
- July 28th - Hamilton LWRT members share the water conservation message with other water users in their area / sector.

An updated drought assessment (including data up to the middle of September) indicated that Level 1 or Level 2 Low Water Conditions could both be considered an appropriate overall characterization of the watershed. Based on this, HCA suggested deferring a decision on declaring Level 2 Low Water Conditions until the next scheduled assessment.

FORECASTED WATERSHED CONDITIONS

Watercourse Flooding

There are currently no significant rainfall events (+20 mm in a day) forecasted for the watershed over the next 2 weeks. HCA staff continue to monitor conditions and forecasts routinely. Resultant water levels and flows from currently anticipated rain are not expected to result in significant watercourse flooding.

Lake Ontario Shoreline Flooding

In the next 9 days, no significant Lake Ontario shoreline flooding is expected. According to International Lake Ontario – St. Lawrence River Board information, it is expected that the water level of Lake Ontario will continue a slow, seasonal decline over the coming

weeks. The rate and magnitude of water level changes will depend largely on received precipitation amounts and temperatures.

Watershed Low Water Conditions

HCA staff continue to undertake regular drought assessments and coordinate with the Hamilton Low Water Response team. Level 2 Low Water Conditions would be declared if these assessments indicate worsening drought conditions within the watershed.